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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0224; Product Identifier 2018–NE–01–AD; Amendment 39–19332; AD 2018–14–12]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all General Electric Company (GE) GEnx-1B engines. This AD was prompted by a report of a center vent tube (CVT) failure leading to a loss of oil pressure and subsequent in-flight engine shutdown. This AD requires removal of an affected extension duct and replacing it with a part eligible for installation. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 30, 2018.

ADDRESSES: For service information identified in this final rule, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *aviation.fleetsupport@ge.com*. You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0224.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0224; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Herman Mak, Aerospace Engineer, ECO Branch, FAA, 1200 District Ave., Burlington, MA 01803; phone: 781–238–7147; fax: 781–238–7199; email: *herman.mak@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all GE GEnx-1B engines. The NPRM published in the **Federal Register** on April 30, 2018 (83 FR 18747). The NPRM was prompted by a report of a CVT failure leading to a loss of oil pressure and subsequent in-flight engine shutdown. During the event, the CVT failed due to oil leaking into the fan mid shaft, resulting in coking on the seal assembly and overpressurization of the CVT. The NPRM proposed to require removal of an affected extension duct and replacing it with a part eligible for installation. We are issuing this AD to address the unsafe condition on these products.

Comments

We gave the public the opportunity to participate in developing this final rule. We have considered the comments received. The Air Line Pilots Association and United Airlines supported the NPRM.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule as proposed.

Related Service Information

We reviewed GE GEnx-1B Service Bulletin (SB) 72–0331 R01, dated August 21, 2017. The SB describes procedures for replacing air/oil extension ducts, P/N 2332M85P01 or 2331M25G03, with an extension duct eligible for installation.

Costs of Compliance

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

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement of Extension Duct	4 work-hours × $85 per hour = $340	$16,270	$16,610	$1,611,170

Authority for This Rulemaking

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

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

products identified in this rulemaking action.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–14–12 General Electric Company: Amendment 39–19332; Docket No. FAA–2018–0224; Product Identifier 2018–NE–01–AD.

(a) Effective Date

This AD is effective August 30, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) GEnx–1B64, –1B64/P1, –1B64/P2, –1B67, –1B67/P1, –1B67/P2, –1B70, –1B70/75/P1, –1B70/75/P2, –1B70/P1, –1B70/P2, –1B70C/P1, –1B70C/P2, –1B74/75/P1, and –1B74/75/P2 engines with air/oil extension duct, part number (P/N) 2332M85P01 or 2331M25G03, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by reports of a center vent tube (CVT) failure. We are issuing this AD to prevent failure of the CVT. The unsafe condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the airplane.

(f) Compliance

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

(g) Required Action

At the next engine shop visit after the effective date of this AD, remove air/oil extension ducts, P/N 2332M85P01 or 2331M25G03, and replace with a part eligible for installation.

(h) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine case flanges, except for the following situations, which do not constitute an engine shop visit:

(1) Separation of engine flanges solely for the purposes of transportation of the engine without subsequent maintenance.

(2) Separation of engine flanges solely for the purpose of replacing the fan or propulsor without subsequent maintenance.

(i) Installation Prohibition

After the effective date of this AD, do not install an air/oil extension duct, P/N 2332M85P01 or 2331M25G03, into a fan mid shaft assembly.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

For more information about this AD, contact Herman Mak, Aerospace Engineer, ECO Branch, FAA, 1200 District Ave., Burlington, MA 01803; phone: 781–238–7147; fax: 781–238–7199; email: *herman.mak@faa.gov*.

(l) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on July 19, 2018.

Karen M. Grant,

Acting Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2018–15876 Filed 7–25–18; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R05–OAR–2018–0113; FRL–9980–95—Region 5]

Air Plan Approval; Ohio; Hospital/Medical/Infectious Waste Incinerator Withdrawal for Designated Facilities and Pollutants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving Ohio's request for withdrawal of the previously approved Hospital/Medical/Infectious Waste Incinerator (HMIWI) State Plan. The Ohio Environmental Protection Agency (OEPA) submitted its HMIWI withdrawal on January 24, 2018, certifying that there is only one HMIWI unit currently operating in the state of Ohio and requesting that the Federal Plan apply to the single source in the State. The Federal HMIWI Plan will therefore apply in Ohio.

DATES: This final rule is effective on August 27, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2018–0113. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publically available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form.

Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Margaret Sieffert, Environmental Engineer, at (312) 353–1151 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Margaret Sieffert, Environmental Engineer, Environmental Protection Agency, Region 5, 77 West Jackson Boulevard (AT–18J), Chicago, Illinois 60604, (312) 353–1151, *sieffert.margaret@epa.gov*.

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

I. Background

On January 24, 2018, OEPA submitted its HMIWI withdrawal, in which it certifies that there is only one HMIWI unit currently operating in Ohio. On January 18, 2013, OEPA confirmed that two of the four HMIWI units had shut down. Since that time an additional HMIWI unit has shut down. The only remaining HMIWI unit is at Stericycle, Inc, located in Warren, OH. Because there is only one source remaining in the State, OEPA is requesting that the previously approved State Plan be withdrawn and that the Federal Plan apply to the source.

On April 3, 2018, EPA published a notice of proposed rulemaking (NPR) proposing approval of Ohio's HMIWI withdrawal. The specific details of Ohio's request and the rationale for EPA's approval are discussed in the NPR and will not be restated here. EPA did not receive any comments on the proposed action.

II. What action is EPA taking?

EPA is approving Ohio's request for withdrawal of a previously approved State Plan and amending 40 CFR part 62 to reflect OEPA's withdrawal. OEPA submitted its HMIWI withdrawal on January 24, 2018 certifying that there is only one HMIWI unit, as defined under 40 CFR 60.31e, currently operating in the state of Ohio and requested that the Federal Plan 40 CFR part 62, subpart HHH apply to the single source in the State. EPA understands that the extensive amendments that would be required by OEPA to revise Ohio's previously approved State Plan to make it consistent with the revisions would be disproportionate to the single affected source in Ohio, and is proposing to approve the withdrawal and have the Federal Plan apply to the known affected source. In this action, EPA is finalizing its approval. EPA is also revising 40 CFR 62.8880 to reflect this withdrawal.

III. Statutory and Executive Order Reviews

A. General Requirements

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and therefore is not subject to review by the Office of Management and Budget under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). 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). This action is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because this action is not significant under E.O. 12866. This action merely approves state law as meeting Federal requirements and merely notifies the public of EPA approval for a withdrawal of a previously approved HMIWI State Plan. This action imposes no requirements beyond those imposed by the state. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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). This rule is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a withdrawal, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a withdrawal.

In reviewing section 111(d)/129 plan submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. With regard to withdrawals for designated facilities received by EPA from states, EPA's role is to notify the public of the approval of the State's withdrawal and revise 40 CFR part 62 accordingly. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a section 111(d)/129 withdrawal for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a section 111(d)/129 withdrawal, to use VCS in place of a section 111(d)/129 withdrawal submission that otherwise satisfies the provisions of the Clean Air Act. 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. This rule does not impose an information collection burden under the provisions of 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. 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 24, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Hospital/medical/infectious waste incinerators, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: July 9, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

40 CFR part 62 is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

■ 2. Revise § 62.8880 to read as follows:

§ 62.8880 Identification of plan.

On January 24, 2018, the Ohio Environmental Protection Agency submitted a letter to EPA certifying that there is only one Hospital/Medical/Infectious Waste Incinerator unit in the State of Ohio subject to the emissions guidelines at 40 CFR part 60, subpart DDDD and requesting that the Federal Plan at 40 CFR part 62, subpart HHH apply.

[FR Doc. 2018–16002 Filed 7–25–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2018–0036; FRL–9980–20]

1,1-Difluoroethane; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends an exemption from the requirement of a tolerance to allow for residues of 1,1-difluoroethane (CAS Reg. No. 75–37–6) when used as an inert ingredient (aerosol propellant) in bird repellent pesticide products applied to growing crops and raw agricultural commodities after harvest and to animals. Pyxis Regulatory Consulting, on behalf of Avian Enterprises Limited LLC, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an amendment to an existing requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of 1,1-difluoroethane when used in accordance with the terms of the exemption.

DATES: This regulation is effective July 26, 2018. Objections and requests for hearings must be received on or before September 24, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0036, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael L. Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2018–0036 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 24, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2018–0036, by one of the following methods:

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

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets*.

II. Petition for Exemption

In the **Federal Register** of March 21, 2018 (82 FR 12311) (FRL–9974–76), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (IN–11082) by Pyxis Regulatory Consulting (4110 136TH ST CT NW, Gig Harbor, WA 98332) on behalf of Avian Enterprises Limited LLC (2000 Pontiac Drive, Sylvan Lake, MI 48320). The petition requested that 40 CFR 180.910 and 40 CFR 180.930 be amended by modifying the current exemptions from the requirement of a tolerance for residues of 1,1-difluoroethane (CAS Reg. No. 75–37–6) when used as an inert ingredient (propellant) in pesticide formulations applied to growing crops and to raw agricultural commodities after harvest and to animals to allow for the additional use in bird repellant pesticide formulations applied to growing crops, raw agricultural commodities after harvest, and animals. That document referenced a summary of the petition prepared by Pyxis Regulatory Consulting on behalf of Avian Enterprises Limited LLC, the petitioner, which is available in the docket, *http://www.regulations.gov*. No relevant comments were received on the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

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

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for 1,1-difluoroethane including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with 1,1-difluoroethane follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by 1,1-difluoroethane as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

In an acute inhalation toxicity study in rats for 1,1-difluoroethane, the lethal concentration, LC_{50} is >475,500 parts per million (ppm) (oral equivalent approximately 235,399 milligram/kilogram/day (mg/kg/day)).

No adverse toxic effects are observed in rats treated via inhalation with 1,1-difluoroethane following subchronic exposure up to 100,000 ppm (oral equivalent approximately 82,600 mg/kg/day), chronic exposure up to 25,000 ppm (oral equivalent approximately 20,649 mg/kg/day) or developmental toxicity studies at doses up to 50,000 ppm (oral equivalent approximately 41,300 mg/kg/day), the highest dose tested in each exposure scenario.

Although reproduction toxicity studies are not available with 1,1-difluoroethane, EPA does not expect 1,1-difluoroethane to cause any reproductive toxicity effects. Fetal susceptibility was not observed in the developmental toxicity study via inhalation with rats treated with 1,1-difluoroethane as neither maternal nor developmental toxicity is observed up to 50,000 ppm (oral equivalent approximately 41,300 mg/kg/day), the highest dose tested. Additionally, no signs of systemic toxicity or reproduction organ toxicity are observed following subchronic and chronic exposures at 100,000 ppm (oral equivalent approximately 82,600 mg/kg/day) and 25,000 ppm (oral equivalent approximately 20,649 mg/kg/day), the highest doses tested, respectively.

Toxicity is not observed in the carcinogenicity/chronic toxicity study via inhalation with rats treated with 1,1-difluoroethane up to 25,000 ppm (oral equivalent approximately 20,649 mg/kg/day), the highest dose tested. Therefore, 1,1-difluoroethane is not expected to be carcinogenic.

Mutagenicity studies are available with 1,1-difluoroethane. The bacterial reverse mutation test and the micronucleus test were negative. The mammalian chromosomal aberration test in human lymphocytes gave a weak positive response and the sex-linked recessive lethal test in *Drosophila melanogaster* gave a positive response.

Based on the submitted studies the mutagenic potential of 1,1-difluoroethane is equivocal.

Neurotoxicity and immunotoxicity studies are not available for review. However, evidence of neurotoxicity and immunotoxicity is not observed in the submitted studies.

The metabolism study was conducted with difluoromethane which is structurally similar to 1,1-difluoroethane. Difluoromethane differs only by a carbon atom and is considered a suitable surrogate chemical as it would be expected to be metabolized in a fashion similar to1,1-difluoroethane. Therefore, data from the metabolism study conducted with difluoromethane are used to describe 1,1-difluoroethane metabolism. Based on the metabolism study in rats treated with difluoromethane, 1,1-difluoroethane is expected to be poorly absorbed and rapidly metabolized. Of the absorbed dose, most is expected to be metabolized and excreted via exhaled carbon dioxide and organics followed by excretion in the urine and feces.

B. Toxicological Points of Departure/Levels of Concern

The available toxicity studies indicate that 1,1-difluoroethane has a very low overall toxicity. The lowest NOAEL in the database was 25,000 ppm (approximately 20,649 mg/kg/day human equivalent oral dose) observed in a chronic/carcinogenicity toxicity study in rats via the inhalation route of exposure. Since signs of toxicity were not observed at levels well above the limit dose (1,000 mg/kg/day) an endpoint of concern for risk assessment purposes was not identified. Therefore, since no endpoint of concern was identified for the acute and chronic dietary exposure assessment as well as for short- and intermediate-term dermal and inhalation exposure, a qualitative risk assessment for 1,1-difluoroethane was conducted.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to 1,1-difluoroethane, EPA considered exposure under the proposed exemptions from the requirement of a tolerance, as well as the existing exemptions and from other dietary sources of exposure. EPA assessed dietary exposures from 1,1-difluoroethane in food as follows:

Dietary exposure (food) to 1,1-difluoroethane can occur following ingestion of foods with residues from treated crops or animals or from the use of 1,1-difluoroethane as an aerosol propellent in consumer products used in or on food. However, a dietary exposure assessment was not conducted since no endpoint of concern was identified in the available database.

2. *Dietary exposure from drinking water.* Since a hazard endpoint of concern was not identified for the acute and chronic dietary assessment, a quantitative dietary exposure risk assessment for drinking water was not conducted, although exposures may be expected from use on food crops and runoff in the ground water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

1,1-Difluoroethane may be used in pesticide products and non-pesticide products that may be used in and around the home. Based on the discussion above, a quantitative residential exposure assessment for 1,1-difluoroethane was not conducted.

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

Based on the available data, 1,1-difluoroethane does not have a toxic mechanism; therefore, section 408(b)(2)(D)(v) does not apply.

D. Safety Factor for Infants and Children

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

As part of its qualitative assessment, the Agency did not use safety factors for assessing risk, and no additional safety factor is needed for assessing risk to infants and children. Based on an assessment of 1,1-difluoroethane, EPA has concluded that there are no toxicological endpoints of concern for the U.S. population, including infants and children.

E. Aggregate Risks and Determination of Safety

Because no toxicological endpoints of concern were identified, EPA concludes that the exemptions from the requirement of a tolerance to residues of 1,1-difluoroethane are safe, *i.e.,* there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to 1,1-difluoroethane residues.

V. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

VI. Conclusions

Therefore, the exemptions from the requirement of a tolerance for residues of 1,1-difluoroethane (CAS Reg. No. 75–37–6) contained in 40 CFR 180.910 and 180.930 are amended to add the use of 1,1-difluoroethane in bird repellent pesticide formulations.

VII. Statutory and Executive Order Reviews

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

Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

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

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: July 11, 2018.

Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.910, revise the inert ingredient ''1,1-Difluoroethane (CAS Reg. No. 75–37–6)'' in the table to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

Inert ingredients	Limits	Uses
* *	* * * * * * *	*
1,1-Difluoroethane (CAS Reg. No. 75–37–6).	In pesticide formulations used for insect control in food- and feed-handling establishments and animals; in bird repellent pesticide formulations.	Aerosol propellant.
* *	* * * * * * *	*

■ 3. In § 180.930, revise the inert ingredient 1,1-Difluoroethane (CAS Reg. No. 75–37–6) in the table to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

Inert ingredients	Limits	Uses
* *	* * * * * * *	*
1,1-Difluoroethane (CAS Reg. No. 75–37–6).	In pesticide formulations used for insect control in food- and feed-handling establishments and animals; in bird repellent pesticide formulations.	Aerosol propellant.
* *	* * * * * * *	*

[FR Doc. 2018–15997 Filed 7–25–18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 1710319998630–02]

RIN 0648–BH39

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic Region; Amendment 43

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

ACTION: Final rule.

SUMMARY: NMFS hereby issues regulations to implement management measures described in Amendment 43 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP), as prepared and submitted by the South Atlantic Fishery Management Council (Council). This final rule revises red snapper commercial and recreational annual catch limits (ACLs) and allows for the harvest of red snapper in South Atlantic Federal waters. Additionally, this final rule serves to provide notice of the red snapper commercial season opening date and the opening and closing dates for the recreational season in the South Atlantic for the 2018 fishing year. The purpose of this final rule is to minimize adverse socio-economic effects to fishermen and fishing communities that utilize red snapper as part of the snapper-grouper fishery, while preventing overfishing from occurring and continuing to rebuild the red snapper stock.

DATES: This final rule is effective July 26, 2018. The 2018 commercial red snapper season opens at 12:01 a.m., local time, July 26, 2018. The 2018 recreational red snapper season opens at 12:01 a.m., local time, on August 10, 2018, and closes at 12:01 a.m., local time, on August 13, 2018; then reopens at 12:01 a.m., local time, on August 17, 2018, and closes at 12:01 a.m., local time, on August 20, 2018.

ADDRESSES: Electronic copies of Amendment 43 may be obtained from *www.regulations.gov* or the Southeast Regional Office website at *http://sero.nmfs.noaa.gov.* Amendment 43 includes an environmental assessment, regulatory impact review, Regulatory Flexibility Act (RFA) analysis, and fishery impact statement.

FOR FURTHER INFORMATION CONTACT: Frank Helies, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *frank.helies@noaa.gov*.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery in the South Atlantic region is managed under the FMP and includes red snapper, along with other snapper-grouper species. The FMP was prepared by the Council and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On April 16, 2018, NMFS published a notification of availability for Amendment 43 and requested public comment (83 FR 16282). On May 17, 2018, NMFS published a proposed rule for Amendment 43 and requested public comment (83 FR 22938). On July 13, 2018, the Secretary of Commerce (Secretary) approved Amendment 43 under section 304(a)(3) of the Magnuson-Stevens Act. The proposed rule and Amendment 43 outline the rationale for the actions contained in this final rule. Unless noted, all weights described in this final rule are in round weight. A summary of the management measure described in Amendment 43 and implemented by this final rule is provided below.

Background

Harvest of red snapper from South Atlantic Federal waters was prohibited in 2010 through a temporary interim rule and then through Amendment 17A to the FMP when the stock was determined to be overfished and undergoing overfishing (Southeast Data, Assessment, and Review (SEDAR) 15, 2009)(74 FR 63673, December 4, 2009; 75 FR 76874, December 9, 2010). Amendment 17A also implemented a 35-year red snapper rebuilding plan that began in 2010, and set the red snapper stock ACL at zero. In 2013, Amendment 28 to the FMP established a process that allowed red snapper harvest (ACL greater than zero) if total removals (landings plus dead discards) were less than the acceptable biological catch (ABC) in the previous fishing year (78 FR 44461, July 24, 2013). Using the process established through Amendment 28, limited harvest of red snapper was allowed in 2012, 2013, and 2014. However, because the estimated total removals of red snapper exceeded the ABC in 2014 and 2015, due to estimates of red snapper discards that were incidentally harvested as bycatch while targeting other species, there was no allowable harvest in 2015 and 2016. Although the ABC was exceeded in 2016, NMFS allowed limited commercial and recreational harvest of red snapper in 2017 by a temporary rule through emergency action pursuant to the Magnuson-Stevens Act (82 FR 50839, November 2, 2017) as a result of new scientific information regarding improvements in the red snapper stock.

Status of the Stock

The most recent stock assessment for South Atlantic red snapper, SEDAR 41 (2017), was completed in 2016 and subsequently revised in 2017. SEDAR 41 (2017) evaluated data through 2014 and determined the red snapper stock was overfished and that overfishing was occurring. The stock assessment indicated that overfishing was occurring because the estimated fishing mortality based on the average over the last three years of the assessment represented in the model (2012–2014) exceeded the maximum fishing mortality threshold. Though limited red snapper harvest was allowed in 2012–2014, a large majority of the estimated fishing mortality was attributed to very large and uncertain dead discard estimates when fishermen were targeting red snapper and species that co-occur with red snapper, such as vermilion snapper, gag, red grouper, black sea bass, gray triggerfish, greater amberjack, and scamp. The Council's Scientific and Statistical Committee (SSC) reviewed the SEDAR 41 (2017) stock assessment and indicated the estimate of recreational discards was the greatest source of uncertainty in the stock assessment. The assessment indicated that discards of red snapper increased over time due to changes in minimum landing size to 20 inches (51 cm) in 1992, increases in abundance of young fish from above-average year classes in some recent years, the introduction of the moratorium in 2010 and 2011, and the small commercial catch limits and recreational bag limits in the mini-seasons for 2012 onward. Most of the catch is now discarded, the number of discards is dependent upon fisher recall, and these estimates are expanded based on small sample size; thus, the quality of total fishery removals estimates is poor and uncertain, which will impact estimation of stock size and fishing mortality.

In May 2016, the Council's Scientific and Statistical Committee (SSC) reviewed SEDAR 41 (2017) and had an extensive discussion of the uncertainties associated with the assessment. The SSC stated that the assessment was based on the best scientific information available, but noted the assessment findings were highly uncertain regarding to what extent overfishing was occurring (*i.e.,* the actual numerical value of the current fishing mortality estimate), and regarding the measures of

discards. The SSC indicated that the most significant sources of uncertainty in the assessment include: The stock-recruitment relationship, natural mortality at age, the age structure of the unfished population, the composition and magnitude of recreational discards (where dead discards greatly outnumbered the landings during the years 2012 through 2014), and potential changes in catch per unit effort (CPUE). The SSC developed its ABC recommendations based on SEDAR 41, and the total ABC recommendation for 2018 is 53,000 red snapper.

The projections of yield streams used in SEDAR 41 (2017) included both landings and dead discards, which were added to obtain an estimate of the total removals. The SSC's 53,000 fish ABC recommendation is based on the sum of landed fish (18,000) and dead discarded fish (35,000). Accounting for fishery closures in 2015 and 2016, in January 2017 the Council requested that the NMFS Southeast Fishery Science Center (SEFSC) provide red snapper projections under the assumption that all fish caught are subsequently discarded, believing that such projections would be more informative for management. The SEFSC advised the Council in February 2017 that the requested projections were not appropriate for management use because uncertainty in the assessment was already large, and the uncertainty would increase with a more complete evaluation of the effect of the upcoming changes to Marine Recreational Information Program (MRIP).

Additionally, in their February 2017 response, the SEFSC advised the Council that the uncertainty in the stock assessment inhibits the ability to set an ABC that can be effectively monitored. The SEFSC further stated in an April 2017 letter to the Council, that the use of an ABC based primarily on fishery discards for monitoring the effectiveness of management action is likely ineffective due to the high level of uncertainty in measures of discards and the change in the effort estimation methodology that will be implemented in the MRIP survey. NMFS has determined that, given the extreme uncertainty associated with the red snapper recreational discard estimates, relying on those discard estimates for the management of red snapper is not appropriate, and the division of the SSC's ABC recommendation into landed and discarded fish is unwarranted.

The results of SEDAR 41 (2017) using data through 2014, indicated that the red snapper stock was still overfished, but was rebuilding in accordance with the rebuilding plan. NMFS sent the Council a letter on March 3, 2017, noting these results and the SEFSC's concerns regarding the substantial uncertainty in the assessment, and advising the Council that sufficient steps had been taken to address overfishing of red snapper while continuing to rebuild the stock through harvest prohibitions in 2015 and 2016.

This determination is supported by a significant increase in stock biomass since 2010 to levels not seen since the 1970's, and the increasing abundance of older age classes (SEDAR 41 2017). Additional support for the determination comes from fishery-independent information collected through the Southeast Reef Fish Survey (SERFS) program, and the East Coast Fisheries Independent Monitoring study conducted by the Florida Fish and Wildlife Conservation Commission (FWCC). According to the SERFS, the relative abundance (CPUE) of red snapper has increased since 2009, reaching the highest level observed in the entire time series (1990–2017) in 2017. Final information presented at the June 2018 Council meeting documented that red snapper had reached its highest level of abundance in 2017 since the time series began in 1990. In addition, the SERFS program notified the Council at the December 2017 meeting that red snapper relative abundance, as measured through fishery-independent monitoring, increased 18 percent from 2016 to 2017. Information presented to the Council at their June 2018 meeting revealed that red snapper, which was once rare in SERFS samples and ranked less than 15 in abundance in the past, is now the 8th most abundant species taken by the fishery-independent survey.

According to the results of FWCC's study, CPUE for red snapper for hook gear (surveyed in 2012, 2014, 2016, and 2017) and the standardized index of abundance (surveyed from 2014–2017) was highest in 2017. The FWCC data also showed a greater number of large red snapper and a broader range of ages in recent years, which suggests rebuilding progress of the red snapper stock. The increase in relative abundance of red snapper, as indicated by the fishery-independent SERFS and FWCC CPUE indices, has taken place despite landings during the limited seasons in 2012–2014, and despite the large number of estimated red snapper dead discards during the harvest restrictions implemented for red snapper since 2010.

As a result of the new scientific information regarding the red snapper stock, NMFS allowed limited harvest of red snapper beginning November 2, 2017, by a final temporary rule through emergency action (82 FR 50839, November 2, 2017). The amount of harvest allowed in the temporary rule was equivalent to the amount of observed landings in the 2014 fishing season, and this final rule allows for the same amount of harvest annually beginning in 2018. NMFS has determined that allowing the same amount of harvest as harvest that occurred in 2014 is unlikely to result in overfishing or to change the red snapper rebuilding time period. NMFS has determined that Amendment 43 is based on the best scientific information available. Additionally, the ACL implemented in Amendment 43 is less than the total ABC of 53,000 fish for 2018 recommended by the SSC from SEDAR 41 in accordance with the Magnuson-Stevens Act and the National Standard 1 Guidelines. See 16 U.S.C. 1852(h)(6), and 50 CFR 600.310(f)(4)(i).

Management Measure Contained in This Final Rule

Based on the actions in Amendment 28, the FMP currently contains total ABCs for red snapper that represent the sum of one component for landings and another for dead discards. By changing the process for determining the ACL for red snapper established in Amendment 28, this final rule implements management measures concerning the commercial and recreational harvest, beginning in 2018. Limited commercial and recreational harvest of red snapper would be allowed by implementing a total ACL of 42,510 fish, based on the landings observed during the limited red snapper season in 2014. This ACL is less than the SSC's most recent total ABC recommendation for 2018 of 53,000 red snapper, and is less than the 79,000 fish landings component of the 135,000 fish total ABC projection for 2018 in Amendment 28. Based on the current sector allocation ratio developed by the Council for red snapper of 28.07 percent commercial and 71.93 percent recreational, the total ACL is separated into a commercial ACL of 124,815 lb (56,615 kg), round weight, and a recreational ACL of 29,656 fish. The commercial sector's ACL is set in pounds of fish because the commercial sector reports landings in weight. Therefore, weight is a more accurate representation of commercial landings. In this final rule, for the commercial sector, one red snapper is equivalent to 9.71 lb (4.40 kg). ACLs for the recreational sector are specified in numbers of fish, because the Council determined that numbers of fish are a more reliable estimate for that sector than specifying the ACL in weight of

fish. Because surveys that estimate recreational landings collect information on numbers of fish and convert those numbers to weights using biological samples that are sometimes limited, the Council believes that there can be uncertainty in estimates of recreational landings by weight.

Additional Changes to Codified Text Not in Amendment 43

To implement the limits on red snapper harvest described in Amendment 43, this final rule not only amends the existing regulations to make the changes to the ACLs previously described, but also makes other minor modifications to the existing regulations. Thus, the regulatory text of this final rule implements several management measures in Amendment 43 that function as accountability measures (AMs) to constrain red snapper harvest to these ACLs. Specifically, new language in the regulatory text sets limits on commercial and recreational red snapper seasons by providing that recreational harvest begins on the second Friday in July, and that the recreational season consists of weekends only (Friday, Saturday, and Sunday). Under Amendment 43 and this final rule's regulatory text, the length of the recreational fishing season serves as the AM for the recreational sector. The length of the recreational red snapper season is projected based on catch rate estimates from previous years, and the projected fishing season end-date will be announced each year in the **Federal Register** before the start of the season.

Under Amendment 43 and the final rule's regulatory text, the commercial season will begin each year on the second Monday in July. If commercial landings reach or are projected to reach the commercial ACL, then the commercial AM would close the sector for the remainder of that current fishing year. NMFS will monitor commercial landings in-season, and if commercial landings reach or are projected to reach the commercial ACL, then NMFS will file a notification with the Office of the Federal Register to close the commercial sector for red snapper for the remainder of the fishing year. In 2018, given the timing of implementation for this final rule, the commercial and recreational fishing seasons will not be able to open exactly on these dates in July as described, and therefore this final rule also announces the applicable 2018 commercial and recreational seasons, which are as close to the July dates as possible.

In addition to setting sector ACLs and describing AMs for commercial and recreational harvest, this final rule revises the temporal application of the current commercial trip limit of 75 lb (34 kg), gutted weight, and the recreational bag limit of 1 fish per person per day during the open seasons for red snapper. In an effort to decrease regulatory discards (fish returned to the water because they are below the minimum size limit), no size limits are implemented for either sector through this final rule.

NMFS notes that current regulations contain a severe weather provision with respect to modifying the commercial and recreational sector season dates (50 CFR 622.183(b)(5)(ii)). The Regional Administrator (RA) has the authority to modify the season opening and closing dates if severe weather conditions exist. The RA would determine when severe weather conditions exist, the duration of the severe weather conditions, and which geographic areas are deemed affected by severe weather conditions. If severe weather conditions exist or if NMFS determines the commercial or recreational ACLs were not harvested and a reopening of either or both sectors in the current fishing year would be possible, the RA would file a notification to that effect with the Office of the Federal Register, and include in that notification an announcement of any change in the red snapper commercial and recreational fishing seasons. The regulatory text of this final rule does not alter this existing authority.

2018 Commercial and Recreational Fishing Season Dates

In addition to the measure to change the process for determining red snapper harvest and the associated modifications to existing regulations, for the 2018 fishing year only, this final rule serves to announce the red snapper commercial season opening date and the recreational season opening and closing dates for this current fishing year. Amendment 43 and this final rule describe the specific timing for these seasons to have the commercial season begin each year on the second Monday in July and the recreational season to begin on the second Friday in July. Given the timing required for rulemaking and implementation of this final rule, the sector seasonal opening dates in July described in Amendment 43 will not be met. Therefore, NMFS, in consultation with the Council, sets a later 2018 season opening date in this final rule for each sector to begin their allowable harvest.

Accordingly, the 2018 commercial red snapper season opens at 12:01 a.m., July 26, 2018. The 2018 recreational red snapper season opens at 12:01 a.m., local time, on August 10, 2018, and closes at 12:01 a.m., local time, on August 13, 2018; then reopens at 12:01 a.m., local time, on August 17, 2018, and closes at 12:01 a.m., local time, on August 20, 2018. The commercial sector will close for the remainder of the fishing year if commercial landings reach or are projected to reach the commercial ACL. On or after the effective date of a commercial closure notification, all sale or purchase of red snapper is prohibited and harvest or possession of red snapper is limited to the bag and possession limits if recreational harvest is still allowed. This bag and possession limit and the prohibition on sale/purchase apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested or possessed, *i.e.,* in state or Federal waters. On and after the effective date of a recreational closure notification, the bag and possession limits for red snapper are zero.

In 2019, and subsequent fishing years, NMFS expects the commercial and recreational fishing seasons to open in July as described in Amendment 43.

Comments and Responses

A total of 2,415 comments from commercial fishermen, recreational fishermen (including both private and charter vessel/headboat operators), commercial and recreational fishing associations, non-governmental organizations, and the general public were received during the public comment period on the notice of availability and proposed rule for Amendment 43. Of these comments, 2,240 were identical form letters that supported the approval and rapid implementation of Amendment 43; stating that the red snapper stock has increased in abundance over the last several years at a faster rate than predicted by the rebuilding plan, and that a limited harvest would provide access and opportunity for anglers and much needed data for future stock assessments. The majority of the other comments were also in favor of allowing a limited harvest of red snapper in 2018 and beyond. NMFS acknowledges the comments in favor of all or part of the actions in Amendment 43 and the proposed rule, and agrees with them. Specific favorable comments supported the ability to have Federal commercial and recreational seasons, the ability to have these seasons open in July, and the use of the commercial and recreational

management measures in Amendment 43. The comments against the action included concern that allowing limited harvest would negatively impact the rebuilding progress and increase the risk to the stock. Comments that were beyond the scope of Amendment 43 and the proposed rule are not responded to in this final rule. In this final rule, no changes were made in response to public comment on Amendment 43 or the proposed rule. Comments that specifically relate to the action contained in Amendment 43 and the proposed rule, as well as NMFS' respective responses, are summarized below.

Comment 1: The science supporting Amendment 43 is flawed. The red snapper stock in the South Atlantic is abundant and is neither overfished, nor undergoing overfishing.

Response: The most recent stock assessment (SEDAR 41 2017), using data through 2014, indicated that the South Atlantic red snapper stock was overfished and overfishing was occurring but that the stock was rebuilding. Despite the overfishing and overfished determinations, SEDAR 41 indicated substantial increases in stock abundance and recruitment, as well as total biomass and spawning biomass. Additional support for the determination that the stock is rebuilding comes from fishery-independent information collected through the SERFS program, and through the East Coast Fisheries Independent Monitoring study conducted by the FWCC. Therefore, NMFS determined that sufficient steps had been taken through the harvest prohibitions in 2015 and 2016 to address the overfishing, and that the red snapper stock was rebuilding in accordance with the rebuilding plan.

NMFS, the Council, and the Council's SSC have all acknowledged the uncertainties in the most recent red snapper stock assessment. The SSC indicated that the most significant sources of uncertainty in the assessment include: The stock-recruitment relationship, natural mortality at age, the age structure of the unfished population, the composition and magnitude of recreational discards (where dead discards greatly outnumbered the landings during the years 2012 through 2014), and potential changes in CPUE. Despite the uncertainties, the Council's SSC stated that the assessment was based on the best scientific information available, and recommended an ABC to the Council.

Comment 2: NMFS should not allow limited harvest of red snapper to occur because the stock is overfished and is in a 35 year rebuilding plan that began in 2010. Allowing directed harvest will negatively impact the rebuilding progress and increases the risk to the stock. Amendment 43 authorizes an amount of landings that is greater than the amounts that resulted in overfishing in the past.

Response: NMFS disagrees, and has determined that allowing harvest equivalent to the 2014 landings (42,510 fish) will not result in overfishing or negatively impede the stock's rebuilding progress. The total ACL is less than the ABC (53,000 fish) recommended by the SSC for 2018, and SEDAR 41 (2017), using data through 2014, indicated that the stock was rebuilding in accordance with the rebuilding plan despite the limited harvest allowed in 2012 through 2014. Additional information, as reported to the Council after the completion of the stock assessment, supports the findings that stock abundance is increasing. The recent fishery-independent information collected through the SERFS program indicated that relative abundance, represented by CPUE, of red snapper had increased since 2009, reaching the highest observed in the entire time series (1990–2017) in 2017. Additionally, fishery-independent information collected by the FWCC showed that CPUE for red snapper (as surveyed in 2012, 2014, 2016, and 2017) and the standardized index of abundance (as surveyed from 2014–2017) was highest in 2017. The FWCC data also showed more larger sized red snapper and a broader range of ages, which suggests rebuilding progress of the red snapper stock.

Comment 3: SEDAR 41 fails to determine the levels of overfishing and discards. Because NMFS has determined that the data collected are inconclusive, allowing fishing of red snapper is risky. In addition, Amendment 43 does not explain how the SSC determined the division of landed and discarded fish.

Response: SEDAR 41 (2017) evaluated data through 2014 from multiple different sources and determined the red snapper stock was overfished and that overfishing was occurring; however, the stock is rebuilding. The stock assessment results concluded that overfishing was occurring because the estimated fishing mortality based on the average over the last three years of the assessment represented in the model (2012–2014) exceeded the maximum fishing mortality threshold. Though limited red snapper harvest was allowed in 2012–2014, a large majority of the estimated fishing mortality was attributed to very large and uncertain dead discard estimates when fishermen were targeting red snapper and species that co-occur with red snapper. The SSC determined that the assessment findings were highly uncertain regarding the extent of overfishing, particularly due to the composition and magnitude of recreational discards, where dead discards greatly outnumbered the landings during the years 2012 through 2014. Thus, NMFS agrees that uncertainty exists in the stock assessment and stock determinations, as discussed in the responses to *Comments 1* and *2*. However, the increase in relative abundance of red snapper as indicated by the SEDAR 41 and fishery-independent CPUE indices, has taken place despite landings during the limited seasons in 2012–2014 and despite the large number of estimated red snapper dead discards during the closures implemented for red snapper since 2010. NMFS has determined that restricting harvest to the amount of harvest that occurred in 2014 will allow the population to continue to rebuild as scheduled.

The SSC provides an ABC recommendation based on catch projections from a stock assessment. The Council's SSC total ABC recommendation for 2018 is 53,000 red snapper, which is the sum of landed fish (18,000) and dead discarded fish (35,000). However, NMFS has determined that relying on those dead discard estimates for the management of red snapper is not appropriate. NMFS has determined that the discard estimates should be regarded as unreliable for management action due to the extreme uncertainty of the estimates, coupled with the fishery-independent evidence of substantial gains in stock abundance and rebuilding.

Comment 4: The red snapper stock is overly abundant resulting in red snapper negatively impacting reef communities and therefore the proposed regulations in Amendment 43 would be overly restrictive. Recreational fishermen suggested a number of alternative management measures be implemented. These include a higher recreational ACL, a 40–120 day or year-round season similar to the recreational red snapper season in the Gulf of Mexico (Gulf), and a larger recreational bag limit of two to four fish per person or six to 12 fish per vessel per day.

Response: A limited fishing season for red snapper and a conservative recreational bag limit are necessary management measures to constrain the harvest to the recreational ACL. A larger bag limit (*e.g.,* two to four fish per person per day) would likely result in

an even shorter fishing season as recreational effort would then be increased and the recreational ACL would be reached sooner than under current management measures as described in this final rule. The Council and NMFS determined that the current regulations, including a one fish per person per day recreational bag limit, would allow a sustainable level of harvest consistent with the rebuilding plan for red snapper in the South Atlantic. The red snapper stock in the Gulf is larger than the South Atlantic stock, and, the Gulf of Mexico Fishery Management Council's SSC recommended a much higher ABC for the Gulf stock of red snapper than what is recommended for the South Atlantic red snapper stock. This allowed for a longer fishing season and higher catch levels for red snapper in the Gulf than for red snapper in the South Atlantic.

Comment 5: Amendment 43 proposes to give more red snapper to the commercial sector and not enough to the recreational sector.

Response: NMFS disagrees that Amendment 43 changes the sector allocations to favor the commercial sector. Amendment 43 and this final rule implement sector ACLs based on the Council's previously approved allocations for red snapper of 71.93 percent recreational and 28.07 percent commercial. The Council determined those allocations through the Comprehensive ACL Amendment to the FMP, and the allocations were based on a combination of long-term and recent catch history (77 FR 15916, March 16, 2012). Therefore, the ACLs implemented in this final rule maintain the same sector allocations as were previously implemented, and the Council did not examine alternatives to the sector allocations in Amendment 43.

Comment 6: Commercial harvest should be reduced and/or there should be no commercial season, as the economic benefit on a per fish basis caught by the recreational sector far surpasses that generated by the commercial sector.

Response: NMFS disagrees that Amendment 43 should only allow for a recreational season and either prohibit or proportionally reduce the commercial season. National Standard 4 of the Magnuson-Stevens Act requires NMFS to ensure that allocations are fair and equitable to all fishermen, are reasonably calculated to promote conservation, and are carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share. As described in the response to *Comment 5,* the Council established allocations for red snapper using a formula that balanced long-term catch history with recent catch history, rather than estimates of economic value. This approach was determined as the most fair and equitable way to allocate fishery resources by the Council and follows the principles of the National Standard 4 and its guidelines.

Although surveys that examine recreational fisher willingness to pay, as well as recreational trip expenditures and associated economic impacts estimates, may suggest that recreational harvest of red snapper generates greater economic benefits than commercial harvest, the matter of setting sector allocation is complex and involves the consideration of many economic, social, and ecological factors. Additionally, National Standard 5 of the Magnuson-Stevens Act states that no management measure shall have economic allocation as its sole purpose. The Council continues to examine and receive input on fisheries allocation decisions, but allocations are outside the scope of this final rule.

Comment 7: The limited red snapper season should not open in July as described in Amendment 43. A suggestion was to open in May so as not to be in the middle of the red snapper spawning season that could lead to higher discards and related mortality. Opening in May would also coincide with the opening of the shallow-water grouper fishing season. Comments also supported opening in September or October, instead of July, so that fishermen do not have to travel far offshore to harvest red snapper.

Response: The Council and NMFS determined the July start dates through Amendment 28 to the FMP and did not change those dates in Amendment 43. Amendment 28 included alternatives that examined season start dates for both sectors in July, August, and September. The Council selected the July start dates as the preferred alternative to decrease the chances of inclement weather events affecting the season, thus promoting safety at sea and increasing the chance of small vessels participating in the fishery. During past seasonal openings that occurred in September, November, and December, NMFS received complaints from fishermen, particularly those with smaller vessels, that inclement weather minimized fishing opportunities during the limited red snapper fishing season. Additionally, the Council determined during the development of Amendment 28, that season start dates after September 1 would prevent the entire ACL from being harvested and constrain the fair and equitable access to red snapper harvest among fishermen in all southeastern Atlantic states.

The red snapper spawning season in the South Atlantic extends from May to October, peaking in July through September. NMFS acknowledges that allowing limited harvest as proposed in Amendment 43 could result in catch and discards of some spawning red snapper. However, Amendment 43 allows for only a limited red snapper harvest and current estimates of recreational discards are highly uncertain. Therefore, the limited harvest of red snapper may include some spawning fish as a result of Amendment 43 and this final rule, but it is not expected to affect the rebuilding of the stock.

Comment 8: The commercial sector's season will open prior to the recreational sector opening, so commercial fishermen will be allowed to fish every day while the recreational sector will be allowed to fish only on weekends. The recreational fishing seasons should occur on all days of the week, not just weekends, because many work on weekends. The 3-day weekend fishing events create a dangerous situation for boaters by forcing them to go out of inlets at the same time and regardless of weather conditions.

Response: The season structure for limited red snapper seasons was implemented through Amendment 28, and the Council did not consider modifications in Amendment 43. The Council and NMFS have determined that the commercial and recreational sectors will have different start dates and different season lengths for the limited red snapper harvest as a result of differences in the sectors, much of which was discussed and determined in Amendment 28. The recreational seasons will occur on the weekends only (Friday through Sunday) to provide the overall benefits of the recreational season to the greatest number of participants. As discussed in Amendment 28, the majority of recreational fishermen fish on the weekends, and weekend-only seasons would provide the majority of recreational fishermen access to the resource when they are not working. In contrast, most commercial fishermen fish throughout the week; therefore, the Council and NMFS determined that openings consisting of all 7 days of the week provides the most fishing opportunities for commercial fishermen.

Additionally, the start dates of the commercial and recreational sectors will not align as a result of how the respective ACLs will be harvested. The commercial sector is expected to need the maximum amount of time during

these limited fishing seasons to reach the commercial ACL, and so their season opening will occur as soon as practicable. The recreational sector will harvest its ACL much more rapidly, and so their overall days of harvest will be more limited, and, as previously described, will consist of weekends only.

NMFS has no specific information that the recreational weekend-only seasons creates a unique safety issue. As described in Amendment 43, the actions in this final rule are not expected to change the way the snapper-grouper fishery is prosecuted and is not expected to result in additional adverse impacts to safety at sea beyond the *status quo.*

Additionally, the Council and NMFS have taken action to mitigate the adverse effects to fishermen from fishing in inclement weather. As described in this final rule, the Regional Administrator has the authority to modify the season opening and closing dates if severe weather conditions exist.

Comment 9: Not setting a minimum size limit during the limited harvest for red snapper could increase regulatory discards through high-grading (only retaining larger-sized fish). A 16-inch (41-cm) or 20-inch (51-cm) minimum size limit would reduce high-grading and ensure more female red snapper reach maturity. Also, implementing slot size limits (allowing a fish to be kept only if it falls within the size range) could preserve the breeding stock (*e.g.,* 16 to 20 inches (41–51 cm) or 15 to 22 inches (38–56 cm)).

Response: The removal of minimum size limits for red snapper was implemented through Amendment 28, and the Council did not consider modifications in Amendment 43. Because a large portion of released red snapper do not survive the trauma of capture, the Council and NMFS decided that not having a minimum size limit is likely to reduce dead regulatory discards. Not having a minimum size limit should also have a positive effect on the breeding population because red snapper release mortality is high and red snapper begin spawning at a young age (as young as 1-year old fish) and at small sizes. However, NMFS acknowledges that the net effect of not setting a minimum size limit on the number of regulatory discards is unknown. A fisherman may high-grade their catch regardless of whether a minimum size limit is in effect for red snapper. The Council and NMFS determined that by not setting a minimum size limit and allowing a fisherman to keep the first fish caught, regardless of its size, should both enhance protection to the breeding stock and decrease regulatory discards because the fish will not have to be returned to the water.

Comment 10: A commercial trip limit of 75-lb (34-kg) per trip per day is too low to be profitable. A trip limit of 200–250 lb (91–113 kg) would be more reasonable.

Response: The Council and NMFS implemented the 75-lb (34-kg) commercial trip limit through Amendment 28, and the Council did not consider modifications in Amendment 43. During the development of Amendment 28, the Council considered commercial trip limits between 25 and 100-lb (11–45 kg), gutted weight. The Council concluded that a 75-lb (34-kg) trip limit would promote full harvest of the commercial ACL and help achieve the optimum yield for red snapper. In Amendment 43 the Council determined that changes to the commercial sector are likely to have minimal impact on the overall bycatch. The low trip limit of 75-lb (34-kg) for red snapper would likely prevent trips that solely target red snapper. Instead, red snapper would be caught on trips targeting other species and the incidental catch of red snapper would be retained. The commercial sector would have little incentive to high-grade since the trip limit is established based on a weight limit. As a result of the small trip limit and no minimum size limit, commercial harvest of red snapper is expected to be primarily a ''bycatch allowance'' while targeting other snapper-grouper species, and therefore the potential for high-grading is expected to be minimal.

In 2013 and 2014, during which time the fishery was open and the 75-lb commercial trip limit was in effect, the commercial ACL was fully harvested. However, as commercial trip limits increase, the rate at which the commercial ACL is harvested also increases. Higher trip limits, such as those of 200–250 lb (91–113 kg), and the corresponding higher rate of harvest, could result in a shorter commercial season and would likely lead to a race-to-fish (derby) situation.

Comment 11: Specifying the commercial ACL in round weight does not make sense as the commercial trip limit is measured in gutted weight.

Response: SEDAR 41 provided commercial red snapper landings in pounds whole weight (round weight), and the Council specified the commercial ACL in pounds round weight in Amendment 43. Commercial fishermen report their catch per trip in gutted weight. As a result of the travel distance from the commercial fishing grounds to the dock, commercial fishermen eviscerate fish to preserve the quality of the product. In addition, law enforcement checks the gutted weight of fish landed against regulations specific to a commercial trip, and they would otherwise not be able to identify an accurate weight determination if round weight were used for trip limits. For commercial ACL tracking, the amount of fish caught per weight in gutted weight is converted by a factor of 1.10 to that of a fish in round weight. By this means, the fish weights are accounted for and tracked to be consistent with what is needed both at the dock and for management purposes, and therefore having weights described in both gutted and round weight is not an issue for management of red snapper.

Comment 12: Data collection plans for red snapper, particularly for recreational landings and discards, should be specified prior to any established fishing season.

Response: Data collection programs are currently in place to obtain information during the limited red snapper seasons. Commercial landings are tracked through dealer reports on a weekly basis. Landings and discards from charter vessels are monitored through the survey of charter vessels by the MRIP. Headboats currently submit an electronic fishing report for each trip at weekly intervals, or at intervals shorter than a week if notified by the Director of the SEFSC. Additionally, an intensive sampling program will be implemented by all South Atlantic states for 2018 and for the limited red snapper recreational fishing seasons in subsequent years. The goal of the sampling program is to capture fishery-dependent charter vessel and private angler data during the recreational red snapper season. During development of Amendment 43, state agency personnel from North Carolina, South Carolina, Georgia, and Florida pledged similar participation to that implemented during the 2017 season for any subsequently implemented fishing seasons. These data collection elements were successfully utilized during previous red snapper limited fishing seasons, most recently in 2017.

Comment 13: The use of descending devices to reduce discard mortality of released red snapper should be required.

Response: The Council is currently exploring strategies to reduce discards and discard mortality of red snapper and other snapper-grouper species in Regulatory Amendment 29 to the FMP, including an action to require descending devices and/or venting tools onboard a vessel targeting snapper-grouper species. The required use of

descending devices for red snapper was not included by the Council as a measure in Amendment 43. At this time, the use of descending devices is not required, but snapper-grouper fishers may use them on a voluntary basis.

Classification

The Regional Administrator, Southeast Region, NMFS has determined that this final rule is consistent with Amendment 43, the FMP, the Magnuson-Stevens Act, and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866. NMFS expects this final rule would have economic benefits because it would allow for commercial and recreational harvest of red snapper that would not otherwise be expected to occur.

The Magnuson-Stevens Act provides the statutory basis for this final rule. No duplicative, overlapping, or conflicting Federal rules have been identified.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this rule would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. None of the public comments that were received specifically addressed the certification. Public comments relating to socio-economic implications and potential impacts on small businesses are addressed in the responses to *Comment 6* and *Comment 10* in the Comments and Responses section of the preamble of this final rule. None of these comments presented new information that would affect the determination.

NMFS notes that this final rule will set the opening dates for the 2018 commercial and recreational red snapper seasons and the closing date for the recreational sector (see **DATES** section). Because the 2018 commercial season will begin later than the opening date described in Amendment 43 and the proposed rule (*i.e.,* later than the second Monday in July), the economic benefits associated with aggregate commercial harvest of red snapper may be lower in the 2018 fishing year than what was estimated in Amendment 43. In subsequent years, economic benefits would be expected to be consistent with the estimates contained in Amendment 43. However, even if economic benefits may be lower than predicted in 2018 due to the later opening date for the 2018 commercial red snapper season, economic benefits would still accrue. Therefore, this component of the final rule does not affect the previous determination that this action is not expected to have any adverse direct economic effects on any small entities.

Because NMFS has not received any new information that would affect its determination that this rule would not have a significant economic impact on a substantial number of small entities, a final regulatory flexibility analysis was not required and none was prepared.

The AA finds good cause to waive the 30-day delay in effectiveness of the actions under 5 U.S.C. 553(d)(3) because it is contrary to the public interest. NOAA's National Hurricane Center indicates that the peak of the hurricane season for the Atlantic Basin (the Atlantic Ocean, Caribbean Sea, and Gulf) is from mid-August to late October. The Council selected the July start dates as the preferred alternative to avoid the peak of the hurricane season, and thus to decrease the chances of inclement weather events affecting the red snapper fishing season, thereby promoting safety at sea and increasing the chance of small vessels participating in the fishery. Amendment 43 indicates that the commercial sector will open on the second Monday in July and close when its ACL is projected to be met, or at 11:59 p.m. on December 31, 2018, if the commercial ACL is not met before this date. Amendment 43 also provides that the opening and closing dates for the recreational season will be specified before it begins and will be on weekends only, beginning on the second Friday in July. In 2018, given the timing of the implementation for this final rule, the commercial and recreational fishing seasons will not be able to open exactly on these dates in July as described; however, waiving the delay in the effective dates would allow NMFS to open the fishery as close as practicable to these dates.

Safety at sea is of particular concern for smaller vessels that might be used by the recreational sector to target red snapper during abbreviated recreational fishing seasons. Implementing the start of the 2018 recreational season as soon as practicable maximizes the possibility of avoiding the periods more likely to coincide with severe tropical activity that could endanger recreational vessels. In addition, implementing this final rule upon publication ensures the expected result of revenue increases to commercial vessels and benefit increases to recreational anglers, in addition to providing opportunity to for-hire vessels in booking additional trips that could increase their revenues and profits. If this rule is implemented upon the date of publication, fishermen will be able to keep a limited number of red snapper in 2018, that they otherwise would be required to discard. The recreational season opening begins approximately 2 weeks after the rule publishes, with publication of this final rule serving as advance notice of the 2018 season opening, while also allowing the recreational sector to prepare for their upcoming harvest. Implementing this final rule as soon as practicable in 2018 allows for a greater opportunity for the commercial sector to reach its ACL in the 2018 fishing year, given the commercial trip limit. In contrast, delaying the implementation of this rulemaking would reduce the effectiveness of Amendment 43 in the 2018 fishing year. The harvest allowed in this final rule for 2018 and in subsequent fishing years is not expected to result in overfishing or to impede rebuilding of the stock.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Red snapper, South Atlantic.

Dated: July 23, 2018.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.181, remove and reserve paragraph (b)(2) and add paragraph (c)(2) to read as follows:

§ 622.181 Prohibited and limited-harvest species.

* * * * *

(c) * * *

(2) *Red snapper.* Red snapper may only be harvested or possessed in or from the South Atlantic EEZ during the commercial and recreational seasons as specified in §§ 622.183(b)(5) and 622.193(y). Any red snapper caught in the South Atlantic EEZ during a time other than the specified commercial or recreational seasons specified in § 622.193(y) must be released immediately with a minimum of harm. In addition, for a person on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-

grouper has been issued, the prohibition on the harvest or possession of red snapper applies in the South Atlantic, regardless of where such fish are harvested or possessed, *i.e.,* in state or Federal waters.

■ 3. In § 622.183, revise paragraph (b)(5)(i) to read as follows:

§ 622.183 Area and seasonal closures.

* * * * *

(b) * * *

(5) * * *

(i) The commercial and recreational sectors for red snapper are closed (*i.e.,* red snapper may not be harvested or possessed, or sold or purchased) in or from the South Atlantic EEZ, except as specified in § 622.193(y). Each year, NMFS will announce the season opening dates in the **Federal Register**. The commercial season will begin on the second Monday in July, unless otherwise specified. The recreational season, which consists of weekends only (Fridays, Saturdays, and Sundays) begins on the second Friday in July, unless otherwise specified. NMFS will project the length of the recreational fishing season and announce the recreational fishing season end date in the **Federal Register**. See § 622.193(y), for establishing the end date of the commercial fishing season.

* * * * *

■ 4. In § 622.187, revise paragraph (b)(9) to read as follows:

§ 622.187 Bag and possession limits.

* * * * *

(b) * * *

(9) *Red snapper*—1.

* * * * *

■ 5. In § 622.191, revise paragraph (a)(9) to read as follows:

§ 622.191 Commercial trip limits.

* * * * *

(a) * * *

(9) *Red snapper.* Until the commercial ACL specified in § 622.193(y)(1) is reached, 75 lb (34 kg), gutted weight.

* * * * *

■ 6. In § 622.193, revise paragraph (y) to read as follows:

§ 622.193 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(y) *Red snapper*—(1) *Commercial sector.* The commercial ACL for red snapper is 124,815 lb (56,615 kg), round weight. See § 622.183(b)(5) for details on the commercial fishing season. NMFS will monitor commercial landings during the season, and if commercial landings, as estimated by the SRD, reach or are projected to reach the commercial ACL, the AA will file a notification with the Office of the Federal Register to close the commercial sector for red snapper for the remainder of the year. On and after the effective date of the closure notification, all sale or purchase of red snapper is prohibited and harvest or possession of red snapper is limited to the recreational bag and possession limits and only during such time as harvest by the recreational sector is allowed as described in § 622.183(b)(5). This bag and possession limit and the prohibition on sale/purchase apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested or possessed, *i.e.,* in state or Federal waters.

(2) *Recreational sector.* The recreational ACL for red snapper is 29,656 fish. The AA will file a notification with the Office of the Federal Register to announce the length of the recreational fishing season for the current fishing year. The length of the recreational fishing season for red snapper serves as the in-season accountability measure. See § 622.183(b)(5) for details on the recreational fishing season. On and after the effective date of the recreational closure notification, the bag and possession limits for red snapper are zero.

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[FR Doc. 2018–16009 Filed 7–23–18; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 171222999–8208–02]

RIN 0648–BH46

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic Region; Abbreviated Framework Amendment 1

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement management measures described in Abbreviated Framework Amendment 1 (Abbreviated Framework 1) to the Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic Region, as prepared and submitted by the South Atlantic Fishery Management Council (Council). This final rule reduces the commercial and recreational annual catch limits (ACLs) for red grouper in the exclusive economic zone (EEZ) of the South Atlantic. The purpose of this final rule is to address overfishing of red grouper.

DATES: This final rule is effective on August 27, 2018.

ADDRESSES: Electronic copies of Abbreviated Framework 1, which includes a Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from *www.regulations.gov* or the Southeast Regional Office website at *http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/sg/2017/red_grouper_framework/index.html.* NMFS included a reference to an environmental assessment in the proposed rule for Abbreviated Framework 1; however, and more specifically, a categorical exclusion was prepared, and is available upon request.

FOR FURTHER INFORMATION CONTACT: Frank Helies, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *Frank.Helies@noaa.gov*.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery in the South Atlantic region is managed under the FMP and includes red grouper, along with other snapper-grouper species. The FMP was prepared by the Council and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). All weights described in this final rule are in round weight.

On April 3, 2018, NMFS published a proposed rule for the framework action and requested public comment (83 FR 14234). The proposed rule and framework action outline the rationale for the action contained in this final rule. A summary of the management measure described in the framework action and implemented by this final rule is provided below.

Management Measures Contained in This Final Rule

This final rule revises the ACLs for South Atlantic red grouper for both the commercial and recreational sectors. The current total ACL (commercial and recreational ACL combined) is 780,000 lb (353,802 kg). The total ACL is divided into a commercial sector ACL of 343,200

lb (155,673 kg) and a recreational sector ACL of 436,800 lb (198,129 kg). The ACLs are based on the sector allocation ratio developed by the Council for red grouper (44 percent commercial and 56 percent recreational) established in Amendment 24 to the FMP (77 FR 34254; June 11, 2012).

Consistent with the results of the latest stock assessment for red grouper (Southeast Data Assessment and Review (SEDAR) 53) and the acceptable biological catch (ABC) recommendation from the Council's Scientific and Statistical Committee (SSC) accepted by the Council, this final rule reduces the total, commercial, and recreational ACLs. The revised commercial ACL is set at 61,160 lb (27,742 kg), for 2018, 66,000 lb (29,937 kg), for 2019, and 71,280 lb (32,332 kg), for 2020 and subsequent fishing years. The revised recreational ACL is set at 77,840 lb (35,308 kg), for 2018, 84,000 lb (38,102 kg), for 2019, and 90,720 lb (41,150 kg), for 2020 and subsequent fishing years. The total ACL is set at 139,000 lb (63,049 kg) for 2018, 150,000 lb (68,039 kg) for 2019, and 162,000 lb (73,482 kg) for 2020 and subsequent fishing years. The total ACL is equal to the SSC's ABC recommendation; the ABC recommendation is the projection at $F_{REBUILD}$ under low recruitment scenarios, which equals the yield at $75\%F_{MSY}$. This final rule does not change the sector allocations.

For the last several years (2014–2016), commercial landings have averaged 50,204 lb (22,772 kg), which is less than the commercial ACL being implemented through Abbreviated Framework 1. The recreational landings have been highly variable since 2012, and using the average recreational landings from 2014–2016, the reduced ACL for the recreational sector is predicted to result in a shortened recreational fishing season, with closure dates ranging from July 26 to August 19 and based on the annual seasonal opening date of May 1. If the red grouper stock experiences a year of high recruitment, the proposed reduced ACLs would constrain future commercial and recreational harvest and prevent overfishing. Because the ACLs will be set lower than the overfishing limit, implementation of this final rule is expected to end overfishing of red grouper.

Comments and Responses

NMFS received 12 comments during the public comment period on the proposed rule for Abbreviated Framework 1. The commenters included individuals as well as commercial, private recreational, and charter vessel/headboat (for-hire) recreational fishing entities. The majority of comments opposed the reduction in the red grouper ACLs. Six of those submissions raised issues with the proposed red grouper ACL reduction and recommended other management measures for reducing red grouper harvest. These comments are summarized with NMFS' responses below. Additional comments that specifically relate to the action in Abbreviated Framework 1 and contained in the proposed rule, as well as NMFS' respective responses, are summarized and responded to below.

Comment 1: NMFS should implement other management measures in place of the proposed ACL reductions, including trip limits, reduced bag limits, increased size limits, and a closed season for harvest with spear.

Response: While the management measures suggested could prove effective at slowing or even reducing red grouper harvest, they would not serve as substitutes for the reductions in the ACLs. The Magnuson-Stevens Act and its implementing regulations require all FMPs to contain ACLs that prevent overfishing. The current ACLs for the red grouper stock far exceed what the best available scientific information indicates is necessary to prevent overfishing; therefore, this rule reduces current ACLs to acceptable levels. Although the Council chose ACL reductions to immediately address overfishing of red grouper in the South Atlantic, it may consider other measures, such as those suggested by public commenters, to constrain future harvest effectively. NMFS and the Council are currently developing Regulatory Amendment 30 to address rebuilding of the overfished red grouper stock.

Comment 2: The red grouper ACLs should not be reduced as the population is abundant.

Response: NMFS disagrees. Based on the latest stock assessment for South Atlantic red grouper (SEDAR 53) completed in February 2017, NMFS determined that the stock is overfished, undergoing overfishing, and not making adequate rebuilding progress. The Magnuson-Stevens Act requires NMFS to notify the Council of these determinations, and within 2 years of that notification, implement regulations to end overfishing immediately and rebuild the stock. The Southeast Fisheries Science Center produced rebuilding projections based on SEDAR 53, and the Council's SSC provided ABC recommendations to end overfishing of red grouper. Because the ACLs would be set less than the overfishing limit, Abbreviated Framework 1 will end overfishing of red grouper immediately upon implementation of the final rule as well as provide biological benefits to the stock. Therefore, given the current stock status, the ACL reductions in this final rule are appropriate and are consistent with the requirements of the Magnuson-Stevens Act. Further, the Council is currently developing a new red grouper rebuilding plan through Regulatory Amendment 30 to the FMP. The Council is also considering changes to red grouper management measures through other regulatory amendments to the FMP.

Comment 3: The proposed ACL reduction is too drastic. The ACL should be reduced by a lesser amount, and any ACL change implemented should be through a step-down approach over several years.

Response: As explained in the response to *Comment 1,* NMFS and the Council are mandated by the Magnuson-Stevens Act to implement regulations that would end overfishing immediately within 2 years of the Council's notification of stock status. In October 2017, the Council's SSC provided an ABC recommendation for 2018 of 139,000 lb (63,049 kg) to end overfishing. The ACL cannot exceed the ABC; therefore, the Council set the total ACL equal to the ABC.

NMFS acknowledges the reduction in the ACLs for commercial and recreational harvest of red grouper is considerable; however, based on historical landings, the revised ACLs would result in minimal actual reduction in harvest. Since 2013, South Atlantic red grouper annual landings have totaled less than 30 percent of the stock ACL. As described in Abbreviated Framework 1, the reduced level of observed landings is supported by anecdotal information received from commercial and recreational stakeholders who often report an absence of red grouper in large quantities in the South Atlantic. According to SEDAR 53, there is uncertainty in what could be the cause of low observed numbers of fish, and the recent (since 2005) low spawning trend may or may not continue into the future.

Comment 4: The proposed ACL reduction will have a significant economic impact to commercial fishermen, especially small operations and family businesses.

Response: NMFS disagrees. Commercial landings of red grouper have been declining over the years, and in the most recent years (2012–2016), landings have averaged 50,204 lb (22,772 kg), which is less than the

commercial ACL proposed in Abbreviated Framework 1. In addition, red grouper has accounted for a relatively small percentage (2.7 percent) of total revenues from commercial landings of the approximately 240 federally permitted snapper-grouper commercial vessels that landed red grouper. Thus, any adverse impacts on commercial fishermen from the ACL reduction would likely be minimal, although NMFS recognizes that such impacts would be uneven across fishermen participating in red grouper harvest in the South Atlantic.

Classification

The Regional Administrator for the NMFS Southeast Region has determined that this final rule is consistent with the framework action, the FMP, the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866. This rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

The Magnuson-Stevens Act provides the statutory basis for this final rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this final rule.

Please note Abbreviated Framework Amendment 1 considered only one alternative to reduce the ACLs, based on the SSC recommendation, to meet the immediate and urgent need to end overfishing within 2 years as mandated by the Magnuson-Stevens Act. Amendment 30, which is currently being developed, will consider several alternatives for rebuilding the overfished red grouper stock.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) during the proposed rule stage that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. One comment from the public suggested that the rule would have significant economic impacts to commercial fishermen. NMFS disagrees with this comment as explained in the response to *Comment 4* and as discussed in the proposed rule. No comments from the SBA's Chief Counsel for Advocacy were received regarding the certification, and NMFS has not received any new information that would affect its determination. As a result, a final regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Overfishing, Recreational, Red grouper, South Atlantic.

Dated: July 23, 2018.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.193, revise paragraph (d) to read as follows:

§ 622.193 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(d) *Red grouper*—(1) *Commercial sector.* (i) If commercial landings for red grouper, as estimated by the SRD, reach or are projected to reach the commercial ACL, specified in paragraph (d)(1)(iii) of this section, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of red grouper is prohibited and harvest or possession of red grouper in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If the commercial landings for red grouper, as estimated by the SRD, exceed the commercial ACL, specified in paragraph (d)(1)(iii) of this section, and the combined commercial and recreational ACL, specified in paragraph (d)(3) of this section, is exceeded during the same fishing year, and the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL in the following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(iii) The commercial ACL for red grouper is 61,160 lb (27,742 kg), round weight, for 2018; 66,000 lb (29,937 kg), round weight, for 2019; and 71,280 lb (32,332 kg), round weight, for 2020 and subsequent fishing years.

(2) *Recreational sector.* (i) If recreational landings for red grouper, as estimated by the SRD, are projected to reach the recreational ACL, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for red grouper in or from the South Atlantic EEZ are zero.

(ii) The recreational ACL for red grouper is 77,840 lb (35,308 kg), round weight, for 2018; 84,000 lb (38,102 kg), round weight, for 2019; and 90,720 lb (41,150 kg), round weight, for 2020 and subsequent fishing years.

(iii) If recreational landings for red grouper, as estimated by the SRD, exceed the recreational ACL, specified in paragraph (d)(2)(ii) of this section, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL, specified in paragraph (d)(3) of this section, is exceeded during the same fishing year. The AA will use the best scientific information available to determine if reducing the length of the recreational season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for red grouper in or from the South Atlantic EEZ are zero.

(3) The combined commercial and recreational ACL for red grouper is 139,000 lb (63,049 kg), round weight, for 2018; 150,000 lb (68,039 kg), round weight, for 2019; and 162,000 lb (73,482 kg), round weight, for 2020 and subsequent fishing years.

* * * * *

[FR Doc. 2018–15971 Filed 7–25–18; 8:45 am]

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Proposed Rules

Federal Register
Vol. 83, No. 144
Thursday, July 26, 2018

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

DEPARTMENT OF ENERGY

10 CFR Part 625

RIN 1901–AB29

SPR Standard Sales Provisions

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE or Department) proposes to amend its regulations to require publication of its Standard Sales Provisions for the price competitive sale of petroleum from the Strategic Petroleum Reserve (SPR) on the DOE SPR website. Any subsequent revisions to its Standard Sales Provisions would also be published solely on the DOE SPR website. DOE further proposes that DOE would publish notification in the **Federal Register** and send notification to registered users in the SPR sales system that DOE has revised its Standard Sales Provisions on the DOE SPR website. Under the proposed rule, Notices of Sale would reference the Standard Sales Provisions published on the DOE SPR website in specifying which contractual terms and conditions, as well as contractor financial and performance responsibility measures, are applicable to that particular sale. The proposed rule is intended to expedite the preparation of and simplify the content of Notices of Sale, which in turn will reduce the administrative burden placed on prospective bidders.

DATES: Public comment on this proposed rule will be accepted until August 27, 2018.

ADDRESSES: You may submit comments identified by Regulation Identifier Number (RIN) 1901–AB29 by any of the following methods:

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

2. *Regular Mail:* Address postal mail to U.S. Department of Energy, Office of Fossil Energy, Office of Petroleum Reserves, P.O. Box 44375, Washington, DC 20026–4375.

3. *Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.):* U.S. Department of Energy, Office of Petroleum Reserves, Fossil Energy, Forrestal Building, Room 3G–024, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (202) 586–8197.

Due to potential delays in the delivery of postal mail, we encourage respondents to submit comments electronically to ensure timely receipt. *Please Note:* If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

Docket: This notice of proposed rulemaking and any comments that DOE receives will be made available on the Federal eRulemaking Portal at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Thomas McGarry, U.S. Department of Energy, Office of Petroleum Reserves, Office of Fossil Energy, Forrestal Building, Room 3G–024, 1000 Independence Avenue SW, Washington, DC 20585; (202) 586–8197, *email: thomas.mcgarry@hq.doe.gov;* or Ronald (R.J.) Colwell, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6D–033, 1000 Independence Ave. SW, Washington, DC 20585; (202) 586–8499, *email: ronald.colwell@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Strategic Petroleum Reserve (SPR) was established by the Energy Policy and Conservation Act (EPCA), Public Law 94–163, to store petroleum to diminish the impact of disruptions on petroleum supplies and to carry out the obligations of the United States under the International Energy Program. The principal method for distributing SPR petroleum is through price competitive sale, 42 U.S.C. 6241(e), and DOE has promulgated at 10 CFR part 625 certain contract terms and conditions—known as Standard Sales Provisions (SSPs)—that are expected to be contained in contracts for the sale of SPR petroleum.

DOE's regulations call for the publication of the SSPs in the **Federal Register** and the Code of Federal Regulations as an appendix to the 10 CFR part 625 (10 CFR 625.4(a)). DOE's regulations also provide for the periodic review and republication of the SSPs in the **Federal Register**, including any revisions to such provisions (10 CFR 625.4(b)). First published in interim final form on January 20, 1984, the SSPs have since been updated and issued for public comment several times, with the latest version published in the **Federal Register** on July 7, 2005 (70 FR 39364).

When conducting a drawdown and sale of petroleum from the SPR, DOE issues a Notice of Sale, announcing the amounts and types of SPR petroleum to be sold, the delivery locations and modes, and other pertinent information. DOE's regulations provide that the Secretary of Energy or the Secretary's designee will specify in the Notice of Sale, by referencing the latest version of the SSPs, which of the SSPs would or would not apply to a particular sale (10 CFR 625.3(a); 625.4(c)). In addition, in the Notice of Sale, the Secretary could revise the terms and conditions or add new ones applicable to that sale (10 CFR 625.3(a)). DOE's regulations provide that no contract can be awarded to an offeror who has not unconditionally agreed to all provisions made applicable by the Notice of Sale (10 CFR 625.3(c)).

II. Discussion of Proposed Rule

A. Summary of the Proposed Rule

The proposed rule would revise 10 CFR 625.4 in several respects. First, the Standard Sales Provisions applicable to price competitive sales of petroleum [1] from the SPR would no longer be required to be published in the **Federal Register** and in the CFR as an Appendix to 10 CFR part 625. Instead, DOE would be required to publish the Standard Sales Provisions applicable to price competitive sales of petroleum from the SPR on the DOE SPR website, which is currently at *https://www.energy.gov/fe/downloads/price-competitive-sale-strategic-petroleum-reserve-petroleum*. Second, under the proposed rule, revisions to the Standard Sales Provisions would be published on the DOE SPR website instead of in the **Federal Register**. Third, DOE would publish notification in the **Federal Register** and send notification to registered users in the SPR sales system each time DOE revises and republishes its Standard Sales Provisions on the DOE SPR website. Fourth, Notices of Sale would reference the continually updated Standard Sales Provisions published on the DOE SPR website, instead of the **Federal Register** and the CFR, in specifying which contractual terms and conditions, as well as contractor financial and performance responsibility measures, are applicable to a particular sale.

In addition to these revisions to 10 CFR 625.4, the proposed rule would also remove the Standard Sales Provisions from the CFR by deleting Appendix A to 10 CFR part 625.

B. Reasons for the Proposed Rule

Removing the requirement for publication of the Standard Sales Provisions in 10 CFR part 625 and instead publishing them on the DOE SPR website would allow DOE to provide more timely updates, ensuring its Standard Sales Provisions are consistent with changes in crude oil markets, infrastructure, ownership, technology, financial processes, business practices, subsequent legislation and regulations, and other factors.

This proposed rule would also reduce burdens on potential offerors by reducing the time and cost associated with reviewing changes to the Standard Sales Provisions applicable to a particular sale. When a price competitive sale of SPR petroleum is conducted, potential offerors are required to review and accept the Standard Sales Provisions applicable to that particular sale. DOE's Standard Sales Provisions currently total 95 pages in each Notice of Sale and contain 76 separate sections. Potential offerors are expected to review and accept any changes to the applicable Standard Sales Provisions identified in the Notice of Sale. As time passes following an update to the Standard Sales Provisions, the changes required to be included in each Notice of Sale increase, which in turn results in additional time and costs associated with review, evaluation and acceptance by potential offerors. In a price competitive sale conducted in 2006, one year after the Standard Sales Provisions were last updated, there were four pages of changes involving nine sections of the Standard Sales Provisions in the Notice of Sale. In a price competitive sale conducted in 2017, 12 years after the Standard Sales Provisions were last updated, there were 11 pages of changes involving 24 sections of the Standard Sales Provisions in the Notice of Sale. Review of these changes to the Standard Sales Provisions each time a Notice of Sale is issued would be eliminated under the proposed rule, which would provide for continual updates of the Standard Sales Provisions on DOE's SPR website.

The time and costs spent by industry associated with cross-referencing changes to the Standard Sales Provisions made applicable to a particular sale are likely to increase due to the large number of required sales over the next decade.[2] DOE estimates that it takes an additional two hours to review and evaluate such changes for each Notice of Sale. Typically, there are three individuals within a prospective offeror's company, representing trading, contracting, and legal functions, involved in reviewing the Standard Sales Provisions applicable to a particular sale. Given that there are currently 95 registered entities in the SPR's crude oil sales system—only registered entities may participate in the price competitive sale of SPR petroleum—this review encompasses roughly 570 additional burden hours (2 hours × 3 people × 95 registered entities) of effort from highly paid professionals (assuming $225 per hour) in the private sector for each price competitive sale of SPR petroleum. The current SPR price competitive sales schedule is expected to result in 20 additional statutorily-mandated sales through fiscal year 2027. Based on these numbers, this proposed rule would result in potential savings to industry of $2,565,000 over the next 10 years. Additionally, each sale could include more than one sales cycle, each with its own Notice of Sale, resulting in further increased industry burden hours, which would translate to additional savings under this proposed rule.

Lastly, this proposed rule would decrease the time spent by DOE preparing, reviewing, and issuing Notices of Sale as well as updated Standard Sales Provisions in the CFR. For example, the most recent Notice of Sale, released in August 2017, was 29 pages in length, nearly 40% of which was dedicated to amendments and modifications to DOE's Standard Sales Provisions. Out of the roughly 300 hours spent by DOE staff in preparing, reviewing, and releasing this Notice of Sale, approximately 120 hours would be foregone by not having to make amendments and modifications to DOE's Standard Sales Provisions in each Notice of Sale. Similarly, periodically publishing DOE's Standard Sales Provisions in the CFR takes considerable staff time. This proposed rule would reduce this effort by enabling DOE to make changes quickly and on a continuous, real-time basis.

In conclusion, publishing the Standard Sales Provisions on the DOE SPR website, and the increased flexibility provided by this proposed rule to revise these Standard Sales Provisions as circumstances evolve, would reduce the length and complexity of Notices of Sale currently published by DOE, and reviewed by prospective offerors. As a result, administrative burdens placed on prospective offerors would be greatly reduced during price competitive sales of SPR petroleum. Additionally, by reducing the length and complexity of Notices of Sale currently published by DOE, the proposed rule would ensure greater clarity about the terms and conditions applicable to a Notice of Sale, which in turn would reduce the risks associated with reconciling the requirements established by DOE's Standard Sales Provisions in the CFR, on the one hand, and as modified by the particular Notice of Sale on the other hand. DOE anticipates that this proposed rule would encourage increased participation by the private sector in future price competitive sales of

[1] As used in this rulemaking, ''petroleum'' includes ''crude oil, residual fuel oil or any refined petroleum product (including any natural gas liquid and any natural gas liquid product) owned or contracted for by DOE and in storage in any permanent SPR facility, or temporarily stored in other storage facilities, or in transit to such facilities (including petroleum under contract but not yet delivered to a loading terminal).'' 10 CFR 625.2.

[2] Public Law 114–74, secs. 403, 404 (Nov. 2, 2015); Public Law 114–94, sec. 32204 (Dec. 4, 2015); Public Law 114–255, sec. 5010 (Dec. 13, 2016); Public Law 115–123, sec. 30204 (Feb. 9, 2018).

petroleum from the SPR, which in turn would benefit the private sector by allowing for greater diversity and competition in sales of petroleum from the SPR. This proposed rule would also decrease the time spent by DOE preparing, reviewing, and issuing Notices of Sale as well as updating Standard Sales Provisions in the CFR.

III. Regulatory Review

A. Executive Orders 12866 and 13563

This regulatory action has been determined to not be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993). Accordingly, this action was not subject to review under that Executive Order by the Office of Information and Regulatory Affairs of the Office of Management and Budget.

DOE has also reviewed this regulation pursuant to Executive Order 13563, issued on January 18, 2011. (76 FR 3281, Jan. 21, 2011.) E.O. 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE concludes that this proposed rule is consistent with these principles. Specifically, this proposed rule would reduce burdens on potential offerors by reducing the time and cost associated with reviewing changes to the Standard Sales Provisions applicable to a particular sale. The proposed rule is intended to expedite the preparation of and simplify the content of Notices of Sale, which in turn will reduce the administrative burden placed on prospective bidders.

B. Executive Orders 13771, 13777, and 13783

On January 30, 2017, the President issued Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' That Order stated the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources. The Order stated it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations.

Additionally, on February 24, 2017, the President issued Executive Order 13777, ''Enforcing the Regulatory Reform Agenda.'' The Order required the head of each agency designate an agency official as its Regulatory Reform Officer (RRO). Each RRO oversees the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. Further, Executive Order 13777 requires the establishment of a regulatory task force at each agency. The regulatory task force is required to make recommendations to the agency head regarding the repeal, replacement, or modification of existing regulations, consistent with applicable law. At a minimum, each regulatory reform task force must attempt to identify regulations that:

(i) Eliminate jobs, or inhibit job creation;

(ii) Are outdated, unnecessary, or ineffective;

(iii) Impose costs that exceed benefits;

(iv) Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;

(v) Are inconsistent with the requirements of Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or

(vi) Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

Finally, on March 28, 2017, the President signed Executive Order 13783, entitled ''Promoting Energy Independence and Economic Growth.'' Among other things, Executive Order 13783 requires the heads of agencies to review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Such review does not include agency actions that are mandated by law, necessary for the public interest, and consistent with the policy set forth elsewhere in that order.

Executive Order 13783 defined burden for purposes of the review of existing regulations to mean to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources.

DOE concludes that this proposed rule is consistent with the directives set forth in these executive orders. Specifically, this proposed rule provides that DOE would publish its Standard Sales Provisions on the DOE SPR website as opposed to in the **Federal Register** and in the CFR. This proposed rule also provides that DOE would provide notice to impacted parties of revisions to its Standard Sales Provisions. The proposed rule is intended to expedite the preparation of and simplify the content of Notices of Sale, which in turn will reduce the administrative burden placed on prospective bidders. DOE also anticipates that this proposed rule would encourage increased participation by the private sector in future sales of petroleum from the SPR, which in turn would benefit the private sector by allowing for greater diversity and competition in sales of petroleum from the SPR.

C. National Environmental Policy Act

Per 10 CFR 1021.410(a), DOE has determined that promulgation of these regulations fall into a class of actions that does not individually or cumulatively have a significant impact on the human environment as set forth under DOE's regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Further, this rulemaking is covered under the Categorical Exclusion found in the DOE's National Environmental Policy Act regulations at paragraph A6 of appendix A to subpart D, 10 CFR part 1021, which applies to rulemakings that are strictly procedural. Accordingly, neither an EIS nor an EA is required.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process (68 FR 7990). DOE has made its procedures and policies available on the Office of General Counsel's website: *http://www.gc.doe.gov*.

DOE has reviewed this proposed rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. As discussed in the preamble, this proposed rule provides that DOE would publish its Standard Sales Provisions on the DOE SPR website, rather than in the **Federal Register** and in the CFR. This proposed rule also provides that DOE would provide notice to impacted parties of revisions to its Standard Sales Provisions. Because it would streamline the process for amending and modifying DOE's Standard Sales Provisions, which would in turn reduce the length and complexity of Notices of Sale currently published by DOE for sales of petroleum from the SPR, the proposed rule would not result in a significant economic impact on a substantial number of small entities. DOE anticipates that this proposed rule would encourage increased participation by the private sector in future sales of petroleum from the SPR, by reducing the opportunity cost to participate in such sales. This, in turn, would allow for greater diversity and competition in sales of SPR petroleum from the SPR, including increased participation by small entities.

Therefore, DOE certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities. Accordingly, DOE did not prepare an IRFA for this rulemaking. DOE's certification and supporting statement of factual basis will be provided to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

E. Paperwork Reduction Act

The proposed rule does not create or change any requirements subject to review and approval by OMB pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and the procedures implementing that Act, 5 CFR 1320.1 *et seq.* Accordingly, OMB clearance is not required under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires Federal agencies to examine closely the impacts of regulatory actions on tribal, state, and local governments. Subsection 101(5) of title I of that law defines a Federal intergovernmental mandate to include any regulation that would impose upon tribal, state, or local governments an enforceable duty, except a condition of Federal assistance or a duty arising from participating in a voluntary Federal program. Title II of that law requires each Federal agency to assess the effects of Federal regulatory actions on tribal, state, and local governments, in the aggregate, or to the private sector, other than to the extent such actions merely incorporate requirements specifically set forth in a statute. Section 202 of that title requires a Federal agency to perform a detailed assessment of the anticipated costs and benefits of any rule that includes a Federal mandate which may result in costs to tribal, state, or local governments, or to the private sector, of $100 million or more in any one year (adjusted annually for inflation). 2 U.S.C. 1532(a) and (b). Section 204 of that title requires each agency that proposes a rule containing a significant Federal intergovernmental mandate to develop an effective process for obtaining meaningful and timely input from elected officers of tribal, state, and local governments. 2 U.S.C. 1534.

This proposed rule provides that DOE would publish its Standard Sales Provisions on the DOE SPR website, rather than in the **Federal Register** and in the CFR. DOE has determined that the proposed rule would not result in the expenditure by tribal, state, and local governments in the aggregate, or by the private sector, of $100 million or more in any one year. Accordingly, no assessment or analysis is required under the Unfunded Mandates Reform Act of 1995.

G. Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule that may affect family well-being. The proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt state law or that have Federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the states and carefully assess the necessity for such actions. DOE has examined this proposed rule and has determined that it would not preempt state law and would not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

I. Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for

affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

J. Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB.

OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001) requires Federal agencies to prepare and submit to the OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

DOE has determined that this regulatory action would not have a significant adverse effect on the supply, distribution, or use of energy, and therefore is not a significant energy action. The proposed rule would provide for the publication of DOE's Standard Sales Provisions on the SPR website. DOE concluded, as discussed elsewhere in the preamble for this proposed rule, that this proposed rule would encourage increased participation by the private sector in future sales of petroleum from the SPR, by reducing the opportunity cost to participate in such sales. This increased participation would allow for greater diversity and competition in sales of SPR petroleum from the SPR, including increased participation by small entities as well as larger industry participants. This increased participation, however, is not expected to have a significant adverse effect on the supply, distribution, or use of energy because increased participation in the bidding process does not change the quantity of SPR petroleum offered or delivered. Accordingly, DOE has not prepared a Statement of Energy Effects.

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved the publication of this proposed rule.

List of Subjects in 10 CFR Part 625

Government contracts, Oil and gas reserves, Strategic and critical materials.

Signed in Washington, DC, on July 19, 2018.

Steven E. Winberg,

Assistant Secretary, Office of Fossil Energy.

For the reasons stated in the preamble, DOE proposes to amend part 625, chapter II of title 10, Code of Federal Regulations as set forth below:

PART 625—PRICE COMPETITIVE SALE OF STRATEGIC PETROLEUM RESERVE PETROLEUM

■ 1. The authority citation for part 625 continues to read as follows:

Authority: 15 U.S.C 761; 42 U.S.C. 7101; 42 U.S.C. 6241.

■ 2. Section 625.4 is revised to read as follows:

§ 625.4 Publication of the Standard Sales Provisions.

(a) *Publication.* The Standard Sales Provisions shall be published on the U.S. Department of Energy Strategic Petroleum Reserve website (*https://www.energy.gov/fe/services/petroleum-reserves/strategic-petroleum-reserve*).

(b) *Revisions of the Standard Sales Provisions.* The Standard Sales Provisions shall be reviewed on a continuous basis and republished on the Department of Energy Strategic Petroleum Reserve website. Notification of revisions of the Standard Sales Provisions shall be made in the **Federal Register** and sent to existing registered users in the SPR sales system.

(c) *Notification of applicable clauses.* The Notice of Sale will specify, by referencing the Department of Energy Strategic Petroleum Reserve website, which contractual terms and conditions and contractor financial and performance responsibility measures contained or described therein are applicable to that particular sale.

Appendix A to Part 625 [Removed]

■ 3. Appendix A to part 625 is removed.

[FR Doc. 2018–15902 Filed 7–25–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0232]

RIN 1625–AA00

Safety Zone; Blue Angels Air Show; St. Johns River, Jacksonville, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone on the waters of the St. Johns River in the vicinity of Naval Air Station (NAS) Jacksonville, Florida during the Blue Angels Air Show. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port (COTP) Jacksonville or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before August 27, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0232—using the Federal eRulemaking Portal at *http://www.regulations.gov*. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Junior Grade Emily Sysko, Chief,

Waterways Management Division, U.S. Coast Guard; telephone 904–714–7616, email *Emily.t.sysko@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On May 18, 2018, NAS Jacksonville submitted a marine event application to the Coast Guard for the Blue Angels Air Show that will take place from October 26, 2018 through October 28, 2018. The air show will consist of various flight demonstrations over the St. Johns River in vicinity of NAS Jacksonville. Over the years, there have been unfortunate instances of aircraft mishaps that involved crashing during performances at various air shows around the world. Occasionally, these incidents result in a wide area of scattered debris in the water that can damage property or cause significant injury or death to the public observing the air shows. The Captain of the Port (COTP) Jacksonville has determined that a safety zone is necessary to protect the general public from hazards associated with aerial flight demonstrations.

The purpose of the rulemaking is to ensure the safety of vessels and persons during the air show on the navigable waters of the St. Johns River in vicinity of NAS Jacksonville, Florida. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone daily from 8:00 a.m. until 5:00 p.m. on October 26, 2018 through October 28, 2018. The safety zone will encompass all waters within an area approximately three quarters of a mile parallel to the shoreline, and one mile out into the St. Johns River in Jacksonville, FL. The duration of the zone is intended to ensure the safety of the public on these navigable waters during the aerial flight demonstrations. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone which would impact a small designated area of the St. Johns River for nine hours on each of the three days the air show is occurring. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this

proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting nine hours daily that would prohibit persons and vessels from entering an area of approximately one square mile. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov*. If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice*.

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T07–0232 to read as follows:

§ 165.T07–0232 Safety Zone; Blue Angels Air Show; St. Johns River, Jacksonville, FL.

(a) *Location*. The following area is a safety zone: All waters of the St. Johns River, from surface to bottom, encompassed by a line connecting the following points beginning at 30°13′41″ N; 081°39′45″ W, thence due east to, 30°13′41″ N; 081°38′35″ W, thence south to 30°14′27″ N; 081°38′35″ W, thence west to 30°14′27″ N; 081°39′45″ W, and thence along the shore line back to the beginning point. These coordinates are based on North American Datum 1983.

(b) *Definitions.* As used in this section, designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Jacksonville (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Jacksonville or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Jacksonville by telephone at (904) 714–7557, or a designated representative via VHF–FM radio on channel 16, to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Jacksonville or a designated representative

(3) The Coast Guard will provide notice of the regulated area through Broadcast Notice to Mariners via VHF–FM channel 16 or by on-scene designated representatives.

(d) *Enforcement period.* This section will be enforced daily from 8 a.m. until 5:00 p.m. on October 26, 2018 through October 28, 2018.

Dated: July 19, 2018

T.C. Wiemers,

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

[FR Doc. 2018–15975 Filed 7–25–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0020; FRL–9981–24—Region 4]

Air Plan Approval; NC: Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of North Carolina on November 17, 2017, through the North Carolina Department of Environmental Quality (DEQ), Division of Air Quality (DAQ), for the purpose of removing 26 counties from North Carolina's expanded inspection and maintenance (I/M) program, which was previously approved into the SIP for use as a component of the State's Nitrogen Oxides (NO_X) Budget and Allowance Trading Program. EPA has evaluated whether this SIP revision would interfere with the requirements of the Clean Air Act (CAA or Act), including EPA regulations related to statewide NO_X emissions budgets. EPA is

proposing to determine that North Carolina's November 17, 2017, SIP revision is consistent with the applicable provisions of the CAA.

DATES: Written comments must be received on or before August 27, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2018–0020 at *http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9222. Ms. Sheckler can also be reached via electronic mail at *sheckler.kelly@epa.gov*.

SUPPLEMENTARY INFORMATION: This preamble is organized into three parts. Section I provides an overview of what is being proposed in this SIP revision. Section II provides the background of North Carolina's SIP-approved I/M program and its relationship to the State's NO_X Budget and Allowance Trading Program. Section III provides EPA's analysis of the submittal, including information submitted by North Carolina to support a non-interference demonstration. Section IV provides EPA's proposed action.

I. What is being proposed?

In response to a North Carolina legislative act signed by the Governor on May 4, 2017, that removed the State's I/M requirements for 26 counties,[1] the DAQ submitted a SIP revision on November 17, 2017, seeking to remove these counties from the expanded I/M program which was approved into the SIP in 2002. The expanded I/M program was approved into the SIP in 2002, for the purpose of using NO_X emissions reductions generated by this expanded program as a component of the State's NO_X Budget and Allowance Trading Program. *See* 67 FR 66056 (October 30, 2002). The SIP-approved I/M rules, which initially required tail-pipe emissions testing (later replaced by on-board diagnostic standards) are contained within 15A North Carolina Administrative Code (NCAC) Subchapter 2D, Section .1000 ''Motor Vehicle Emissions Control Standards.'' The 2002 SIP-approved amendment of those rules expanded the applicability of the I/M program in North Carolina's SIP from nine counties to 48 counties. *See* 67 FR 66056. The 26 counties which are the subject of this SIP revision are part of this expanded list.

As noted above, the purpose of the 2002 I/M SIP revision was to allow North Carolina to gain credits from the I/M emissions reductions from the 26 counties, and other counties on the expanded list, as part of its NO_X Budget and Allowance Trading Program. *See* 67 FR 66056. North Carolina's NO_X Budget and Allowance Trading Program was submitted to EPA for approval in response to EPA's regulation entitled ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' otherwise known as the NO_X SIP Call. The I/M emissions reductions from these 26 counties are not relied upon for any other purpose in the North Carolina SIP.[2]

For the reasons discussed more fully in Section III, below, EPA is proposing to find that removal of the 26 counties from North Carolina's SIP-approved expanded I/M program (and consequently, the removal of reliance on credits gained from I/M emissions reductions from the 26 counties in the State's NO_X Budget and Allowance Trading Program) will not interfere with North Carolina's obligations under the NO_X SIP Call. This proposed finding is based on a number of federal rules and SIP-approved State regulations promulgated and implemented subsequent to the 2002 approval of North Carolina's NO_X SIP Call submission, which have created significant NO_X emissions reductions in North Carolina such that the credits gained by the 26 counties' participation in the expanded I/M program are no longer needed in order for North Carolina to meets its NO_X SIP Call Statewide NO_X emissions budget. North Carolina has provided an analysis which supports this proposed finding and which discusses some of these federal rules and SIP-approved State regulations.[3] *See* Section III, below.

In addition, North Carolina's SIP revision evaluates the impact that the removal of the I/M program for these 26 counties would have on the State's ability to attain and maintain the NAAQS. The SIP revision contains a technical demonstration with revised emissions calculations showing that removing the 26 counties from the expanded I/M program will not interfere with North Carolina's attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA. As discussed more fully in Section III, below, EPA is proposing to find that North Carolina's revised emissions calculations demonstrate that removing the 26 counties' participation in the expanded I/M program will not interfere with State's ability to attain or maintain any NAAQS.

II. What is the background of North Carolina's I/M program and its relationship to the NO_X SIP Call and the State's NO_X budget and allowance trading program?

Under sections 182(b)(4), (c) and (d) of the CAA, I/M programs are required for areas that are designated as moderate or above nonattainment for ozone. As a result, North Carolina has previously submitted, and EPA has previously approved into the SIP (in 1995), a CAA-required I/M program for nine counties.[4] *See* 60 FR 28720 (June 2,

[1] Under provisions of the State legislation, Session Law 2017–10, Senate Bill 131, the removal of I/M requirements from the 26 counties is not effective until the later of the following dates: October 1, 2017 or the first day of a month that is 60 days after the Secretary of the DEQ certifies that EPA has approved the instant SIP revision. The 26 counties are: Brunswick, Burke, Caldwell, Carteret, Catawba, Chatham, Cleveland, Craven, Edgecombe, Granville, Harnett, Haywood, Henderson, Lenoir, Moore, Nash, Orange, Pitt, Robeson, Rutherford, Stanly, Stokes, Surry, Wayne, Wilkes, and Wilson.

[2] See Section II, below, for a more detailed discussion of the NO_X SIP Call and North Carolina's EPA-approved response, which includes as an element, credits gained from emissions reductions resulting from implementation of its SIP-approved expanded I/M program.

[3] See Letter from Michael A. Abraczinskas, Director of the Division of Air Quality for the North Carolina Department of Environmental Quality, dated July 11, 2018. This letter is part of the Docket for this action.

[4] The nine counties are Mecklenburg, Wake, Cabarrus, Durham, Forsyth, Gaston, Guilford,

Continued

1995). Subsequently, North Carolina expanded its State I/M program to cover 39 additional counties in order to further improve air quality in the State.[5] This expansion included the 26 counties at issue in this SIP revision, none of which were required by Section 182 of the CAA to be included in the I/M program in North Carolina's SIP.[6]

While none of the 26 counties at issue in the current action were required by the CAA to be included in the I/M program contained in the SIP, the State sought to include them in 2002 as part of an expanded I/M program in order to use credits from I/M emissions reductions from these counties as a component of the State's response to EPA's NO_X SIP Call. The NO_X SIP Call was designed to mitigate significant transport of NO_X, one of the precursors of ozone. It required 19 states (including North Carolina) and the District of Columbia to meet statewide NO_X emissions budgets during the five-month period from May 1 through September 30, called the ozone season (or control period).

In response to the NO_X SIP Call, North Carolina made several SIP submittals to EPA, including one on August 7, 2002, to amend its I/M program in the SIP so that it expanded application of the SIP-approved I/M rules from nine counties to the 48 counties. As noted above, the purpose of this August 7, 2002, SIP revision was to allow North Carolina to gain credits from the emissions reductions (reduction credits) from the expanded I/M program for use as a component in its Statewide NO_X emissions budget contained within its NO_X SIP Call SIP submittal, which was pending before EPA at the time.[7] *See* 67 FR 66056. Approval of the I/M revision into the SIP and the amended rules contained therein allowed North Carolina to gain reduction credits ranging from 914 tons in 2004 to 4,385 tons in 2007 and beyond for use in its NO_X emissions budget. These reduction credits were used by the State at the beginning of the NO_X emissions budget program to allow for new growth and to help meet the overall budget cap until the affected stationary sources could install and operate controls needed to meet their emissions allowances.[8] *See* 67 FR 66056. EPA approved the August 7, 2002, I/M SIP revision on October 30, 2002, and noted that the revision and EPA's approval resolved the outstanding issues associated with the State's NO_X SIP Call submittal (which EPA had proposed for approval on June 24, 2002). *See* 67 FR 66056; 67 FR 42519. EPA subsequently approved North Carolina's NO_X SIP Call submittal (*i.e.,* the North Carolina NO_X Budget and Allowance Trading Program) on December 27, 2002 (67 FR 78987).[9] [10]

III. What is EPA's analysis of North Carolina's submittal?

a. Impact on the State's NO_X SIP Call Obligations

North Carolina's November 17, 2017, submittal seeks to remove 26 counties from the expanded I/M program contained in the SIP. This removal consequently removes reliance on the I/M reduction credits gained from the 26 counties' participation in the expanded I/M program from the State's NO_X emissions budget—a component of the State's response to the NO_X SIP Call. North Carolina has indicated that it no longer needs these reduction credits in order to meet its obligations under the NO_X SIP Call. For the following reasons, EPA is proposing to find that the removal of the 26 counties from the expanded I/M program will not interfere with the State's obligation under the NO_X SIP Call to meets its Statewide NO_X emissions budget.

Subsequent to the NO_X SIP Call, a number of federal rules, as well as SIP-approved State regulations have created significant NO_X emissions reductions in North Carolina (including ozone season reductions) such that any emissions reduction credits derived from the 26 counties' participation in the expanded I/M program are no longer needed in order for North Carolina to meets its Statewide NO_X emissions budget. For stationary sources, including large EGUs, these federal rules include CAIR in 2005 [11] and its replacement in 2011, the Cross State Air Pollution Rule (CSAPR).[12] In addition, federal mobile source-related measures include: The Tier 2 vehicle and fuel standards; [13] nonroad spark ignition engines and recreational engine standards; heavy-duty gasoline and diesel highway vehicle standards; [14] and large nonroad diesel engine standards.[15] These mobile source measures have resulted in, and continue to result in, large reductions in NO_X emissions over time due to fleet turnover (*i.e.,* the replacement of older vehicles that predate the standards with newer vehicles that meet the standards).

In 2002, North Carolina also enacted and subsequently implemented its Clean Smokestacks Act (CSA), which

Union, and Orange. 60 FR 28720 (June 2, 1995). However, while Orange County was included in this 1995 submittal and EPA approval, it was not designated as nonattainment for either the ozone or carbon monoxide (CO) NAAQS.

[5] North Carolina Session Law 1999–328, Section 3.1(d) and Section 3.8.

[6] All 26 of the counties subject to this proposed rulemaking were designated ''unclassifiable/attainment'' for the 2008 8-hour ozone NAAQS. *See* 77 FR 30088. Five (or portions thereof) of the 26 counties (*i.e.,* Chatham, Edgecombe, Haywood (partial), Nash, and Orange) were previously designated nonattainment for the 1997 8-hour ozone standard but have since been redesignated to attainment. The remaining 21 counties were originally designated unclassifiable/attainment for the 1997 8-hour ozone NAAQS and have continued to attain the standard.

[7] North Carolina's Statewide NO_X emissions budget is 165,022 tons per ozone season. *See* 40 CFR 51.121(g)(2)(ii).

[8] While these reduction credits were primarily used to allow for new growth during initial program implementation, a small portion (approximately 1,000 tons/ozone season) were also initially used to help meet the Statewide NO_X emissions budget of 165,022 tons/ozone season. *See* 67 FR 42519, 42522 (June 24, 2002).

[9] Further discussion of the NO_X SIP Call submittal appears in Section III. In addition, details of North Carolina's EPA-approved NO_X SIP Call submittal can be found in the proposed rulemaking for that approval. *See* 67 FR 42519 (June 24, 2002).

[10] EPA also approved changes to North Carolina's I/M SIP on November 20, 2014. *See* 79 FR 69051. Those changes repealed the regulations pertaining to the tail-pipe emissions test because this test was obsolete and replaced it with the On-Board Diagnostics emissions test.

[11] CAIR created regional cap-and-trade programs to reduce sulfur dioxide (SO_2) and NO_X emissions in 27 eastern states, including North Carolina, that contributed to downwind nonattainment or interfered with maintenance of the 1997 8-hour ozone NAAQS or the 1997 $PM_{2.5}$ NAAQS. CAIR was challenged in federal court and in 2008, the United States Court of Appeals for the District of Columbia (D.C. Circuit) remanded CAIR to EPA without vacatur. *North Carolina* v. *EPA,* 550 F.3rd 1176, 1178 (D.C. Cir. 2008).

[12] In response to the D.C. Circuit's remand of CAIR, EPA promulgated CSAPR to replace CAIR. CSAPR requires 28 eastern states, including North Carolina, to limit their statewide emissions of SO_2 and NO_X in order to mitigate transported air pollution impacting other states' ability to attain or maintain four NAAQS: The 1997 ozone NAAQS, the 1997 annual $PM_{2.5}$ NAAQS, the 2006 24-hour $PM_{2.5}$ NAAQS, and the 2008 8-hour ozone NAAQS. The CSAPR emissions limitations are defined in terms of maximum statewide ''budgets'' for emissions of annual SO_2 and NO_X, and/or ozone-season NO_X by each covered state's large EGUs. The CSAPR state budgets are implemented in two phases of generally increasing stringency, with Phase I budgets applying to emissions in 2015 and 2016 and the Phase 2 budgets applying to emissions in 2017 and later years. CSAPR was challenged in the D.C. Circuit, and on August 12, 2012, it was vacated and remanded to EPA. The vacatur was subsequently reversed by the United States Supreme Court on April 29, 2014. *EPA* v. *EME Homer City Generation, L.P.,* 134 S.Ct. 1584 (2014). This litigation ultimately delayed implementation of CSAPR for three years.

[13] The Tier 2 standards, begun in 2004, continue to significantly reduce NO_X emissions and EPA expects that these standards will reduce NO_X emissions from vehicles by approximately 74 percent by 2030 (or nearly 3 million tons annually by 2030). *See* 80 FR 44873, 44876 (July 28, 2015) (citing EPA, Regulatory Announcement, EPA 420–F–99–051 (December 1999).

[14] Also begun in 2004, implementation of this rule is expected to achieve a 95 percent reduction in NO_X emissions from diesel trucks and buses by 2030. *See* 80 FR 44873, 44876 (July 28, 2015).

[15] EPA estimated that compliance with this rule will cut NO_X emissions from non-road diesel engines by up to 90 percent nationwide. *See* 80 FR 44873, 44876 (July 28, 2015).

created system-wide annual emissions caps on actual emissions of NO_X and SO_2 from coal-fired power plants within the State, the first of which became effective in 2007. The CSA required certain coal-fired power plants in North Carolina to significantly reduce annual NO_X emissions by 189,000 tons (or 77 percent) by 2009 (using a 1998 baseline year). This represented about a one-third reduction of the NO_X emissions from all sources in North Carolina. *See* 76 FR 36468, 36470 (June 11, 2011).[16] With the requirement to meet annual emissions caps and disallowing the purchase of NO_X credits to meet the caps, the CSA reduced NO_X emissions beyond the requirements of the NO_X SIP Call even though the Act did not limit emissions only during the ozone season. EPA approved the CSA into North Carolina's SIP on September 26, 2011 (76 FR 59250).

Together, implementation of these federal rules and SIP-approved State regulations have created significant NO_X emissions reductions since North Carolina's NO_X emissions budget was approved into the SIP in 2002, and for EGUs in particular, have significantly reduced ozone season NO_X emissions well below the original NO_X SIP Call budget. This last point is illustrated in Table 1, which compares the EGU NO_X SIP Call budget to actual emissions in 2007 and 2017. Actual EGU emissions in 2007 and 2017 were 23 percent (7,274 tons) and 60 percent (18,906 tons) below the NO_X SIP Call budget for EGUs, respectively. Notably, the entirety of the emissions reduction credits from the expanded I/M program (and used by the State in its NO_X emissions budget) only totaled 4,385 tons, of which approximately 1,000 tons was initially needed to meet the overall budget.

TABLE 1—COMPARISON OF OZONE SEASON NO_X SIP CALL BUDGET TO ACTUAL EMISSIONS FOR EGUS

	2007	2017
NO_X SIP Call Budget, Tons[17]	31,451	31,451
Actual Emissions, Tons	24,177	12,545
Below Budget, Tons	7,274	18,906
Below Budget, Percent	23	60

Table 2 compares the impact of the estimated ozone season NO_X emissions increases due to the proposed change to the expanded I/M program on EGU reductions and NO_X SIP Call I/M reduction credits. Using EPA's Motor Vehicle Emission Simulator (MOVES2014), the DAQ estimates that removing the 26 counties from the expanded I/M program will increase ozone season NO_X emissions by 611 tons. As noted above, in 2017, EGU emissions were 18,906 tons (60 percent) below the NO_X SIP Call budget for EGUs. The proposed change to the expanded I&M program would lower the EGU reduction by about 3 percent to 18,295 tons below the NO_X SIP Call budget for EGUs.[18] Thus, based on this EGU-focused analysis, the DAQ concludes that the ozone season NO_X emissions increase associated with the proposed change to the expanded I/M program has no impact on North Carolina's obligations under the NO_X SIP call to meet its Statewide NO_X emissions budget.

TABLE 2—IMPACT OF NO_X EMISSIONS INCREASES DUE TO PROPOSED CHANGES TO I/M PROGRAM ON EGU REDUCTIONS AND NO_X SIP CALL I/M CREDITS

I/M Emissions Increase in 2018, Tons	
26 Counties	611
22 Counties	311
48 County Total I/M Increase	922
EGU Reduction in 2017 (from Table 1)	18,906
Net EGU Reduction in 2017 including I/M Increase	17,984

In light of the above, EPA is proposing to find that North Carolina's removal of the 26 counties from the expanded I/M program contained in its SIP (and the use of I/M emissions reductions generated from those counties as part of the reduction credits in the State's NO_X emissions budget) will not interfere with the State's obligations under the NO_X SIP Call to meet its Statewide NO_X emissions budget. Subsequent promulgation and implementation of a number of federal rules and SIP-approved State regulations, and in particular those impacting EGUs, have created significant NO_X emissions reductions in the State that are more than sufficient to offset the need for North Carolina's reliance on the I/M reduction credits from the 26 counties in order to meet its Statewide NO_X emissions budget.

b. Overall Preliminary Conclusions Regarding North Carolina's Non-Interference Analyses

Section 110(l) of the CAA requires that a revision to the SIP not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the CAA. EPA evaluates section 110(l) non-interference demonstrations on a case-by-case basis considering the circumstances of each SIP revision. EPA interprets section 110(l) as applying to all NAAQS that are in effect, including those that have been promulgated but for which EPA has not yet made designations. The degree of analysis focused on any particular NAAQS in a non-interference

[16] North Carolina indicates that the utilities have reduced NO_X emissions by 83 percent relative to the 1998 emissions levels. See Letter from Michael A. Abraczinskas, Director of the Division of Air Quality for the North Carolina Department of Environmental Quality, dated July 11, 2018.

[17] From EPA's proposed approval of North Carolina's NO_X SIP Call submission. *See* 67 FR 42519 (June 24, 2002).

[18] Table 2 also reflects DAQ's anticipated SIP submittal which will request EPA approval to revise the vehicle model year coverage for the 22 counties remaining in the expanded I/M program. This SIP submittal has not yet been made to EPA and the current action does not, and is not intended to, address it.

demonstration varies depending on the nature of the emissions associated with the proposed SIP revision. For I/M SIP revisions, the most relevant pollutants to consider are ozone precursors (*i.e.,* NO_X and volatile organic compounds (VOC) and CO. In connection with this November 17, 2017, SIP revision, North Carolina submitted a non-interference demonstration, which EPA analyzes below.

As mentioned above, North Carolina's November 17, 2017, SIP revision included a non-interference demonstration to support the State's request to remove the 26 counties from North Carolina's SIP-approved expanded I/M program. This demonstration includes an evaluation of the impact that the removal of the I/M program for these counties would have on North Carolina's ability to attain or maintain any NAAQS in the State. Based on the analysis below EPA is proposing to find that removal of the 26 counties from the expanded I/M program meets the requirements of CAA Section 110(l) and will not interfere with attainment or maintenance of any NAAQS in North Carolina.[19]

i. Non-Interference Analysis for the Ozone NAAQS

On July 18, 1997, EPA promulgated a revised 8-hour ozone standard of 0.08 parts per million (ppm). This standard was more stringent than the 1-hour ozone standard that was promulgated in 1979. On March 12, 2008, EPA revised both the primary and secondary NAAQS for ozone to a level of 0.075 ppm to provide increased protection of public health and the environment. *See* 73 FR 16436 (March 27, 2008). The 2008 ozone NAAQS retains the same general form and averaging time as the 0.08 ppm NAAQS set in 1997, but is set at a more protective level. Under EPA's regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm. *See* 40 CFR 50.15. On October 26, 2015, EPA published a final rule lowering the level of the 8-hour ozone NAAQS to 0.070 ppm. *See* 80 FR 65292.

North Carolina is currently designated attainment statewide for the all of the ozone NAAQS. In summary, on November 6, 2017, EPA designated the entire state of North Carolina attainment/unclassifiable for the 2015 8-hour ozone NAAQS. *See* 82 FR 54232. Additionally, all 26 of the counties subject to this proposed rulemaking were designated ''unclassifiable/attainment'' for the 2008 8-hour ozone NAAQS. *See* 77 FR 30088. Five (or portions thereof) of the 26 aforementioned counties (*i.e.,* Chatham, Edgecombe, Haywood (partial), Nash, and Orange) were previously designated nonattainment for the 1997 8-hour ozone standard but have since been redesignated to attainment. The remaining 21 counties were originally designated unclassifiable/attainment for the 1997 8-hour ozone NAAQS and have continued to attain the standard.

Only seven of the 26 counties to be removed from the program have ozone monitors. The design values in part per billion (ppb) are all well below the ozone NAAQS (see Table 3).

TABLE 3—DESIGN VALUES FOR COUNTIES TO BE REMOVED WITH OZONE MONITORS

Counties to be removed that have ozone monitors	Ozone design value, ppb (2014–1016)
Caldwell	64
Carteret	60
Edgecombe	62
Granville	64
Haywood	66
Lenoir	63
Pitt	62

DAQ's noninterference analysis utilized EPA's MOVES2014 emission modeling system to estimate emissions for mobile sources. By 2018, the NO_X emissions reduction resulting from the North Carolina I/M program will be 0.25 ton per day (tpd) or less in each of the 26 counties that are being requested for removal from the I/M program. As summarized in Tables 4 and 5, below, the MOVES model predicted emission increases for only on-road vehicles. The results for 2018 show a slight increase in anthropogenic NO_X emissions for each county, as shown in Table 4, ranging from 0.08 to 0.25 tpd. The present increase in total NO_X emissions for a county ranges from 0.4 percent to 4.6 percent. The total increase in NO_X emissions associated with removing all 26 counties from the I/M program in 2018 is 3.97 tpd[20] or 1.9 percent of total man-made emissions (205 tpd).

TABLE 4—TOTAL ANTHROPOGENIC NO_X EMISSIONS FOR 2018 FOR 26 COUNTIES

[tpd]

Counties to be removed	On-road			Non-road		Point		Area		Totals		
	I/M	No I/M	Emission increase	I/M	No I/M	I/M	No I/M	I/M	No I/M	I/M	No I/M	Emissions increase
Brunswick	2.4	2.6	0.18	4.9	4.9	6.4	6.4	0.5	0.5	14.3	14.5	0.18
Burke	2.7	2.9	0.17	0.6	0.6	0.2	0.2	0.23	0.23	3.8	3.9	0.17
Caldwell	2.1	2.2	0.15	0.5	0.5	0.3	0.3	0.29	0.29	3.2	3.4	0.15
Carteret	1.1	1.2	0.10	5.4	5.4	0.1	0.1	0.3	0.3	6.9	7.0	0.10
Catawba	3.2	3.5	0.25	1.4	1.4	35.5	35.5	0.6	0.6	40.9	41.2	0.25
Chatham	1.8	2.2	0.14	0.6	0.6	1.5	1.5	0.2	0.2	4.5	4.6	0.14
Cleveland	1.0	3.4	0.20	0.9	0.9	9.3	9.3	0.2	0.2	13.5	13.7	0.20
Craven	2.1	1.9	0.13	0.8	0.8	5.3	5.3	0.3	0.3	8.2	8.3	0.13
Edgecombe	2.4	1.1	0.08	0.8	0.8	3.4	3.4	0.2	0.2	5.5	5.6	0.08
Granville	3.0	2.2	0.11	0.6	0.6	0.1	0.1	0.1	0.1	3.0	3.1	0.11
Harnett	2.4	2.6	0.16	0.8	0.8	0.07	0.07	0.4	0.4	3.7	3.9	0.16
Haywood	3.0	3.2	0.16	0.4	0.4	8.14	8.14	0.3	0.3	11.9	12.0	0.16

[19] EPA also notes, as a transport related matter, that on October 26, 2016, it determined through the CSAPR Update (81 FR 74504) that North Carolina did not contribute to nonattainment or maintenance issues in downwind states for the 2008 8-hour ozone NAAQS. The 2016 CSAPR Update provides technical and related analysis to assist states with meeting the good neighbor requirements of the CAA for the 2008 ozone NAAQS. Specifically, the CSAPR Update includes projection modeling to determine whether individual states contribute significantly or not to nonattainment or maintenance in other states. On December 9, 2015, North Carolina provided a SIP revision addressing ozone transport requirements for the 2008 8-hour ozone standards and made the determination that the State did not contribute to nonattainment or maintenance issues in any other state. EPA approved North Carolina's submission on October 4, 2017, with the consideration of EPA's modeling conducted for the CSAPR Update. *See* 82 FR 46134. Also, most recently, EPA conducted modeling for the 2015 ozone NAAQS. That modeling preliminarily indicates that North Carolina does not contribute to nonattainment or interfere with maintenance issues in any other state for that standard.

[20] 3.97 tpd multiplied by 154 days in the ozone season equals 611 tons per ozone season.

TABLE 4—TOTAL ANTHROPOGENIC NO_X EMISSIONS FOR 2018 FOR 26 COUNTIES—Continued
[tpd]

Counties to be removed	On-road			Non-road		Point		Area		Totals		
	I/M	No I/M	Emission increase	I/M	No I/M	I/M	No I/M	I/M	No I/M	I/M	No I/M	Emissions increase
Henderson	2.4	2.6	0.17	0.8	0.8	0.2	0.2	0.4	0.4	3.9	4.1	0.17
Lenoir	1.3	1.4	0.10	0.5	0.5	0.2	0.2	0.3	0.3	2.4	2.5	0.10
Moore	1.9	2	0.14	0.7	0.7	0.1	0.1	0.4	0.4	3.2	3.3	0.14
Nash	3.2	3.4	0.19	1.1	1.1	0.5	0.5	0.5	0.5	5.5	5.7	0.19
Orange	4.0	4.2	0.21	1.0	1.0	0.5	0.5	0.5	0.5	6.2	6.4	0.21
Pitt	2.4	2.6	0.19	1.3	1.3	0.4	0.4	0.7	0.7	4.9	5.1	0.19
Robeson	4.2	4.5	0.25	2.0	2.0	1.5	1.5	0.5	0.5	8.4	8.6	0.21
Rutherford	1.6	1.7	0.11	1.1	1.1	0.3	0.3	0.2	0.2	3.3	3.4	0.11
Stanly	1.6	1.7	0.11	0.6	0.6	0.5	0.5	0.2	0.2	2.9	3.1	0.11
Stokes	1.2	1.2	0.08	0.3	0.3	20.2	20.2	0.1	0.1	21.9	22.0	0.08
Surry	2.8	3	0.17	0.6	0.6	0.1	0.1	0.3	0.3	4.0	4.1	0.17
Wayne	2.2	2.3	0.16	1.0	1.0	5.5	5.5	0.6	0.6	9.3	9.5	0.16
Wilkes	2.0	2.2	0.13	0.4	0.4	0.7	0.7	0.2	0.2	3.5	3.6	0.13
Wilson	2.1	2.3	0.13	1.5	1.5	1.3	1.3	0.3	0.3	5.3	5.5	0.13
Total	61	65	3.97	31	31	130	130	9.5	9.5	205	209	3.97

TABLE 5—TOTAL ANTHROPOGENIC VOC EMISSIONS FOR 2018 FOR 26 COUNTIES
[tpd]

Counties to be removed	On-road			Non-road		Point		Area		Totals		
	I/M	No I/M	Emission increase	I/M	No I/M	I/M	No I/M	I/M	No I/M	I/M	No I/M	Emissions increase
Brunswick	1.6	1.8	0.14	1.7	1.7	2.6	2.6	3.5	3.5	9.5	9.2	0.14
Burke	1.8	1.9	0.14	0.4	0.4	1.7	1.7	3.4	3.4	7.4	7.5	0.14
Caldwell	1.7	1.8	0.13	0.7	0.7	3.0	3.0	4.4	4.4	9.9	10	0.13
Carteret	1.0	1.1	0.10	5.6	5.6	.23	.23	1.8	1.8	8.7	8.8	0.10
Catawba	2.6	2.8	0.22	1.3	1.3	4.9	4.9	12.8	12.8	21.7	21.9	0.22
Chatham	1.3	1.4	0.11	0.5	0.5	2.2	2.2	1.7	1.7	5.9	6.0	0.11
Cleveland	2.0	2.1	0.16	0.6	0.6	0.4	0.4	3.9	3.9	7.0	7.2	0.16
Craven	1.3	1.4	0.10	1.0	1.0	3.1	3.1	3.1	3.6	8.8	8.9	0.11
Edgecombe	0.7	0.8	0.07	0.3	0.3	0.2	0.2	2.6	2.6	4.0	4.1	0.07
Granville	1.1	1.2	0.08	0.4	0.4	0.8	0.8	1.6	1.6	4.1	4.2	0.08
Harnett	1.7	1.9	0.14	0.6	0.6	0.2	0.2	3.7	3.7	6.5	6.6	0.14
Haywood	1.4	1.6	0.11	1.2	1.2	4.6	4.6	1.6	1.6	8.9	9.0	0.11
Henderson	1.7	1.8	0.14	2.8	2.8	0.9	0.9	3.7	3.7	9.3	9.4	0.14
Lenoir	0.9	1.0	0.08	0.5	0.5	0.9	0.9	3.8	3.8	5.4	5.5	0.08
Moore	1.6	1.7	0.13	0.7	0.7	0.07	0.07	2.7	2.7	5.1	5.2	0.13
Nash	1.7	1.8	0.14	0.5	0.5	0.6	0.6	4.3	4.3	7.3	7.2	0.14
Orange	2.0	2.1	0.16	1.6	1.6	0.4	0.4	3.0	3.0	7.2	7.4	0.16
Pitt	1.8	2.0	0.17	0.8	0.8	1.6	1.6	5.4	5.4	9.8	10	0.17
Robeson	2.2	2.4	0.18	0.5	0.5	0.7	0.7	5.4	5.4	9.0	9.3	0.19
Rutherford	1.3	1.4	0.10	0.7	0.7	0.4	0.4	2.2	2.2	4.6	4.7	0.10
Stanly	1.2	1.3	0.10	0.8	0.8	1.1	1.1	2.5	2.5	5.8	5.9	0.10
Stokes	0.9	1.0	0.08	0.4	0.4	0.5	0.5	1.3	1.3	3.4	3.4	0.08
Surry	1.7	1.8	0.17	0.8	0.8	1.2	1.2	3.4	3.4	7.2	7.3	0.13
Wayne	1.7	1.8	0.14	0.7	0.7	1.4	1.4	4.8	4.8	8.7	8.8	0.14
Wilkes	1.5	1.6	0.12	0.5	0.5	1.9	1.9	2.7	2.7	6.8	6.9	0.12
Wilson	1.2	1.4	0.11	0.7	0.7	1.4	1.4	3.3	3.3	6.8	6.97	0.11
Total	40	44	3.97	27.5	27.5	38	38	93	93	199	203	3.29

As shown in Table 6 below, total NO_X and VOC emissions would increase 4.0 tpd (2.4 percent) and 3.3 tpd (2.8 percent), respectively.

TABLE 6—SUMMARY OF ON-ROAD NO_X AND VOC EMISSIONS INCREASES ASSOCIATED WITH REMOVING 26 COUNTIES FROM THE I/M PROGRAM

	NO_X emissions in 2018	VOC emissions in 2018
Total On-Road Emissions for 48 Counties in Current I/M Program	168.0	117.6
Total On-Road Emissions after Removing 26 of 48 Counties from I/M Program	172.0	120.9
Emissions Increases (TPD)	3.9	3.3
Emissions Increases (% of Total On-Road Emissions for 48 Counties)	2.4	2.8

Given the results of North Carolina's emissions analysis, EPA proposes to find that removal of the 26 counties from the SIP-approved expanded I/M program would not interfere with maintenance of the ozone NAAQS in the State.

ii. Non-Interference Analysis for the Fine Particulate Matter ($PM_{2.5}$) NAAQS

Over the course of several years, EPA has reviewed and revised the $PM_{2.5}$ NAAQS a number of times. On July 16, 1997, EPA established an annual $PM_{2.5}$ NAAQS of 15.0 micrograms per cubic meter (μg/m³), based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and a 24-hour $PM_{2.5}$ NAAQS of 65 μg/m³, and based on a 3-year average of the 98th percentile of 24-hour concentrations. *See* 62 FR 36852 (July 18, 1997). On September 21, 2006, EPA retained the 1997 Annual $PM_{2.5}$ NAAQS of 15.0 μg/m³ but revised the 24-hour $PM_{2.5}$ NAAQS to 35 μg/m³, based again on a 3-year average of the 98th percentile of 24-hour concentrations. *See* 71 FR 61144 (October 17, 2006). On December 14, 2012, EPA retained the 2006 24-hour $PM_{2.5}$ NAAQS of 35 μg/m³ but revised the annual primary $PM_{2.5}$ NAAQS to 12.0 μg/m³, based again on a 3-year average of annual mean $PM_{2.5}$ concentrations. *See* 78 FR 3086 (January 15, 2013).

EPA promulgated designations for the 1997 Annual $PM_{2.5}$ NAAQS on January 5, 2005 (70 FR 944), and April 14, 2005 (70 FR 19844). Of the 26 counties subject to this rulemaking, only Catawba County was designated nonattainment for the 1997 Annual $PM_{2.5}$ NAAQS. This Area has since been redesignated to attainment for the 1997 Annual $PM_{2.5}$ NAAQS and continues to attain this NAAQS. *See* 76 FR 71452 (November 18, 2011). On November 13, 2009, and on January 15, 2015, EPA published notices determining that the entire state of North Carolina was unclassifiable/attainment for the 2006 daily $PM_{2.5}$ NAAQS and the 2012 Annual $PM_{2.5}$ NAAQS, respectively. *See* 71 FR 61144 and 78 FR 3086.

In North Carolina's November 17, 2017, SIP revision, the State concluded that the removal of the 26 counties from the expanded I/M program would not interfere with attainment or maintenance of the $PM_{2.5}$ NAAQS. The pollution control systems for light-duty gasoline vehicles subject to the I/M program are not designed to reduce emissions for $PM_{2.5}$; therefore, removing counties from the program will not have any impact on ambient concentrations of $PM_{2.5}$ NAAQS. In addition, MOVES2014 modeling results indicate that removing these 26 counties from the expanded I/M program would not increase $PM_{2.5}$ emissions. EPA has evaluated the State's analysis and proposes to find that removal of the 26 counties from the SIP-approved expanded I/M program would not interfere with maintenance of the $PM_{2.5}$ NAAQS in the State.

iii. Non-Interference Analysis for the 2010 Nitrogen Dioxide (NO_2) NAAQS

The 2010 NO_2 1-hour standard is set at 100 ppb, based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. The annual standard of 53 ppb is based on the annual mean concentration. On February 17, 2012, EPA designated all counties in North Carolina as unclassifiable/attainment for the 2010 NO_2 NAAQS. *See* 77 FR 9532.

Based on the technical analysis in North Carolina's November 17, 2017, SIP revision, the projected increase in total anthropogenic NO_X emissions (of which NO_2 is a component) associated with the removal of the 26 counties from the expanded I/M program ranges from 0.08 to 0.25 tpd in 2018. All NO_2 monitors in the State are measuring below the annual NO_2 standard, and all near road monitors are measuring well below the 1-hour NO_2 standard. Given the current unclassifiable/attainment designation and the results of North Carolina's emissions analysis which show a de minimis increase, EPA proposes to find that removal of the 26 counties from the SIP-approved expanded I/M program would not interfere with maintenance of the 2010 NO_2 NAAQS in the State.

iv. Non-Interference Analysis for the CO NAAQS

EPA promulgated the CO NAAQS in 1971 and has retained the standards since its last review of the standard in 2011. The primary NAAQS for CO include: (1) An 8-hour standard of 9.0 ppm, measured using the annual second highest 8-hour concentration for two consecutive years as the design value; and (2) a 1-hour average of 35 ppm, using the second highest 1-hour average within a given year. The 26 counties subject to this proposed action have always been unclassifiable/attainment for the CO NAAQS.

In North Carolina's November 17, 2017, SIP revision, the State concluded that the removal of the 26 counties from the expanded I/M program would not interfere with attainment or maintenance of the CO NAAQS. MOVES2014 mobile emissions modeling results show a slight increase in CO emissions for each of the 26 counties ranging from 1.0 tpd (Stakes County) to 4.3 tpd (Robeson County) in 2018. This increase is minimal and is not expected to interfere with continued attainment of the CO NAAQS in any of the 26 counties or adjacent counties. Statewide, the current ambient air quality levels for CO are less than 20 percent of the CO NAAQS. For these reasons, EPA proposes to find that removal of the 26 counties from the SIP-approved expanded I/M program would not interfere with maintenance of the CO NAAQS in the State.

v. Non-Interference Analysis for the SO_2 NAAQS

On June 22, 2010 (75 FR 35520), EPA revised the 1-hour SO_2 NAAQS to 75 ppb which became effective on August 23, 2010. On August 5, 2013 (78 FR 47191), EPA initially designated nonattainment only in areas with violating 2009–2011 monitoring data. EPA did not designate any county in North Carolina for the 2010 1-hour SO_2 NAAQS as part of the initial designation. On March 2, 2015, a Consent Decree was issued by the United States District Court for the Northern District of California stipulating the time and method for designating the remaining areas in the Country.[21] For North Carolina, EPA designated the entire state attainment/unclassifiable for SO_2 (pursuant to a consent decree) on December 21, 2017 (effective April 9, 2018 *https://www.gpo.gov/fdsys/pkg/FR-2018-01-09/pdf/2017-28423.pdf*) except for the following townships/counties: Beaverdam Township (Haywood County); Limestone Township (Buncombe County); and Cunningham Township (Person County). Counties listed above deployed monitors which EPA intends to designate by December 2020. Also, a portion of Brunswick County was designated unclassifiable effective in August 2016.

Based on the technical analysis in North Carolina's November 17, 2017, SIP revision, the State concluded that removal of the 26 counties from the expanded I/M program would not interfere with attainment or maintenance of the SO_2 NAAQS. The pollution control systems for light-duty gasoline vehicles subject to the I/M program are not designed to reduce emissions for SO_2; therefore, removing counties from the program will not have any impact on ambient concentrations of SO_2. In addition, sulfur content in fuel has been significantly decreased through EPA's Tier 2 and Tier 3

[21] Copy of the Consent Decree—*http://www.epa.gov/so2designations/pdfs/201503FinalCourtOrder.pdf.*

rulemakings which tightened engine standards and required fuel formulations contain reduced levels of sulfur. *See* 65 FR 6698 (February 10, 2000) and 81 FR 23641 (April 22, 2016). MOVES2014 modeling results indicate that removing the 26 counties from the expanded I/M program would not increase SO_2 emissions. For these reasons, EPA proposes to find that removal of the 26 counties from the SIP-approved expanded I/M program would not interfere with maintenance of the 2010 SO_2 NAAQS in the State.

vi. Non-Interference Analysis for 2008 Lead NAAQS

On November 12, 2008 (73 FR 66964), EPA promulgated a revised primary and secondary lead NAAQS of 0.15 $\mu g/m^3$. Under EPA's regulations at 40 CFR part 50, the 2008 lead NAAQS are met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with Appendix R of 40 CFR part 50, is less than or equal to 0.15 $\mu g/m^3$. *See* 40 CFR 50.16. On November 8, 2011, EPA designated the entire State of North Carolina as unclassifiable/attainment for that NAAQS. *See* 76 FR 72907. North Carolina's ambient lead levels have remained well below the standard. The pollution control systems for light-duty gasoline vehicles subject to the I/M program are not designed to reduce emissions for lead; therefore, removing counties from the program will not have any impact on ambient concentrations of lead. MOVES 2014 modeling results indicate that removing 26 counties from the expanded I/M program would not increase lead emissions. For these reasons, EPA proposes to find that removal of the 26 counties from the SIP-approved expanded I/M program would not interfere with maintenance of the 2008 lead NAAQS in the State.

IV. Proposed Action

For the reasons explained above in Section III of this proposed rulemaking, EPA is proposing to approve North Carolina's November 17, 2017, SIP revision. Specifically, EPA is proposing to approve the removal of Brunswick, Burke, Caldwell, Carteret, Catawba, Chatham, Cleveland, Craven, Edgecombe, Granville, Harnett, Haywood, Henderson, Lenoir, Moore, Nash, Orange, Pitt, Robeson, Rutherford, Stanly, Stokes, Surry, Wayne, Wilkes, and Wilson counties, from the SIP-approved expanded I/M program. Additionally, EPA is proposing to find that North Carolina's removal of the 26 counties from the SIP-approved expanded I/M program (and the removal of reliance on the I/M emissions reductions generated from those counties as part of the ''credits'' in North Carolina's NO_X emissions budget) will not interfere with the State's obligations under the NO_X SIP Call to meet its Statewide NO_X emissions budget. In addition, EPA is also proposing to find that the removal of the 26 counties from the SIP-approved expanded I/M program will not interfere with continued attainment or maintenance of any applicable NAAQS or with any other applicable requirement of the CAA, and that North Carolina has satisfied the requirements of section 110(l) of the CAA.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided they meet the criteria of the CAA. This action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: July 16, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

[FR Doc. 2018–15813 Filed 7–25–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2018–0536; FRL–9981–19—Region 7]

Air Plan Approval; Iowa; Approval of the State Implementation Plan and the Operating Permits Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Iowa State Implementation Plan (SIP), and the Operating Permits Program. The proposed revisions clarify the types of mailing services that may be used for submitting construction and operating permit applications, and clarify that applications are not required to be submitted by certified mail. The

proposed revisions also eliminate the requirement for construction permit applications for projects that will not emit greenhouse gases (GHG) to submit the current separate three-page GHG form. In addition, a revision to the operating permit program is being made to require only one copy of the permit application instead of two. Finally, this proposed action includes minor grammatical corrections. EPA has reviewed these proposed revisions and determined that they will not impact air quality and will ensure consistency between the state and federally approved rules.

DATES: Comments must be received on or before August 27, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2018–0536 to *https://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7039, or by email at *hamilton.heather@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?

EPA is proposing to approve a submission from the state of Iowa to revise the Iowa SIP and Operating Permits Program. The proposed revisions to the SIP are to clarify the types of mailing services that may be used for submitting construction permit applications to include the U.S. Postal Service, private parcel delivery services, and hand delivery. Construction permit applications are not required to be submitted by certified mail. The proposed revisions also eliminate the requirement for construction permit applications for projects that will not emit greenhouses gases to submit the current three-page form.

The proposed revisions to the operating permits program clarifies the types of mailing services that may be used for submitting operating permit applications to include the U.S. Postal Service, private parcel delivery services, and hand delivery. Operating permit applications are not required to be submitted by certified mail. This proposal to the operating permits program is being made to require only one copy of the operating permit application instead of two.

This proposed action also includes minor grammatical corrections to the SIP for construction permit rules and minor grammatical corrections to the operating permits program rules.

II. Have the requirements for approval of a SIP and the operating permits program revision been met?

The administrative rule amendments in this submission were first published in the Iowa Administrative Bulletin as a Notice of Intended Action on January 18, 2017. A public comment period was held from January 18, 2017, to February 20, 2017, with a public hearing on February 20, 2017. EPA submitted a comment during the public comment period stating that the portion of the proposed amendment allowing submittal of a construction permit application or a title V operating permit application by email would not be approved until Iowa's electronic document receiving system was approved pursuant to the Cross Media Electronic Reporting Rule (CROMERR) at 40 CFR part 3.[1] In response to this comment, Iowa requested an applicability determination from EPA. A response from EPA dated May 25, 2017, was sent to Iowa stating email applications would not be considered CROMERR compliant.

In response to the applicability determination, the state of Iowa amended the rules to remove the provisions for email applications and republished the Notice of Intended Action for public comment on August 16, 2017. A public comment period was held between August 16, 2017 and September 5, 2017, with a public hearing held on September 5, 2017. No comments were received during this period. The submission was sent to EPA on January 4, 2018, and received January 9, 2018.

The state submittal met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, these revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations. These revisions are also consistent with applicable EPA requirements of Title V of the CAA and 40 CFR part 70.

III. What actions are proposed?

EPA is proposing to approve revisions to the Iowa SIP, and the Operating Permits Program. The proposed revisions clarify the types of mailing services that may be used for submitting construction and operating permit applications, and clarify that applications are not required to be submitted by certified mail. The proposed revisions also eliminate the requirement for construction permit applications or projects that will not emit greenhouse gases (GHG) to submit the current separate three-page GHG form. In addition, a revision to the operating permit program is being made to require only one copy of the permit application instead of two. Finally, this proposed action includes minor grammatical corrections.

IV. Incorporation by Reference

In this action, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the Iowa Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR**

[1] On December 29, 2009 (*See* 74 FR 68692), EPA did not act on Iowa's provision that allowed for electronic submittal for construction permit applications (subrule 22.1(3)), and electronic submittal for operating permit applications (subrule 22.105(1)) because Iowa's electronic document receiving system was not approved pursuant to CROMERR.

FURTHER INFORMATION CONTACT section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act (CAA), the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, 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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications 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).

List of Subjects

40 CFR Part 52

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

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: July 16, 2018.

James B. Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR parts 52 and 70 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Authority: 2 U.S.C. 7401 *et seq.*

Subpart Q—Iowa

■ 2. In § 52.820, the table in paragraph (c) is amended by revising the entry ''567–22.1'' to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Explanation
Iowa Department of Natural Resources Environmental Protection Commission [567]				
*	*	*	*	*
Chapter 22—Controlling Pollution				
567–22.1	Permits Required for New or Existing Stationary Sources.	12/13/17	[Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule].	Electronic submittal referred to in 22.1(3) is not SIP approved.
*	*	*	*	*

* * * * *

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 3. The authority citation for part 70 continues to read as follows:

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

■ 4. Appendix A to part 70 is amended by adding paragraph (s) under the heading ''Iowa'' to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Iowa

* * * * *

(s) The Iowa Department of Natural Resources submitted for program approval revisions to rule 567–22.105. Electronic submittal referred to in 22.105 is not approved in the operating permits program. The state effective date is December 13, 2017. This revision is effective [date 60 days after

date of publication of the final rule in the **Federal Register**].

* * * * *

[FR Doc. 2018–15924 Filed 7–25–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[GN Docket Nos. 17–183, 18–122; DA 18–639]

Notice of 90-Day Filing Window Extension for Earth Stations Currently Operating in the 3.7–4.2 GHz Band; Filing Options for Operators With Multiple Earth Station Antennas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the International Bureau (Bureau) announces a 90-day extension to the filing window for fixed-satellite service (FSS) earth stations currently operating in the 3.7–4.2 GHz frequency band announced in the Public Notice (*Freeze PN*), DA 18–398. The Bureau also clarifies that applications to register multiple FSS antennas operating in this band that are located at the same address or geographic location may be filed in the International Bureau Filing System (IBFS) by using a single registration form and paying a single fee. Finally, the Bureau announces the availability of an additional option to facilitate the registration of large numbers of geographically diverse earth stations by filing an application for a single ''network'' license and paying a single fee in IBFS.

DATES: 90-day extension of filing window closes October 17, 2018.

ADDRESSES: You may submit comments, identified by GN Docket Nos. 17–183 and 18–122, by any of the following methods:

- *Federal Communications Commission's Website: http://apps.fcc.gov/ecfs//.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 888–835–5322.

FOR FURTHER INFORMATION CONTACT: Christopher Bair, 202–418–0945 or Paul Blais, 202–418–7274.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, DA 18–639, released June 21, 2018. The full text of this document is available at *https://docs.fcc.gov/public/attachments/DA-18-639A1.pdf.* It is also available for inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY–A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities, send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Background. On April 19, 2018, the International, Public Safety and Homeland Security, and Wireless Telecommunications Bureaus issued Public Notice DA 18–398 announcing a temporary freeze effective April 19, 2018, on the filing of new or modification applications for FSS earth station licenses, FSS receive-only earth station registrations, and fixed microwave licenses in the 3.7–4.2 GHz frequency band. As a limited exception to the filing freeze, the International Bureau concurrently opened a 90-day window during which entities that operated existing FSS earth stations in the 3.7–4.2 GHz band could voluntarily file an application to register or license their earth stations if they were not currently registered or licensed in the IBFS, or could file an application to modify a current registration or license. The Bureau also waived the coordination report requirement for the duration of the freeze.

90-Day Extension of Application Filing Window. The International Bureau now extends the original 90-day filing window announced in the *Freeze PN* for an additional 90 days, until October 17, 2018, in order to provide operators with more time to file applications, should they choose to do so. This action does not impact the cut-off date for operations eligible for the exception, *i.e.,* only earth stations constructed and operational as of April 19, 2018 are eligible for filing during this window.

Filing Option for Operators with Multiple Co-Located Earth Station Antennas. The Bureau clarifies that operators with multiple receive-only antennas at a single geographic location or address may apply to register these antennas under a single earth station application and pay a single application fee, which is currently $435 (fee code CMO).

Filing Option for Operators with Geographically Diverse Earth Stations. The Bureau announces that it is waiving certain sections of the Commission's rules to permit operators of multiple geographically diverse receive-only earth stations to register those stations under § 25.115(c)(2) of the Commission's rules, 47 CFR 25.115(c)(2), which permits applications for ''Networks of earth station operating in the 3700–4200 MHz and 5925–6425 MHz bands.'' Specifically, the Bureau waives the portions of § 25.115(c)(2) that are inapplicable to receive-only stations or are unnecessary as a result of the *Freeze PN.* The following procedures apply to applicants seeking to utilize the § 25.115(c)(2) process for registration of receive-only earth stations during the filing window: Applicants must complete a ''Lead Application'' on Form 312, Main Form and Schedule B; Schedule B should include a site ID for each geographic location where the applicant has receive-only earth stations and should provide the technical details required by the Form for each antenna at each site; the coordination report required by § 25.115(c)(2) is waived as described in DA 18–398; the requirements of paragraphs (i) and (v) of § 25.115(c)(2) are waived for networks of receive-only earth stations; pursuant to DA 18–398, only earth stations constructed and operational as of April 19, 2018 may file during the window, so the one-year construction period of § 25.115(c)(2)(vii) is inapplicable.

Fees. Applicants filing as a network of earth stations under § 25.115(c)(2) as described above must pay the fee for a ''Fixed Satellite VSAT System,'' which is currently $10,620 (fee code BGV). Networks of receive-only earth stations are not subject to regulatory fees.

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

Federal Communications Commission.

Troy Tanner,

Deputy Chief, International Bureau.

[FR Doc. 2018–15969 Filed 7–25–18; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 83, No. 144
Thursday, July 26, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0048]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Peppers From Certain Central American Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with regulations for the importation of peppers from certain Central American countries.

DATES: We will consider all comments that we receive on or before September 24, 2018.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0048.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0048, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0048* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on importation of peppers from certain Central American countries, contact Mr. Juan (Tony) Román, Senior Regulatory Policy Specialist, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737; (301) 851–2242. For more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Peppers From Certain Central American Countries.

OMB Control Number: 0579–0274.

Type of request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests, including fruit flies, into the United States or their dissemination within the United States. Regulations promulgated under the PPA concerning the importation of fruits and vegetables into the United States from certain parts of the world are contained in ''Subpart-Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–83).

In accordance with § 319.56–40, peppers from Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama are subject to certain conditions before entering the United States to prevent the introduction of plant pests into the United States. The regulations require the use of information collection activities, which include inspections by national plant protection organization (NPPO) officials of the country of export; bilateral workplans; production site registration; fruit fly trapping, monitoring, quality control programs, and recordkeeping; box labeling; phytosanitary certificates; and emergency action notifications.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.005 hours per response.

Respondents: Exporters and importers of peppers from certain Central American countries and NPPOs from the exporting countries.

Estimated annual number of respondents: 36.

Estimated annual number of responses per respondent: 21,986.

Estimated annual number of responses: 791,479.

Estimated total annual burden on respondents: 4,285 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, on July 20, 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–15933 Filed 7–25–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0046]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Movement of Plants and Plant Products From Hawaii and the Territories

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the interstate movement of plants and plant products from Hawaii and the Territories.

DATES: We will consider all comments that we receive on or before September 24, 2018.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0046.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0046, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0046* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the movement of plants and plant products from Hawaii and the Territories, contact Ms. Dorothy Wayson, Senior Regulatory Specialist, RCC, IRM, PHP, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737; (301) 851–2036. For more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Movement of Plants and Plant Products From Hawaii and the Territories.

OMB Control Number: 0579–0346.

Type of request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS), which administers regulations to implement the PPA.

Under the regulations in ''Subpart—Regulated Articles From Hawaii and the Territories'' (7 CFR 318.13–1 through 318.13–26), APHIS prohibits or restricts the interstate movement of plants and plant products into the continental United States from Hawaii, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands to prevent plant pests and noxious weeds from being introduced into and spread within the continental United States.

The regulations contain requirements for a performance-based process for approving the interstate movement of commodities that, based on the findings of a pest risk analysis, can be safely imported subject to one or more designated phytosanitary measures and for acknowledging pest-free areas. These requirements involve information collection activities, including limited permits, inspections to issue limited permits, inspections of production areas, transit permits, compliance agreements, inspection and certification, labeling for fruits and vegetables produced in pest free areas, written requests for facility approvals, trapping and surveillance, and recordkeeping. In addition, the interstate movement of sweet potatoes from Hawaii include activities such as packaging, marking, identification, and certification.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.38 hours per response.

Respondents: Wholesalers and producers of plants and plant products; growers, shippers, and exporters in Hawaii and the Territories; State plant regulatory officials; and irradiation facility personnel.

Estimated annual number of respondents: 188.

Estimated annual number of responses per respondent: 114.

Estimated annual number of responses: 21,433.

Estimated total annual burden on respondents: 8,261 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, on July 23, 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–15993 Filed 7–25–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0047]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Peppers From the Republic of Korea

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this

notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the importation of peppers from the Republic of Korea.

DATES: We will consider all comments that we receive on or before September 24, 2018.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0047.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0047, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0047* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on importation of peppers from the Republic of Korea, contact Mr. Juan (Tony) Román, Senior Regulatory Policy Specialist, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737; (301) 851–2242. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Peppers from the Republic of Korea.

OMB Control Number: 0579–0282.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. Regulations authorized by the PPA concerning the importation of fruits and vegetables into the United States from certain parts of the world are contained in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–83).

In accordance with § 319.56–42, peppers from the Republic of Korea are subject to certain conditions before entering the continental United States to prevent the introduction of plant pests into the United States. The regulations include requirements for greenhouse registration and inspection by officials of the national plant protection organization (NPPO) of the Republic of Korea, a phytosanitary certificate with a declaration by NPPO officials stating the peppers were grown in greenhouses in accordance with the regulations and inspected and found free of the listed plant pests, and emergency action notifications.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.8 hours per response.

Respondents: Businesses and the NPPO of the Republic of Korea.

Estimated annual number of respondents: 2.

Estimated annual number of responses per respondent: 11.

Estimated annual number of responses: 21.

Estimated total annual burden on respondents: 17 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, on July 23, 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–15992 Filed 7–25–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Age Search Service—Forms BC–600, Application for Search of Census Records; BC–649(L), Not Found Letter; and BC–658(L), Insufficient Information Letter

AGENCY: U.S. Census Bureau, Commerce.

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: To ensure consideration, written comments must be submitted on or before September 24, 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 *PRAcomments@doc.gov*). You may also submit comments, identified by Docket Number USBC–2018–0012, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should

be directed to Debbie Johnson, Chief, Fiscal Services Office, National Processing Center. Ms. Johnson can be reached by telephone on 812–218–3053 or by email at *deborah.johnson@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau proposes an extension of the Age Search Service Program. The Age Search is a service provided by the U.S. Census Bureau for persons who need official transcripts of personal data as proof of age for pensions, retirement plans, Medicare, and Social Security. The transcripts are also used as proof of citizenship to obtain passports or to provide evidence of family relationship for rights of inheritance. The Age Search forms are used by the public in order to provide the Census Bureau with the necessary information to conduct a search of historical population decennial census records in order to provide the requested transcript. The Age Search service is self-supporting and is funded by the fees collected from the individuals requesting the service.

II. Method of Collection

The Form BC–600, *Application for Search of Census Records,* is a paper public-use form that is submitted by applicants requesting information from the decennial census records. This application form is available online in PDF format for individuals to download and complete. Applicants must enclose the appropriate fee by check or money order with the completed and signed Form BC–600 or BC–600(SP) and return by mail to the U.S. Census Bureau, Post Office Box 1545, Jeffersonville, Indiana 47131.

The Form BC–649(L), which is called a *Not Found Letter,* advises the applicant that the search for information from the census records was unsuccessful. The BC–658(L) is sent to the applicant when insufficient information has been received on which to base a search of the census records. These two forms request additional information from the applicant to aid in the search of census records.

III. Data

OMB Control Number: 0607–0117.

Form Numbers: BC–600, BC–600(SP), BC–649(L), and BC–658(L).

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 2,885 total respondents.

BC–600 2,426 respondents.
BC–649(L) 449 respondents.
BC–658(L) 10 respondents.

Estimated Time per Response:

BC–600 12 minutes.
BC–649(L) 6 minutes.
BC–658(L) 6 minutes.

Estimated Total Annual Burden Hours: 531 hours.

Estimated Total Annual Cost: $167,394. The Age Search processing fee is $65.00 per case. An additional charge of $20 per case for expedited requests requiring results within one day is also available. It is expected that 485 individuals will request the expedited service.

Respondent's Obligation: Required to obtain or retain benefits.

Legal Authority: Title 13 U.S.C., section 8.

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.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–15974 Filed 7–25–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

Agency: U.S. Census Bureau.

Title: Redistricting Data Program.

OMB Control Number: 0607–0988.

Form Number(s): Not available.

Type of Request: Regular submission.

Number of Respondents: 52.

Average Hours per Response: 217 hours.[1]

Estimated Total Burden Hours: 11,284.

Voting District Project (VTDP) Verification Round 1: 6,448 hours.

VTDP Verification Round 2: 4,836 hours.

Phases/activities	Estimated total hour burden per fiscal year (FY)					
	Currently approved OMB			Renewal		
	2016	2017	2018	2019	2020	2021
Block Boundary Suggestion Project (BBSP) Annotation Phase 1	6,448					
BBSP Verification Phase 2		3,224				
VTDP Delineation Phase 1			12,896			
VTDP Verification round one				6,448		
VTDP Verification round two					4,836	
Total Estimated Hour Burden	*22,984*			*11,284*		

[1] The respondent burden was incorrectly estimated at 72 hours in the previously published 60-day **Federal Register** notice. This mistake is corrected in the 30-day FRN. The 72 hours was estimated over each year of clearance. However, since respondent will incur burden only in 2019 and 2020, the Census Bureau re-estimates the respondent burden over these two years. The respondent burden hour is now 217 hours, which is obtained by dividing the total estimated hour burden with the number of respondents (11,284/52).

Needs and Uses: The 2020 Census Redistricting Data Program (RDP) is one of many voluntary programs that collects boundaries to update the U.S. Census Bureau's geographic database of addresses, streets, and boundaries. The Census Bureau uses its geographic database to link demographic data from surveys and the decennial census to locations and areas, such as cities, congressional and legislative districts, and counties. To tabulate statistics by localities, the Census Bureau must have accurate addresses and boundaries.

Specifically, the RDP provides states the opportunity to delineate voting districts and to suggest census block boundaries for use in the 2020 Census redistricting data tabulations (Pub. L. 94–171 Redistricting Data File). In addition, the RDP periodically collects state legislative and congressional district boundaries if they are changed by the states. After the 2020 Census, states will use 2020 data tabulated for census blocks, voting districts, and possibly other geographic areas such as cities, counties, etc., as considerations when they draw their new congressional and legislative district boundaries. States are the only authority that can choose where and how to draw their boundaries. The boundaries collected in the RDP and other geographic programs will create census blocks, which are the building blocks for all Census Bureau geographic boundaries. While the geographic programs differ in requirements, time frame, and participants, the RDP and the other geographic programs all follow the same basic process:

1. The Census Bureau invites eligible participants to the program. For the RDP, the Census Bureau invites non-partisan state liaisons appointed by the legislative leadership of each state.
2. If they elect to participate in the program, participants receive a digital copy of the boundaries the Census Bureau has on file. Participants review the boundaries and update them if needed. RDP participants can choose to review and provide their boundary updates using a free customized mapping software, or their own mapping software.
3. Participants return their updates to the Census Bureau.
4. The Census Bureau updates their geographic database with boundary updates from participants.
5. The Census Bureau uses the newly updated boundaries and addresses to tabulate statistics.

The Census Bureau is requesting a clearance to continue the RDP. As the current Office of Management and Budget (OMB) Control Number 0607–0988 will expire in November 2018, the new clearance will allow the Census Bureau to provide RDP-specific materials and procedures to participants during the Fiscal Year (FY) 2019, 2020, and 2021. Liaisons from the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico will be updating and verifying the boundaries of their voting districts during the implementation of the Phase 2 of the Voting District Project (VTDP). The Census Bureau has partitioned the RDP into five phases:

Phase 1: Block Boundary Suggestion Project (BBSP) (2015–2017)

Between 2015 and 2017, the Census Bureau collaborated with non-partisan liaisons designated by each state to collect and verify suggestions for 2020 Census tabulation blocks in the Block Boundary Suggestion Project (BBSP). States submitted suggested legal boundary updates as well as updates to other geographic areas. These actions allow states to construct some of the small area geography they need for legislative redistricting. Phase 1 was conducted in two parts, an initial identification of the updates needed, and a verification stage to ensure the suggested updates were accurately applied. States that chose to participate in Phase 1 received guidelines and training for providing their suggestions.

Phase 2: Voting District Project (VTDP) (2018–2020)

The VTDP Phase 2 of the RDP provides states the opportunity to submit their voting districts (ex. wards, precincts, etc.) for inclusion in the 2020 Census Redistricting Data tabulations (Pub. L. 94–171). Non-partisan liaisons designated by the states submit their voting districts boundaries and suggest legal boundary updates to the Census Bureau. Phase 2 is conducted in three stages (Table 2).

TABLE 2—VTDP STAGES AND SCHEDULE

Stage	Schedule
1. Initial Identification of Updates	December 2017–May 2018.
2. Verification of Updates I	December 2018–May 2019.
3. Verification of Updates II	December 2019–March 2020.

The first two stages are an initial identification of the voting districts and a verification stage to ensure the suggested updates were accurately applied. The third part is an additional round of verification, for those states participating in the first two stages, to further review and adjust the voting districts if associated geographies changed.

States that choose to participate in VTDP receive geographic products that allow them the opportunity to update the voting districts for inclusion in the 2020 Census tabulation geography.

Phase 3: Delivery of the 2020 Census Redistricting Data (2021)

By April 1, 2021, the Director of the Census Bureau will, in accordance with Title 13, U.S.C., furnish the Governor and state legislative leaders, both the majority and minority, and any public bodies responsible for legislative redistricting, with 2020 Census population counts for standard census tabulation areas (*e.g.,* states, congressional districts, state legislative districts, American Indian areas, counties, cities, towns, census tracts, census block groups, and census blocks) regardless of a state's participation in Phase 1 or 2. The Director of the Census Bureau will provide 2020 Census population counts for those states participating in Phase 2, for both the standard tabulation areas and for voting districts. For each state, this delivery will occur no later than April 1, 2021.

Phase 4: Collection of Post-Census Redistricting Data Plans (2021–2022)

Between November 2021 and May 2022, the Census Bureau will solicit from each state the boundaries of the newly drawn 118th Congressional Districts and State Legislative Districts. This effort will occur every two years in advance of the 2030 Census in order to update these boundaries with new or changed plans. A verification phase will occur with each update.

Phase 5: Review of the 2020 Census RDP and Recommendations for the 2030 Census RDP (2020 Post-Data Collection)

As the final phase of the 2020 Census RDP, the Census Bureau will work with the states to conduct a thorough review of the RDP. The intent of this review, and the final report that results, is to provide guidance to the Secretary of Commerce and the Census Bureau Director in planning the 2030 Census RDP.

The Census Bureau issued invitation letters by mail (U.S. Postal Service) and follow-up emails to the officers or public bodies having initial responsibility for legislative reapportionment and redistricting. The 50 states, the District of Columbia, and the Commonwealth of Puerto Rico have identified non-partisan liaisons that are already working directly with the Census Bureau on the 2020 Census RDP.

In addition, to begin work on Phase 1 and Phase 2, the Census Bureau provides to states data from the Master Address File/Topologically Integrated Geographic Encoding and Referencing system, the Geographic Update Program Software (GUPS) (an optional software tool), and the procedures necessary for each state to participate. States are not required to use GUPS, but they have to submit their submission to the Census Bureau electronically in Census Bureau-specified formats. During the submission period, the Census Bureau provides training in the use of GUPS and assists the states in understanding the procedures necessary for processing files for their submission.

Affected Public: All 50 states, the District of Columbia, and the Commonwealth of Puerto Rico.

Frequency: Annual.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, U.S.C., sections 16, 141, and 193.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–15972 Filed 7–25–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–83–2018]

Approval of Subzone Status; Black & Decker, Inc.; Fort Mill, South Carolina

On May 30, 2018, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the South Carolina State Ports Authority, grantee of FTZ 38, requesting subzone status subject to the existing activation limit of FTZ 38, on behalf of Black & Decker, Inc., in Fort Mill, South Carolina. Black & Decker, Inc. indicates that it will conduct the same activity as currently authorized by the FTZ Board at its Subzone 38E.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (83 FR 26255–26256, June 6, 2018). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 38M was approved on July 20, 2018, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 38's 2,000-acre activation limit.

Dated: July 20, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–15973 Filed 7–25–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–849]

Steel Wire Garment Hangers From Taiwan: Rescission of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on steel wire garment hangers from Taiwan for the period of review (POR), December 1, 2016, through November 30, 2017.

DATES: Applicable July 26, 2018.

FOR FURTHER INFORMATION CONTACT: Annathea Cook, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–0250.

SUPPLEMENTARY INFORMATION:

Background

On December 4, 2017, Commerce published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' of the antidumping duty order on steel wire garment hangers from Taiwan for the period December 1, 2016, through November 30, 2017.[1] On December 27, 2017, in accordance with section 751(a) of the Tariff Act of 1930, as amended, (the Act), and 19 CFR 351.213(b), Commerce received a timely request from the petitioner[2] to conduct an administrative review of the antidumping duty order on steel wire garment hangers from Taiwan manufactured or exported by Charles Enterprise Co., Ltd; Gee Ten Enterprise Co., Ltd.; Inmall Enterprises Co., Ltd.; Mindful Life and Coaching Co., Ltd.;[3] Ocean Concept Corporation; Su-Chia International Ltd.; Taiwan Hanger Manufacturing Co., Ltd.; and Young Max Enterprises Co. Ltd.[4]

On February 23, 2017, Commerce published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order.[5] This administrative review covers Charles Enterprise Co., Ltd.; Gee Ten Enterprise Co., Ltd.; Inmall Enterprises Co., Ltd.; Mindful Life and Coaching Co., Ltd.; Ocean Concept Corporation; Su-Chia International Ltd.; Taiwan Hanger Manufacturing Co., Ltd.; and Young Max Enterprises Co. Ltd. for the period of December 1, 2016, through November 30, 2017. On June 29, 2018, the petitioner timely withdrew its request for an administrative review for all companies under review.[6]

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 82 FR 57219 (December 4, 2017) (*Notice regarding Request for Review*).

[2] M&B Metal Products Company, Inc.

[3] The initiation FR incorrectly listed ''Mindfull Live and Coaching Co., Ltd.,'' whereas the correct company name, ''Mindful Live and Coaching Co., Ltd.'' is listed in the petitioner's Request for Review and in this notice.

[4] *See* the petitioner's letter, ''Steel Wire Garment Hangers from Taiwan: Request for Fifth Administrative Review,'' (December 27, 2017) (Request for Review).

[5] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 8058 (February 23, 2018) (*Initiation*).

[6] *See* the petitioner's letter, ''Fifth Administrative Review of Steel Wire Garment Hangers from Taiwan—Petitioner's Withdrawal of Review Request,'' (June 29, 2018).

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. The petitioner withdrew its request within the 90-day deadline. No other party requested an administrative review of the antidumping duty order. Therefore, in response to the timely withdrawal of the review request, Commerce is rescinding, in its entirety, the administrative review of the antidumping duty order on steel wire garment hangers from Taiwan.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit rate of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP within 15 days after the publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as the only reminder to importers whose entries will be liquidated as a result of this rescission, of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement may result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition 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 sanctionable violation.

Notification to Interested Parties

This notice is published in accordance with sections 751(a) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: July 23, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–15984 Filed 7–25–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Charter Renewal of the U.S. Investment Advisory Council and Soliciting Nominations for Members; Correction

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice; correction.

SUMMARY: On April 6, 2018, the Department of Commerce Acting Chief Financial Officer and Assistant Secretary for Administration renewed the charter for the United States Investment Advisory Council (Council) for a two-year period, ending April 5, 2020. The Council is a federal advisory committee under the Federal Advisory Committee Act.

FOR FURTHER INFORMATION CONTACT: Steven Meyers. 202–482–2612.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of June 26, 2018, in FR Doc. 83 FR 29746, on pages 29746–29747, corrections were made to the deadline for submitting information for consideration to the Council in the **DATES** sections (under the **DOCUMENT DETAILS** and **DATES**) and **SUPPLEMENTARY INFORMATION** section (9th paragraph). The deadline has been corrected to Friday, August 24, 2018, and the corrections should read:

(1) **DOCUMENT DETAILS**—Dates: All applications for immediate consideration for appointment must be received by 5:00 p.m. Eastern Daylight Time (EDT) on Friday, August 24, 2018. After that date, applications will be accepted under this notice for a period of up to two years from the deadline to fill any vacancies that may arise.

(2) **DATES:** All applications for immediate consideration for appointment must be received by 5:00 p.m. Eastern Daylight Time (EDT) on Friday, August 24, 2018. After that date, applications will be accepted under this notice for a period of up to two years from the deadline to fill any vacancies that may arise.

(3) **SUPPLEMENTARY INFORMATION:** To be considered for membership, submit the following information by 5:00 p.m. EDT on Friday, August 24, 2018 to the email address listed in the **ADDRESSES** section.

Dated: July 20, 2018.

Anthony Diaz,

Program Analyst, Global Markets, International Trade Administration.

[FR Doc. 2018–15946 Filed 7–25–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970]

Multilayered Wood Flooring From the People's Republic of China: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission; 2015–2016

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

SUMMARY: The Department of Commerce (Commerce) determines that Jiangsu Senmao Bamboo and Wood Industry Co., Ltd. (Jiangsu Senmao) has not made sales of multilayered wood flooring (MLWF) from the People's Republic of China (China) at prices below normal value during the period of review (POR) December 1, 2015, through November 30, 2016. We also determine that Jilin Forest Industry Jinqiao Flooring Group Co., Ltd. (Jinqiao Flooring) is not eligible for a separate rate.

DATES: Applicable July 26, 2018.

FOR FURTHER INFORMATION CONTACT: Sergio Balbontin or Michael Bowen, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–6478 and 202–482–0768, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 16, 2018, Commerce published the *Preliminary Results*.[1] For the events that occurred since Commerce published the *Preliminary Results, see* Issues and Decision Memorandum.[2] Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. As a result, the revised deadline for the final results of this administrative review was May 22, 2018.[3] On May 15, 2018, we extended this deadline to July 18, 2018.[4]

Scope of the Order

The product covered by the order is multilayered wood flooring from China. A full description of the scope of the order is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the accompanying Issues and Decision Memorandum. A list of these issues is attached to this notice as an Appendix. 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 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 on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and electronic version of the Issues and Decision Memorandum are identical in content.

Final Determination of No Shipments

In the *Preliminary Results,* we determined preliminarily that 16 companies did not have shipments of subject merchandise during the POR.[5] As we have not received any information to contradict our preliminary finding, we determine that these companies did not have any shipments of subject merchandise during the POR. We will issue appropriate instructions that are consistent with our ''automatic assessment'' clarification, for these final results.[6]

Separate Rates

In the *Preliminary Results,* Commerce determined that Jiangsu Senmao and 69 additional companies not selected for individual review demonstrated their eligibility for separate rates.[7] Commerce also determined that Jinqiao Flooring, one of the companies that Commerce selected as a mandatory respondent in this administrative review, was ineligible for a separate rate and is part of the China-wide entity, subject to the China-wide entity rate of 25.62 percent.[8] These determinations remain unchanged. *See* the Issues and Decision Memorandum for further discussion.

Partial Rescission of Administrative Review

In accordance with the Court of International Trade's decision in *Changzhou Hawd Flooring Co., Ltd., et al.* v. *United States,*[9] and consistent with the amended final determination, dated concurrently with this notice,[10] we are excluding Fine Furniture (Shanghai) Limited and Dunhau City Jisen Wood Industry Co., Ltd., from the antidumping duty order. As a result, we are partially rescinding this administrative review with respect to these companies.

Separate Rate Respondents

In accordance with the U.S. Court of Appeals for the Federal Circuit's decision in *Albemarle Corp.* v. *United States,*[11] we assigned to eligible non-selected respondents the separate rate we assigned to Jiangsu Senmao for the final results of this review.[12]

Final Results

As a result of this administrative review, we determine that the following weighted-average dumping margins exist for the period December 1, 2015, through November 30, 2016:

[1] *See Multilayered Wood Flooring from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review, Preliminary Determination of No Shipments, and Rescission of Review, in Part; 2015–2016,* 83 FR 2137 (January 16, 2018) (*Preliminary Results*) and accompanying Memorandum from James Maeder, Associate Director performing the duties of the Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, 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, ''Preliminary Decision Memorandum: Multilayered Wood Flooring from the People's Republic of China; 2015–2016'' (Preliminary Decision Memorandum).

[2] *See* Memorandum from James Maeder, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, 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, ''Issues and Decision Memorandum: Multilayered Wood Flooring from the People's Republic of China; 2015–2016'' (Issues and Decision Memorandum) dated concurrently with and hereby adopted by the notice.

[3] *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.

[4] *See* Memorandum, ''Multilayered Wood Flooring from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2015–2016,'' dated May 15, 2018.

[5] *See Preliminary Results,* 83 FR 2137, and Preliminary Decision Memorandum at 4.

[6] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) (*Assessment Notice*); *see also* ''Assessment Rates'' section below.

[7] *See* Preliminary Decision Memorandum at ''Weighted-Average Dumping Margin for Non-Examined Separate-Rate Companies''.

[8] *See Preliminary Results,* 83 FR 2137–2138. *See also Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[9] *See Changzhou Hawd Flooring Co., Ltd., et al.* v. *United States,*—— F. Supp. 3d——, 2018 WL 3322918 (CIT July 3, 2018) (*Changzhou Hawd*).

[10] See *Multilayered Wood Flooring from the People's Republic of China: Notice of Court Decision Not in Harmony With the Second Amended Final Determination and Notice of Third Amended Final Determination of the Antidumping Duty Investigation,* dated concurrently with this notice.

[11] *See Albemarle Corp. & Subsidiaries* v. *United States,* 821 F.3d 1345 (Fed. Cir. 2016).

[12] The separate rate for non-selected companies is normally the amount equal to the weighted average of the calculated weighted-average dumping margins established for mandatory respondents, excluding any margins that are zero, *de minimis,* or based entirely on adverse facts available. *See* section 735(c)(5) of the Act.

Exporters	Weighted-average dumping margin (percent)
A&W (Shanghai) Woods Co., Ltd	0.00
Anhui Longhua Bamboo Product Co., Ltd	0.00
Baishan Huafeng Wooden Product Co., Ltd	0.00
Benxi Wood Company	0.00
Changzhou Hawd Flooring Co., Ltd	0.00
Dalian Dajen Wood Co., Ltd	0.00
Dalian Guhua Wood Product Co., Ltd	0.00
Dalian Huade Wood Product Co., Ltd	0.00
Dalian Huilong Wooden Products Co., Ltd	0.00
Dalian Jaenmaken Wood Industry Co., Ltd	0.00
Dalian Kemian Wood Industry Co., Ltd	0.00
Dalian Xinjinghua Wood Co., Ltd	0.00
Dongtai Fuan Universal Dynamics, LLC	0.00
Dunhua City Dexin Wood Industry Co., Ltd	0.00
Dunhua City Hongyuan Wood Industry Co., Ltd	0.00
Dunhua City Wanrong Wood Industry Co., Ltd	0.00
Dunhua Shengda Wood Industry Co., Ltd	0.00
Dun Hua Sen Tai Wood Co., Ltd	0.00
Double F Limited	0.00
Fusong Jinlong Wooden Group Co., Ltd	0.00
Fusong Jinqiu Wooden Product Co., Ltd	0.00
Fusong Qianqiu Wooden Product Co., Ltd	0.00
Guangzhou Panyu Kangda Board Co., Ltd	0.00
Guangzhou Panyu Southern Star Co., Ltd	0.00
HaiLin LinJing Wooden Products, Ltd	0.00
Hangzhou Hanje Tec Co., Ltd	0.00
Hunchun Forest Wolf Wooden Industry Co., Ltd	0.00
Hunchun Xingjia Wooden Flooring Inc	0.00
Huzhou Chenghang Wood Co., Ltd	0.00
Huzhou Fulinmen Imp. & Exp. Co., Ltd	0.00
Huzhou Jesonwood Co., Ltd	0.00
Huzhou Sunergy World Trade Co., Ltd	0.00
Jiangsu Guyu International Trading Co., Ltd	0.00
Jiangsu Kentier Wood Co., Ltd	0.00
Jiangsu Mingle Flooring Co	0.00
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd	0.00
Jiangsu Simba Flooring Co., Ltd	0.00
Jiashan Huijiale Decoration Material Co., Ltd	0.00
Jiaxing Hengtong Wood Co., Ltd	0.00
Jilin Xinyuan Wooden Industry Co., Ltd	0.00
Karly Wood Product Limited	0.00
Kember Flooring, Inc	0.00
Kemian Wood Industry (Kunshan) Co., Ltd	0.00
Linyi Anying Wood Co., Ltd	0.00
Linyi Youyou Wood Co., Ltd	0.00
Metropolitan Hardwood Floors, Inc	0.00
Mudanjiang Bosen Wood Industry Co., Ltd	0.00
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd	0.00
Pinge Timber Manufacturing (Zhejiang) Co., Ltd	0.00
Scholar Home (Shanghai) New Material Co. Ltd	0.00
Shanghai Lairunde Wood Co., Ltd	0.00
Shenyang Haobainian Wooden Co., Ltd	0.00
Shenzhenshi Huanwei Woods Co., Ltd	0.00
Sino-Maple (Jiangsu) Co., Ltd	0.00
Suzhou Dongda Wood Co., Ltd	0.00
Tongxiang Jisheng Import and Export Co., Ltd	0.00
Xiamen Yung De Ornament Co., Ltd	0.00
Xuzhou Antop International Trade Co., Ltd	0.00
Xuzhou Shenghe Wood Co., Ltd	0.00
Yekalon Industry, Inc	0.00
Yihua Lifestyle Technology Co., Ltd. (successor-in-interest to Guangdong Yihua Timber Industry Co., Ltd.)	0.00
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd	0.00
Zhejiang Biyork Wood Co., Ltd	0.00
Zhejiang Dadongwu Green Home Wood Co., Ltd	0.00
Zhejiang Fudeli Timber Industry Co., Ltd	0.00
Zhejiang Fuerjia Wooden Co., Ltd	0.00
Zhejiang Fuma Warm Technology Co., Ltd	0.00
Zhejiang Longsen Lumbering Co., Ltd	0.00
Zhejiang Shiyou Timber Co., Ltd	0.00

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these final results of review. Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of these final results. With regard to Jinqiao Flooring, we will instruct CBP to apply the China-wide assessment rate of 25.62 percent of the entered value of subject merchandise which was exported by this company during the POR. For Jiangsu Senmao and the other companies listed above that were not selected for individual review but were found eligible for separate rates, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Additionally, consistent with its assessment practice in non-market economy (NME) cases, for the 16 companies which Commerce determined had no shipments of the subject merchandise, any suspended entries made under those exporters' case numbers (*i.e.,* at the exporters' rates) will be liquidated at the China-wide rate.[13] These companies are listed in Appendix II.

With regard to Fine Furniture (Shanghai) Limited, and Dunhua City Jisen Wood Industry Co., Ltd., because of the pending litigation, as discussed above, we intend to provide CBP with appropriate instructions with respect to this review at a later time.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results of administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For companies which have received a separate rate in this segment of the proceeding, no cash deposit will be required; (2) for previously investigated or reviewed Chinese and non-Chinese exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Reimbursement of Duties

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, 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 determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: July 18, 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

List of Topics Discussed in the Issues and Decision Memorandum

Appendix II

No-Shipment Certifications

Anhui Boya Bamboo & Wood Products Co., Ltd.
Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd.
Chinafloors Timber (China) Co, Ltd.
Dalian Jiahong Wood Industry Co., Ltd.
Guangzhou Homebon Timber Manufacturing Co., Ltd.
Huzhou Muyun Wood Co., Ltd.
Jiangsu Keri Wood Co., Ltd.
Jiangsu Yuhui International Trade Co., Ltd.
Jiashan On-Line Lumber Co., Ltd.
Kingman Floors Co., Ltd.
Les Planchers Mercier, Inc.
Linyi Bonn Flooring Manufacturing Co., Ltd.
Power Dekor Group Co., Ltd.
Shanghai Lizhong Wood Products Co., Ltd.
Zhejiang Shuimojiangnan New Material Technology Co., Ltd.
Zhejiang Simite Wooden Co., Ltd.

China-Wide Entity Companies

Anhui Suzhou Dongda Wood Co., Ltd.
Baiying Furniture Manufacturer Co., Ltd.
Cheng Hang Wood Co., Ltd.
Dalian Jiuyuan Wood Industry Co., Ltd.
Dalian Qinqui Wooden Product Co., Ltd.
Dongtai Zhangshi Wood Industry Co., Ltd.
Fu Lik Timber (HK) Co., Ltd.
GTP International Ltd.
HaiLin Xincheng Wooden Products, Ltd.
Hangzhou Dazhuang Floor Co., Ltd. (dba Dasso Industrial Group Co., Ltd.)
Hangzhou Huahi Wood Industry Co., Ltd.
Huber Engineering Wood Corp.
Huzhou City Nanxun Guangda Wood Co., Ltd.
Huzhou Fuma Wood Co., Ltd.
Jiafeng Wood (Suzhou) Co., Ltd.
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd.
Qingdao Barry Flooring Co., Ltd.
Shandong Kaiyuan Wood Industry Co., Ltd.
Shanghai Anxin (Weiguang) Timber Co., Ltd.
Shanghai Eswell Timber Co., Ltd.
Shanghai New Sihe Wood Co., Ltd.
Shanghai Shenlin Corporation
Vicwood Industry (Suzhou) Co., Ltd.
Yixing Lion-King Timber Industry
Zhejiang AnJi Xinfeng Bamboo and Wood Industry Co., Ltd.
Zhejiang Desheng Wood Industry Co., Ltd.
Zhejiang Haoyun Wooden Co., Ltd.

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[13] For a full discussion of this practice *see Assessment Notice.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–851]

Certain Preserved Mushrooms From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) is rescinding its administrative review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China (China) for the period of review (POR) February 1, 2017, through January 31, 2018.

DATES: Applicable July 26, 2018.

FOR FURTHER INFORMATION CONTACT: Fred Baker, 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) 482–2924.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2018, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on certain preserved mushrooms from China for the POR.[1] Commerce received a timely request from Linyi City Kangfa Foodstuff Drinkable Co., Ltd. (Kangfa), in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), to conduct an administrative review of this antidumping duty order.[2]

On April 16, 2018, Commerce published in the **Federal Register** a notice of initiation with respect to Kangfa.[3] On June 14, 2018, Kangfa timely withdrew its request for an administrative review.[4]

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. Kangfa withdrew its request for review by the 90-day deadline, and no other party requested an administrative review of this order. Therefore, we are rescinding the administrative review of the antidumping duty order on mushrooms from China covering the period February 1, 2017, through January 31, 2018.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as the only reminder to importers of their responsibility, under 19 CFR 351.402(f)(2), to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement may result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

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

This notice is published in accordance with section 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: July 23, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–15976 Filed 7–25–18; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 83 FR 4639 (February 1, 2018).

[2] *See* Kangfa Letter, ''Certain Preserved Mushrooms from the People's Republic of China: Request for Administrative Review,'' dated February 26, 2018.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 16298, 16312 (April 16, 2018).

[4] *See* Kangfa Letter, ''Certain Mushrooms from the People's Republic of China: Withdrawal of Request for Administrative Review,'' dated June 14, 2018.

DEPARTMENT OF EDUCATION

Applications for New Awards; School Climate Transformation Grant Program—State Educational Agency Grants

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2018 for the School Climate Transformation Grant Program—State Educational Agency Grants, Catalog of Federal Domestic Assistance (CFDA) number 84.184F.

DATES:

Applications Available: July 26, 2018.

Deadline for Transmittal of Applications: August 27, 2018.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.*

FOR FURTHER INFORMATION CONTACT: Carlette KyserPegram, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E257, Washington, DC 20202–6450. Telephone: (202) 453–6732. Email: *Carlette.KyserPegram@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The School Climate Transformation Grant Program—State Educational Agency Grants provides competitive grants to State educational agencies (SEAs) to develop, enhance, or expand statewide systems of support for, and technical

assistance to, local educational agencies (LEAs) and schools implementing an evidence-based (as defined in this notice), multitiered behavioral framework for improving behavioral outcomes and learning conditions for all students.

Background: Research demonstrates that the implementation of an evidence-based, multitiered behavioral framework, such as positive behavioral interventions and supports (PBIS), can help improve overall school climate and safety.[1] A key aspect of this multitiered approach is providing differing levels of support and interventions to students based on their needs. Certain supports involve the whole school (*e.g.,* consistent rules, consequences, and reinforcement of appropriate behavior), with more intensive supports for groups of students exhibiting at-risk behavior and individualized services for students who continue to exhibit troubling behavior.

When a multitiered behavioral framework has been implemented with fidelity, studies have found the following statistically significant results: An increase in perceived school safety, reductions in overall problem behaviors, reductions in bullying behaviors,[2] and reductions in office discipline referrals and suspensions.[3] Studies have also found a correlation between the use of multitiered behavioral frameworks and improved social skills.[4] Emerging evidence also links implementing a multitiered behavioral framework with improved academic achievement.[5]

Under this program, grant funds will help build SEA capacity to assist LEAs develop, enhance, or expand their systems of support for, and technical assistance to, schools implementing evidence-based multitiered behavior frameworks for improving behavioral outcomes and learning conditions for all students.

Priorities: We are establishing these priorities for the FY 2018 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1).

Absolute Priority: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Grants to State Educational Agencies (SEAs) to Implement Statewide Systems of Support for Multitiered Behavioral Frameworks to Improve School Climate.

Under this priority, we provide grants to SEAs to develop, enhance, or expand statewide systems of support for, and provide technical assistance to, LEAs implementing a multitiered behavioral framework to improve school climate and behavioral outcomes for all students.

Competitive Preference Priority: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(1) we award an additional 5 points to an application that meets this priority. An applicant must clearly indicate in the abstract section of its application that it is applying for the competitive preference priority. The Department may not review or award points under this competitive preference priority for any application that fails to do so.

This priority is:

Technical Assistance Related to Opioid Abuse and Prevention (5 points).

Under this priority, we will provide additional points to an applicant that proposes a high-quality plan to incorporate opioid abuse prevention and mitigation strategies into the menu of evidence-based strategies available to LEAs implementing multitiered behavioral frameworks. The plan should describe how the SEA will incorporate outreach to LEAs with high levels of opioid use to promote adoption of these strategies, as well as how the SEA will track the adoption and effectiveness of these strategies. The plan may also include providing technical assistance to or support for LEAs that implement or plan to implement other relevant, high-quality approaches such as the Screening, Brief Intervention and Referral to Treatment (SBIRT) student assessment approach referenced in the 2018 President's Commission on Combatting Drug Addiction and the Opioid Crisis report. The report can be found be found at: *www.whitehouse.gov/sites/whitehouse.gov/files/images/Final_Report_Draft_11-15-2017.pdf.* The plan could also address the mental health needs of students who are negatively impacted by family members who are (or have been) abusers. Applicants that receive competitive preference points under this priority and are ultimately awarded a School Climate Transformation Grant will finalize and implement the high-quality plan described in response to this priority post-award.

Requirements: We are establishing these program requirements and application requirements for the FY 2018 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1).

Program Requirements: Each grantee must implement a plan that—

(a) Builds SEA capacity for supporting the sustained and broad-scale implementation with fidelity of a multitiered behavioral framework by LEAs by—

(1) Improving the skills of SEA personnel to assist LEA implementation of the components of a multitiered behavioral framework, such as policies, funding, professional development, coaching, and interagency coordination for providing services;

(2) Developing a cadre of trained and experienced SEA staff to provide training and ongoing coaching to LEA leadership teams on the multitiered behavioral framework; and

(3) Improving the quality, accessibility, and usefulness of statewide data collection and analysis for the purposes related to the State's strategies for improving school climate;

(b) Enhances LEA capacity for implementing with fidelity and sustaining a multitiered behavioral framework by providing training and technical assistance to LEAs on—

(1) Developing or improving the quality, accessibility, and usefulness of LEA data collection and data-based decision making related to improving school climate;

(2) Improving the skills and expertise of LEA personnel to develop, implement with fidelity, and sustain a multitiered behavioral framework; and

[1] Bradshaw, C.P., Koth, C.W., Thornton, L.A., & Leaf, P.J. (2009). Altering School Climate through School-Wide Positive Behavioral Interventions and Supports: Findings from a Group-Randomized Effectiveness Trial. Prevention Science.

[2] Bradshaw, C., Goldweber, A., Leaf, P., Pasa, E., & Rosenberg, M. (2012). Integrating school-wide Positive Behavioral Interventions and Supports with tier 2 coaching to student support teams: The PBISplus model. Advances in School Mental Health Promotion.

[3] Bradshaw, C., Leaf, P., & Mitchell, M. (2009). Examining the effects of schoolwide Positive Behavioral Interventions and Supports on student outcomes: Results from a randomized controlled effectiveness trial in elementary schools. Journal of Positive Behavior Interventions.

[4] Barrett, S.B., Bradshaw, C.P., & Lewis-Palmer, T. (2008). Maryland statewide PBIS initiative: Systems, evaluation, and next steps. Journal of Positive Behavior Interventions.

[5] McIntosh, K., Bennett, J.L., & Price, K. (2011). Evaluation of social and academic effects of school-wide positive behaviour support in a Canadian school district. Exceptionality Education International.

(3) Using evidence-based practices and reliable and valid tools and processes for evaluating the fidelity of implementation of the multitiered behavioral framework, and for measuring its outcomes, including reductions in discipline referrals, suspensions, expulsions, and the use of restraints and seclusion; improvements in school climate; increases in instructional time; and improvements in overall academic achievement; and

(c) Coordinates SEA efforts with appropriate Federal, State, and local resources, including the PBIS Technical Assistance Center funded by the Department.

Application Requirements: Applications that fail to meet any one of these requirements will not be read or scored. The applicant must—

(a) Describe the current efforts by the SEA to support implementation of a multitiered behavioral framework in its LEAs and schools, as well as the need to implement, scale-up, and sustain such a framework in additional LEAs and schools. The applicant must present State and local data demonstrating this need, including, but not limited to, the number and types of LEAs and schools that are currently implementing a multitiered behavioral framework;

(b) Describe its plan to build, improve, or enhance SEA capacity to provide effective training, technical assistance, and support to LEAs and their schools on implementing a school-wide multitiered behavioral framework, including: When and where to conduct technical assistance activities; how to garner buy-in from participants and other stakeholders; how to balance the time needed to deliver technical assistance related to this grant with the time needed to deliver other technical assistance and professional development activities; the estimated number of LEAs that will be assisted; and how the SEA will help build capacity for implementation at the local level;

(c) Describe how the proposed project will address the needs of high-need LEAs (as defined in this notice), including those with schools identified for comprehensive support and improvement under section 1111(d)(1) of the ESEA and schools identified for targeted support and improvement under section 1111(d)(2) of the ESEA; and

(d) Explain how the SEA's efforts to build LEA and school capacity to implement, expand, and sustain a multitiered behavioral framework will be coordinated with other SEA and LEA school safety and school improvement efforts such as expanding access to mental health care or reducing cyberbullying.

Definitions: We are establishing the definitions of ''high-need LEA'' and ''multitiered behavioral framework'' in this notice for the FY 2018 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1). The definition of ''evidence-based'' is from section 8101 of the ESEA.

Evidence-based, when used with respect to a State, LEA, or school activity, means an activity, strategy, or intervention that—

(i) Demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

(I) Strong evidence from at least one well-designed and well-implemented experimental study;

(II) Moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or

(III) Promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or

(ii)(I) Demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and

(II) Includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

High-need LEA means an LEA (a) that serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line.

Multitiered behavioral framework means a school-wide structure used to improve the integration and implementation of behavioral practices, data-driven decision-making systems, professional development opportunities, school leadership, supportive SEA and LEA policies, and evidence-based instructional strategies.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities, definitions, and requirements. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for this program under Title IV, Part F, Subpart 3 of the ESEA (20 U.S.C. 7281) and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forgo public comment on the priorities, definitions, and requirements under section 437(d)(1) of GEPA. These priorities, definitions, and requirements will apply to the FY 2018 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

Program Authority: Subpart 3 of Title IV, Part F of the ESEA (20 U.S.C. 7281).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $8,000,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2019 and subsequent years from the list of unfunded applications from the competition announced in this notice.

Estimated Range of Awards: $250,000 to $750,000 per year for up to 5 years.

Estimated Average Size of Awards: $500,000.

Maximum Award: We will not make an award exceeding $750,000 for a single budget period of 12 months.

Estimated Number of Awards: 16.

Authority: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* SEAs.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

IV. Application and Submission Information

1. *Application Submission Instructions:* For information on how to submit an application please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.*

2. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make awards by the end of FY 2018.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210. The maximum score for all selection criteria is 100 points. The points or weights assigned to each criterion are indicated in parentheses. Non-Federal peer reviewers will evaluate and score each application program narrative against the following selection criteria:

(a) *Need for Project (20 points).*

The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers the following factors:

(i) The magnitude or severity of the problem to be addressed by the proposed project. (10 points)

(ii) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses. (10 points)

(b) *Significance (10 points).*

The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies. (10 points)

(c) *Quality of the Project Design (30 points).*

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs. (15 points)

(ii) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice. (15 points)

(d) *Quality of the Management Plan (20 points).*

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project. (20 points)

(e) *Quality of the Project Evaluation (20 points).*

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible. (20 points).

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200 subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license

to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* The Department has established the following Government Performance and Results Act of 1993 performance measures for the School Climate Transformation Grant Program—State Educational Agency Grants:

(a) The number of training and technical assistance events provided by the SEA School Climate Transformation Grant Program to assist LEAs in implementing a multitiered behavioral framework.

(b) The number and percentage of schools in LEAs provided training or technical assistance by the SEA School Climate Transformation Grant Program that implement a multitiered behavioral framework.

(c) The number and percentage of LEAs provided training or technical assistance by the SEA School Climate Transformation Grant Program that implement a multitiered behavioral framework with fidelity.

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation for its proposed project. Each grantee will be required to provide, in its annual performance and final reports, data about its progress in meeting these measures. This data will be considered by the Department in making continuation awards.

Consistent with 34 CFR 75.591, grantees funded under this program shall comply with the requirements of any evaluation of the program conducted by the Department or an evaluator selected by the Department.

6. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: July 23, 2018.

Frank T. Brogan,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2018–16005 Filed 7–25–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). Comments are invited on: Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; ways to enhance the quality, utility, and clarity of the information to be collected; and 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.

DATES: Comments regarding this proposed information collection must be received on or before September 24, 2018. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent Andre de Fontaine, EE–5A/Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, by fax at (202) 586–8177, or by email at *andre.defontaine@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the information collection instrument and instructions should be directed to Andre de Fontaine, EE–5A/Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, by fax at (202) 586–8177, or by email at *andre.defontaine@ee.doe.gov*.

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.* 1910–5141;

(2) *Information Collection Request Title:* Department of Energy Better Buildings Challenge, Better Buildings Alliance, and the Better Buildings, Better Plants Voluntary Pledge Program;

(3) *Type of Review:* Extension with Revision of a Currently Approved Collection

(4) *Purpose:* This Information Collection Request applies to three Department of Energy (DOE) voluntary leadership initiatives that fall under DOE's Better Buildings Initiative: (1) The Better Buildings Challenge; (2) the Better Buildings, Better Plants Program (Better Plants); and (3) the Better Buildings Alliance. Two new information collection instruments are proposed in order to streamline the application process for a manufacturing leadership awards program under Better Plants. Other pre-existing collection forms are being amended for clarity and to reduce burden on respondents. Also, the total number of respondents and response time for individual program areas is being adjusted to align with practical experience and to account for the program's growth over time. For example, due to improved data quality controls and greater experience observing partners, the hours per response has been increased for the Better Buildings, Better Plants Challenge Annual Reporting Form. The total number of hours associated with the Annual Better Plants Program Pledge Form was decreased to account for the establishment of more efficient internal collection processes as partners gain experience in the program. The number of hours per response for both the Better Buildings, Better Plants Web Profile Development and Water Data Collection forms, respectively, were changed to reflect actual partner response time based on practical experience.

The leadership initiatives in the Better Buildings Initiative covered under this Information Collection Request are intended to drive greater energy and water efficiency in the commercial, public, residential, data center, and industrial marketplace to reduce pollution, cut costs, and create jobs. This is accomplished by highlighting the ways participants overcome market barriers to greater efficiency with replicable solutions. The program showcases real solutions and partners with industry leaders to better understand policy and technical opportunities. There are three types of information to be collected from primary participants, also referred to as ''Partners'': (1) Background data, including contact information, a partnership agreement form, logo(s), information needed to support public announcements, updates on participants' showcase projects, and an energy savings goal; (2) Portfolio-wide energy performance information; and (3) Information on market innovations participants are including in their energy efficiency processes. Background data is primarily used to develop website content that is publically available. Portfolio-wide facility-level energy performance information is used by DOE to measure the participants' progress in meeting the goals of the program, as well as to aggregate the change in energy performance and related metrics for the entire program. Information on market innovation is used to highlight successful strategies participants use to overcome challenges, and is made publicly available. Additional background information is being collected from ''Allies'', financial and utility organizations that make a public commitment to support the energy efficiency marketplace. Background information including name, dollars committed to the market, and a company logo is also used to develop publically available website content. Responses to the DOE's Information Collection Request are voluntary.

(5) *Annual Estimated Number of Respondents:* 752, a slight increase over the current ICR's 740, which reflects modest growth in participation across the programs.

(6) *Annual Estimated Number of Total Responses:* 897, a slight decrease from the current ICR's 933, which is driven by a change in frequency of reporting from biannual to annual for one information collection form.

(7) *Annual Estimated Number of Burden Hours:* 2,232.25, a decrease from the current ICR's 2,709.25, which reflects improved data collection and reporting processes put in place by partners, especially those that have been participating in the programs for multiple years.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $90,475, a reduction from the current ICR's $106,934.

Statutory Authority: Section 421 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17081); Section 911 of the Energy Policy Act of 2005, as amended (42 U.S.C. 16191).

Issued in Washington, DC, on July 17, 2018.

Maria Vargas,

Director Better Buildings Challenge, Office of Energy Efficiency & Renewable Energy.

[FR Doc. 2018–15985 Filed 7–25–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Orders Issued Under Section 3 of the Natural Gas Act During June 2018

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of orders.

	FE Docket Nos.
Sabine Pass Liquefaction, LLC	18–35–LNG
Southwest Energy, L.P	18–63–NG
BP Energy Company	18–64–LNG
Galveston Bay LNG, LLC	17–167–LNG
Infinite Energy, Inc	18–65–NG
Blue Water Fuels, LLC	18–27–LNG
St. Lawrence Gas Company, Inc	18–68–NG
Pharaoh Solutions LLC	18–66–NG
Concord Energy LLC	18–67–NG

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during June 2018, it issued orders granting authority to import and export natural gas, and to import and export liquefied natural gas (LNG). These orders are summarized in the attached appendix and may be found on the FE website at *https://www.energy.gov/fe/listing-doefe-authorizationsorders-issued-2018-0.*

They are also available for inspection and copying in the U.S. Department of Energy (FE–34), Division of Natural Gas Regulation, Office of Regulation and International Engagement, Office of Fossil Energy, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on July 20, 2018.

Amy Sweeney,

Director, Division of Natural Gas Regulation.

APPENDIX—DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

4197	06/04/18	18–35–LNG	Sabine Pass Liquefaction, LLC	Order 4197 granting blanket authority to export previously imported LNG by vessel to Free Trade Agreement Nations and Non-Free Trade Agreement Nations.
4198	06/08/18	18–63–NG	Southwest Energy, L.P	Order 4198 granting blanket authority to import/export natural gas from/to Canada/Mexico.
4199	06/08/18	18–64–LNG	BP Energy Company	Order 4199 granting blanket authority to import LNG from various international sources by vessel.
4200	06/13/18	17–167–LNG	Galveston Bay LNG, LLC	Order 4200 granting long-term, multi-contract authority to export LNG by vessel from the proposed Galveston Bay LNG Project, to be located in Texas City, Texas, to Free Trade Agreement Nations.
4201	06/14/18	18–65–NG	Infinite Energy, Inc	Order 4201 granting blanket authority to import/export natural gas from/to Canada.
4202	06/25/18	18–27–LNG	Blue Water Fuels, LLC	Order 4202 granting long-term, multi-contract authority to export LNG in ISO containers or in bulk loaded at the HR NU BLU Energy, LLC Liquefaction Facility in Port Allen, Louisiana, and exported by vessel to Free Trade Agreement Nations.
4203	06/29/18	18–68–NG	St. Lawrence Gas Company, Inc	Order 4203 granting blanket authority to import natural gas from Canada.
4204	06/29/18	18–66–NG	Pharaoh Solutions LLC	Order 4204 granting blanket authority to export natural gas to Mexico.
4205	06/29/18	18–67–NG	Concord Energy LLC	Order 4205 granting blanket authority to import/export natural gas from/to Canada/Mexico.

[FR Doc. 2018–15940 Filed 7–25–18; 8:45 am]
BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–OW–2018–0270; FRL–9981–35–OW]

Announcement of the Per- and Polyfluoroalkyl Substances (PFAS) Colorado Community Engagement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of an event.

SUMMARY: The Environmental Protection Agency (EPA) will host a Per- and Polyfluoroalkyl Substances (PFAS) community engagement in Colorado Springs, Colorado. The goal of the event is to allow the EPA to hear directly from Colorado communities to understand ways the Agency can best support the work that is being done at the state, local, and tribal level. For more information on the event, visit the EPA's PFAS website: *https://www.epa.gov/pfas/pfas-community-engagement.* During the recent PFAS National Leadership Summit, the EPA announced plans to visit communities to hear directly from those impacted by PFAS. These engagements are the next step in the EPA's commitment to address challenges with PFAS. The EPA anticipates that the community engagements will provide valuable insight for the Agency's efforts moving forward. For more information, go to the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The event will be held on August 7 and 8, 2018. Registration for speaking at the event will begin at 2:30 p.m., mountain time, on August 7, followed by presentations from federal, state, and local organizations beginning at 4:00 p.m., and a public listening session beginning at 5:45 p.m. A working session will be held on August 8 from 9:45 a.m. to noon, with doors opening at 9:00 a.m., mountain time.

ADDRESSES: The event will be held at the Hotel Eleganté, 2886 S Circle Drive, Colorado Springs, Colorado 80906. If you are unable to attend the Colorado Community Engagement event, you will be able to submit comments at *http://www.regulations.gov:* Enter Docket ID No. EPA–OW–2018–0270. Citizens, including those that attend and provide oral statements, are encouraged to send written statements to the public docket. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Lisa Kahn, USEPA Region 8, 1595 Wynkoop Street (Mail Code 8WP–SDA), Denver, CO 80202–1129; telephone number: 303–312–6896; email address: *kahn.lisa@epa.gov.*

SUPPLEMENTARY INFORMATION:

Details About Participating in the Event: The public is invited to speak during the August 7 listening session. Those interested in speaking can sign up for a 3-minute speaking slot on the EPA's website at *https://www.epa.gov/pfas/pfas-community-engagement.* Please check this website for event materials as they become available, including a full agenda, leading up to the event.

The PFAS National Leadership Summit: On May 22–23, 2018, the EPA hosted the PFAS National Leadership Summit. During the summit, participants worked together to share information on ongoing efforts to characterize risks from PFAS, develop monitoring and treatment/cleanup techniques, identify specific near-term actions (beyond those already underway) that are needed to address challenges currently facing states and local communities, and develop risk

communication strategies that will help communities to address public concerns regarding PFAS.

The EPA wants to assure the public that their input is valuable and meaningful. Using information from the National Leadership Summit, public docket, and community engagements, the EPA plans to develop a PFAS Management Plan for release later this year. A summary of the Colorado Community Engagement will be made available to the public following the event on the EPA's PFAS Community Engagement website at: *https://www.epa.gov/pfas/pfas-community-engagement.*

Dated: July 20, 2018.

Peter Grevatt,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 2018–16001 Filed 7–25–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0720; FRL–9980–86]

Registration Review; Draft Human Health Risk Assessments for Atrazine, Propazine, and Simazine and Draft Cumulative Human Health Risk Assessment for the Triazines (Atrazine, Propazine, Simazine); Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's draft human health risk assessments for atrazine, propazine, and simazine and EPA's draft cumulative human health risk assessment for the triazines (atrazine, propazine, simazine).

DATES: Comments must be received on or before September 24, 2018.

ADDRESSES: Submit your comments, to the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, by one of the following methods:

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

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For pesticide specific information contact:* The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general questions on the registration review program, contact: Dana Friedman, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *friedman.dana@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in the Table in Unit IV.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed comprehensive draft human health risk assessments for all pesticides listed in the Table in Unit IV. After reviewing comments received during the public comment period, EPA may issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments and may request public input on risk mitigation before completing a proposed registration review decision for the pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used

in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's human health risk assessments for the pesticides shown in the following table, and opens a 60-day public comment period on the risk assessments.

TABLE 1—DRAFT RISK ASSESSMENTS BEING MADE AVAILABLE FOR PUBLIC COMMENT

Registration review case name and No.	Docket ID No.	Contact information
Atrazine 0062	EPA–HQ–OPP–2013–0266	*OPP_triazine_reg_review@epa.gov*; (703) 347–0293.
Simazine 0070	EPA–HQ–OPP–2013–0251	*OPP_triazine_reg_review@epa.gov*; (703) 347–0293.
Propazine 0230	EPA–HQ–OPP–2013–0250	*OPP_triazine_reg_review@epa.gov*; (703) 347–0293.
Triazine Cumulative (atrazine—0062, propazine— 0070, simazine—0230).	EPA–HQ–OPP–2013–0266; EPA–HQ–OPP–2013–0251; EPA–HQ–OPP–2013–0250.	*OPP_triazine_reg_review@epa.gov*; (703) 347–0293.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's draft human health risk assessments for the pesticides listed in the Table in Unit IV. EPA may then issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments.

Information submission requirements. Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

Authority: 7 U.S.C. 136 *et seq.*

Dated: July 17, 2018.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2018–15998 Filed 7–25–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9981–31–OAR]

Allocations of Cross-State Air Pollution Rule Allowances From New Unit Set-Asides for 2018 Control Periods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice of the availability of data on emission allowance allocations to certain units under the Cross-State Air Pollution Rule (CSAPR) trading programs. EPA has completed final calculations for the first round of allocations of allowances from the CSAPR new unit set-asides (NUSAs) for the 2018 control periods and has posted spreadsheets containing the calculations on EPA's website. Several changes were made to the preliminary allocation spreadsheets to eliminate allocations to existing units that had been incorrectly identified as new units eligible to receive NUSA allocations. No changes were made to the calculations of the amounts of allocations to any units correctly identified as new units, and no additional units were identified as new units.

DATES: July 26, 2018.

FOR FURTHER INFORMATION CONTACT: Questions concerning this action should be addressed to Kenon Smith at (202) 343–9164 or *smith.kenon@epa.gov* or Jason Kuhns at (202) 564–3236 or *kuhns.jason@epa.gov.*

SUPPLEMENTARY INFORMATION: Under each CSAPR trading program where EPA is responsible for determining emission allowance allocations, a portion of each state's emissions budget for the program for each control period is reserved in a NUSA (and in an additional Indian country NUSA in the case of states with Indian country within their borders) for allocation to certain units that would not otherwise receive allowance allocations. The procedures for identifying the eligible units for each control period and for allocating allowances from the NUSAs and Indian country NUSAs to these units are set forth in the CSAPR trading program regulations at 40 CFR 97.411(b) and 97.412 (NO_X Annual), 97.511(b) and 97.512 (NO_X Ozone Season Group 1), 97.611(b) and 97.612 (SO_2 Group 1), 97.711(b) and 97.712 (SO_2 Group 2), and 97.811(b) and 97.812 (NO_X Ozone Season Group 2). Each NUSA allowance allocation process involves up to two rounds of allocations to eligible units, termed ''new'' units, followed by the allocation to ''existing'' units of any allowances not allocated to new units. In a NODA published in the **Federal Register** on May 10, 2018 (83 FR 21772), we provided notice of preliminary calculations for the first-round 2018

NUSA allowance allocations. We also described the process for submitting any objections to the preliminary calculations. This NODA concerns the final calculations for the first round of 2018 NUSA allocations.

EPA received three sets of written objections in response to the May 10, 2018 NODA. For the reasons discussed below, we have concluded that none of the written objections provides a valid basis for altering the preliminary calculations of NUSA allowance allocations.

The first two sets of objections, from Madison Gas & Electric Company (MG&E) and the Wisconsin Department of Natural Resources, are substantively identical and raise two issues concerning units U1 and U2 at the West Campus Cogeneration Facility (WCCF) in Madison, Wisconsin. The first objection asserts that January 1, 2017 is the date as of which units U1 and U2 ''commenced commercial operation'' for CSAPR purposes. EPA has already addressed this specific issue with respect to the WCCF units in response to an objection submitted regarding the 2017 NUSA allocations. Our earlier response, which we are not revising, was published in the **Federal Register** on February 16, 2018 (83 FR 7034). Briefly, we agree that, according to the information provided by MG&E, January 1, 2017 is the date as of which units U1 and U2 should be considered to have ''commenced commercial operation'' for CSAPR purposes. Further, we have in fact been using this date for purposes of determining the units' eligibility to receive 2018 NUSA allocations, and that is why units U1 and U2 appear in the preliminary first-round 2018 NUSA allocation spreadsheets. However, we acknowledge that our use of the January 1, 2017 date for this purpose is not clear from the preliminary NUSA allocation spreadsheets which, instead of displaying the January 1, 2017 date, display the 2005 date on which the units commenced commercial operation for other purposes before becoming subject to CSAPR. The final first-round 2018 NUSA allocation spreadsheets display the January 1, 2017 date.

The second objection raised with respect to WCCF units U1 and U2 asserts that EPA's exclusion of reported emissions occurring before July 2017 in calculating the units' NUSA allocations is incorrect. We disagree. For purposes of the NUSA allocation calculations, we have properly used the units' reported emissions occurring on and after their monitor certification deadline of June 30, 2017. We explained the regulatory basis for this approach in a NODA published on July 28, 2015 (80 FR 44882) regarding 2015 NUSA allocations. Briefly, under the CSAPR regulations, only emissions that occur during a ''control period'' for a unit are used in calculating the amounts of any NUSA allocations to that unit. Because a unit's first control period excludes any period before the unit's monitor certification deadline, any reported emissions occurring before the monitor certification deadline are excluded from the NUSA allocation calculations. A unit's monitor certification deadline is generally 180 days after the date on which the unit commences commercial operation for CSAPR purposes,[1] making the monitor certification deadline for WCCF units U1 and U2 June 30, 2017. For further explanation, see the July 28, 2015 **Federal Register** notice referenced above.

The remaining set of written objections, from Grand River Dam Authority (GRDA), also raises two issues. GRDA's first objection concerns the amount of reported 2017 ozone season NO_X emissions used to calculate the amount of the first-round 2018 NUSA allocation to unit 3 at Grand River Energy Center (GREC) in Chouteau, Oklahoma. Specifically, GRDA asserts that EPA should not have used 0 tons for this purpose. We disagree. The reported date on which GREC unit 3 commenced commercial operation was March 17, 2017, making the unit's monitor certification deadline September 13, 2017. As discussed above with respect to the WCCF facility, only reported emissions occurring after a unit's monitor certification deadline are used in computing NUSA allocations because any earlier emissions did not occur during a control period for the unit. Although GREC unit 3 reported 66 tons of emissions during the entire 2017 ozone season, the unit reported 0 tons during the portion of the 2017 ozone season on and after September 13, so our use of 0 tons for purposes of calculating unit 3's first-round 2018 NUSA allocation is consistent with the regulations. For further explanation, see the July 28, 2015 **Federal Register** notice reference above.

GRDA's second objection consists of a request to revise the total amount of the NUSA for Oklahoma under the CSAPR NO_X Ozone Season Group 2 Trading Program. This objection is outside the scope of the May 10, 2018 NODA. EPA's determination regarding the NUSA total amount was made in the CSAPR Update rulemaking, and the NUSA amount is codified in the CSAPR regulations at 40 CFR 97.810(a)(17)(ii). The process of allocating NUSA allowances is strictly an administrative process that implements regulations already in effect. The total amount of the NUSA for Oklahoma can be revised only through another rulemaking, not through this administrative process.

Although no changes were made to the preliminary first-round 2018 NUSA allocations in response to the objections received, based on internal data reviews EPA has determined that several units listed in the preliminary allocation spreadsheets in fact are existing units not eligible to receive 2018 NUSA allocations. Specifically, 14 units in Illinois, Kansas, and Nebraska were incorrectly included in the preliminary first-round NUSA allocation spreadsheet for the SO_2 programs, and the Illinois and Nebraska units were also incorrectly included in the preliminary first-round NUSA allocation spreadsheet for the annual NO_X program.[2] Generally, these units were misidentified as eligible units because of discrepancies between the identification numbers used for the units in different data sets. In addition, 21 units in Arkansas, Louisiana, Oklahoma, and Texas were incorrectly included in the preliminary first-round NUSA allocation spreadsheet for the ozone season NO_X programs. Generally, these units were misidentified as eligible units because a screening procedure designed to identify units eligible for NUSA allocations due to relocation between states was executed without setting appropriate limits on the dates of relocation. We have removed all the ineligible units from the final first-round 2018 NUSA allocation spreadsheets.

The detailed unit-by-unit data and final allowance allocation calculations are set forth in Excel spreadsheets titled ''CSAPR_NUSA_2018_NO_X_Annual_1st_Round_Final_Data'', ''CSAPR_NUSA_2018_NO_X_OS_1st_Round_Final_Data'', and ''CSAPR_NUSA_2018_SO_2_1st_Round_Final_Data,'' available on EPA's website at *https://www.epa.gov/csapr/csapr-compliance-year-2018-nusa-nodas*.

EPA notes that an allocation or lack of allocation of allowances to a given unit does not constitute a determination that CSAPR does or does not apply to the unit. EPA also notes that under 40

[1] Under the CSAPR programs for ozone season NO_X, if emissions data for a unit are reported only for the May–September ozone season rather than for the entire year, and if the 180th day after the date on which a unit commences commercial operation for CSAPR purposes falls outside the ozone season, then the unit's monitor certification deadline is the following May 1. *See, e.g.,* 40 CFR 97.830(b)(3).

[2] Kansas, not EPA, is responsible for determining all 2018 allowance allocations to Kansas units under the annual NO_X program.

CFR 97.411(c), 97.511(c), 97.611(c), 97.711(c), and 97.811(c), allocations are subject to potential correction if a unit to which allowances have been allocated for a given control period is not actually an affected unit as of the start of that control period.

Authority: 40 CFR 97.411(b), 97.511(b), 97.611(b), 97.711(b), and 97.811(b).

Dated: June 28, 2018.

Reid P. Harvey,

Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 2018–16000 Filed 7–25–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0367; FRL–9981–03–OLEM]

Proposed Information Collection Request; Comment Request; Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures (Renewal)'' (EPA ICR No. 1360.16, OMB Control No. 2050–0068) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through January 31, 2019. 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.

DATES: Comments must be submitted on or before September 24, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0367 online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Elizabeth McDermott, Office of Underground Storage Tanks, Mail Code 5401R, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–0646; email address: *mcdermott.elizabeth@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Subtitle I of the Resource Conservation and Recovery Act (RCRA), as amended, requires that EPA develop standards for Underground Storage Tank (UST) systems, as may be necessary, to protect human health and the environment, and procedures for approving state programs in lieu of the federal program. EPA promulgated technical and financial requirements for owners and operators of USTs at 40 CFR part 280, and state program approval procedures at 40 CFR part 281. This ICR is a comprehensive presentation of all information collection requirements contained at 40 CFR parts 280 and 281.

The data collected for new and existing UST system operations and financial requirements are used by owners and operators and/or EPA or the implementing agency to monitor results of testing, inspections, and operation of UST systems, as well as to demonstrate compliance with regulations. EPA believes strongly that if the minimum requirements specified under the regulations are not met, neither the facilities nor EPA can ensure that UST systems are being managed in a manner protective of human health and the environment.

EPA uses state program applications to determine whether to approve a state program. Before granting approval, EPA must determine that programs will be no less stringent than the federal program and contain adequate enforcement mechanisms.

Form numbers: None.

Respondents/affected entities: Facilities that own and operate underground storage tanks (USTs), states that implement the UST programs, and tribes.

Respondent's obligation to respond: Mandatory (40 CFR part 280).

Estimated number of respondents: 202,830.

Frequency of response: Once, on occasion, annual.

Total estimated burden: 8,722,192 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $679,800,866 (per year), includes $424,720,745 annualized capital or operation & maintenance costs.

Changes in estimates: There is an increase of 3,309,061 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This ICR renewal includes several new requirements that became effective as of October 2018, which has resulted in a burden increase (*e.g.,* annual release detection operability testing and recordkeeping, periodic testing and inspection of spill, overfill equipment and containment sumps, operator training, walkthrough inspections, notification of ownership changes, and maintaining records for compatibility). In addition, EPA expects most states to submit state program re-approval

applications during the three-year period of this ICR.

Dated: July 9, 2018.

Carolyn Hoskinson,

Director, Office of Underground Storage Tanks.

[FR Doc. 2018–15999 Filed 7–25–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, July 31, 2018 at 10:00 a.m.

PLACE: 1050 First Street NE, Washington, DC.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Laura E. Sinram,

Deputy Secretary of the Commission.

[FR Doc. 2018–16111 Filed 7–24–18; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 011523–006.

Agreement Name: WWOcean/Hoegh Autoliners Space Charter Agreement.

Parties: Wallenius Wilhelmsen Ocean AS and Hoegh Autoliners AS.

Filing Party: Wayne Rohde, Cozen O'Connor.

Synopsis: The amendment expands the scope of the agreement to cover the trades between the U.S. and all ports worldwide. It also changes the name and address of Wallenius Wilhelmsen and restates the agreement.

Proposed Effective Date: 9/2/2018.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/850.

Agreement No.: 011261–012.

Agreement Name: ACL/WWOcean Agreement.

Parties: Atlantic Container Line AB and Wallenius Wilhelmsen Ocean AS.

Filing Party: Wayne Rohde, Cozen O'Connor.

Synopsis: The amendment changes the name of Wallenius Wilhelmsen, updates the addresses of the parties, and updates the name of the Agreement.

Proposed Effective Date: 7/19/2018.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/1478

Dated: July 23, 2018.

Rachel E. Dickon,

Secretary.

[FR Doc. 2018–16006 Filed 7–25–18; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 10, 2018.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *WNB Holding Company, Winona, Minnesota*; to acquire 100 percent voting shares of First State Insurance Wabasha, Inc., Wabasha, Minnesota, and thereby indirectly engage in general insurance activities in a community that has a population not exceeding 5,000 pursuant to section 225.28(b)(11)(iii)(A) of Regulation Y.

Board of Governors of the Federal Reserve System, July 23, 2018.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2018–15991 Filed 7–25–18; 8:45 am]

BILLING CODE 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 August 1, 2018.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *Frank Wadsworth Browning, as Trustee of The Browning Family Irrevocable Trust FBO Frank Wadsworth Browning, The Frank W. Browning Trust, and The Patricia A. Browning Trust, Ogden, Utah; Deanna Butler Browning, as Trustee of The Frank W. Browning Trust, Ogden, Utah; Jonathan Wadsworth Browning, as Trustee of The Browning Family Irrevocable Trust FBO Jonathan Wadsworth Browning, The Jonathan W. Browning Trust, The Patricia A. Browning Trust and The Rainee C. Browning Trust, Ogden, Utah; Rainee Clayton Browning, as Trustee of The Jonathan W. Browning Trust and The Rainee C. Browning Trust, Ogden, Utah; Anthony Stuart Browning, as Trustee of The Browning Family Irrevocable Trust FBO Anthony Stuart Browning and The Anthony S. Browning*

Trust, Kaysville, Utah; Lorilynn Bennion Browning, as Trustee of The Anthony S. Browning Trust, Kaysville, Utah; Patricia Ann Browning, as Trustee of The Browning Family Irrevocable Trust FBO Patricia Ann Browning and The Patricia A. Browning Trust, Ogden, Utah; Carolyn Browning Schumacher, as Trustee of The Browning Family Irrevocable Trust FBO Carolyn Browning Schumacher and The Carolyn B. Schumacher Trust, Saint George, Utah; Cary Bryan Schumacher, as Trustee of The Carolyn B. Schumacher Trust, Saint George, Utah; Benjamin Frank Browning, individually and as Trustee of The Frank W. Browning Trust, Pleasant View, Utah; Bryan Mann Browning, individually and as Trustee of The Jonathan W. Browning Trust, South Ogden, Utah; Jonathan Bennion Browning, individually and as Trustee of The Anthony S. Browning Trust, Kaysville, Utah; Roderick Clayton Browning, individually and as Trustee of The Jonathan W. Browning Trust, Riverdale, Utah; Reese Browning Schumacher, individually and as Trustee of The Carolyn B. Schumacher Trust, Saint George, Utah; Samuel Frank Browning, Kaysville, Utah; Kristen Robinson Browning, as Trustee of The Joshua and Kristen Browning Trust dated 01/03/2014, Ogden, Utah; Spencer Thomas Browning, Ogden, Utah; Joseph Stuart Browning, Kaysville, Utah; Katie Lynn Browning, Ogden, Utah; Isaac Cox Browning, Kaysville, Utah; Natalie Marie Browning, Kaysville, Utah; Richard Clayton Browning, Ogden, Utah; Mary Elizabeth Schumacher, Saint George, Utah, and Andrew David Browning Centerville, Utah; to retain shares of BOU Bancorp, Inc., and thereby retain shares of Bank of Utah, both of Ogden, Utah.

Board of Governors of the Federal Reserve System, July 23, 2018.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2018–15988 Filed 7–25–18; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, the FTC is seeking public comments on its request to the Office of Management and Budget (''OMB'') to extend for three years the current PRA clearances for the information collection requirements in four consumer financial regulations that the Commission enforces. Those clearances expire on July 31, 2018.

DATES: Comments must be filed by August 27, 2018.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Regs BEMZ, PRA Comments, P084812'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/RegsBEMZpra2* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Carole Reynolds or Stephanie Rosenthal, Attorneys, Division of Financial Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave. NW, Washington, DC 20580, (202) 326–3224.

SUPPLEMENTARY INFORMATION: On April 3, 2018, the FTC sought public comment on the information collection requirements associated with the four consumer financial regulations at issue. 83 FR 14273. No relevant comments were received. The four regulations covered by that and this Notice were and are, respectively:

(1) Regulations promulgated under the Equal Credit Opportunity Act, 15 U.S.C. 1691 *et seq.* (''ECOA'') (''Regulation B'') (OMB Control Number: 3084–0087);

(2) Regulations promulgated under the Electronic Fund Transfer Act, 15 U.S.C. 1693 *et seq.* (''EFTA'') (''Regulation E'') (OMB Control Number: 3084–0085);

(3) Regulations promulgated under the Consumer Leasing Act, 15 U.S.C. 1667 *et seq.* (''CLA'') (''Regulation M'') (OMB Control Number: 3084–0086); and

(4) Regulations promulgated under the Truth-In-Lending Act, 15 U.S.C. 1601 *et seq.* (''TILA'') (''Regulation Z'') (OMB Control Number: 3084–0088).

The FTC enforces these statutes as to all businesses engaged in conduct that these laws cover unless the businesses (such as federally chartered or insured depository institutions) are subject to the regulatory authority of another federal agency.

Under the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''), Public Law 111–203, 124 Stat. 1376 (2010), almost all rulemaking authority for the ECOA, EFTA, CLA, and TILA transferred from the Board of Governors of the Federal Reserve System (Board) to the Bureau of Consumer Financial Protection (BCFP) on July 21, 2011 (''transfer date''). To implement this transferred authority, the BCFP published interim final rules for new regulations in 12 CFR part 1002 (Regulation B), 12 CFR part 1005 (Regulation E), 12 CFR part 1013 (Regulation M), and 12 CFR 1026 (Regulation Z) for those entities under its rulemaking jurisdiction, which were issued as final rules thereafter.[1] Although the Dodd-Frank Act transferred most rulemaking authority under ECOA, EFTA, CLA, and TILA to the BCFP, the Board retained rulemaking authority for certain motor vehicle dealers[2] under these statutes and also for certain interchange-related requirements under EFTA.[3]

As a result of the Dodd-Frank Act, the FTC and the BCFP generally share the authority to enforce Regulations B, E, M, and Z for entities for which the FTC had enforcement authority before the Act.[4] For certain motor vehicle dealers and for certain state-chartered credit unions, the FTC generally has exclusive enforcement jurisdiction.[5] The division

[1] 12 CFR 1002 (Reg. B) (76 FR 79442, Dec. 21, 2011) (81 FR 25323, Apr. 28, 2016); 12 CFR 1005 (Reg. E) (76 FR 81020, Dec. 27, 2011); (81 FR 25323, Apr. 28, 2016) 12 CFR 1013 (Reg. M) (76 FR 78500, Dec. 19, 2011) (81 FR 25323, Apr. 28, 2016); 12 CFR 1026 (Reg. Z) (76 FR 79768, Dec. 22, 2011) (81 FR 25323, Apr. 28, 2016).

[2] Generally, these are dealers ''predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.'' *See* Dodd-Frank Act, § 1029(a)–(c).

[3] *See* Dodd-Frank Act, § 1075 (these requirements are implemented through Board Regulation II, 12 CFR 235, rather than EFTA's implementing Regulation E).

[4] This covers a myriad of entities that provide credit to consumers, as well as BCFP retaining concurrent jurisdiction over certain types of motor vehicle dealers. *See* Dodd-Frank Act § 1029(a), as limited by subsection (b) as to motor vehicle dealers. Subsection (b) does not preclude BCFP regulatory oversight regarding, among others, businesses that extend retail credit or retail leases for motor vehicles in which the credit or lease offered is provided directly from those businesses to consumers, where the contract is not routinely assigned to unaffiliated third parties.

[5] *See* Dodd-Frank Act § 1029(a)–(c) regarding motor vehicle dealers, as limited by subsection (b)

Continued

of PRA burden hours not attributable to motor vehicle dealers and, when appropriate, to state-chartered credit unions, is reflected in the BCFP's PRA clearance requests to OMB, as well as in the FTC's burden estimates below. The burden estimates associated with all motor vehicle dealers and now, when appropriate, the estimated burden estimates associated with state-chartered credit unions, are reflected in the burden summaries below as a ''carve-out.'' [6]

The regulations impose certain recordkeeping and disclosure requirements associated with providing credit or with other financial transactions. Under the PRA, 44 U.S.C. 3501–3521, Federal agencies must get OMB approval for each collection of information they conduct or sponsor. ''Collection of information'' includes agency requests or requirements to submit reports, keep records, or provide information to a third party. *See* 44 U.S.C. 3502(3); 5 CFR 1320.3(c).

The required recordkeeping and disclosures do not impose PRA burden on some covered entities because they make those disclosures and maintain records in their normal course of activities.[7] For other covered entities that do not, their compliance burden will vary widely depending on the extent to which they have developed effective computer-based or electronic systems and procedures to communicate and document required recordkeeping and disclosures.[8]

Covered entities, may incur some burden associated with ensuring that they do not prematurely dispose of relevant records (*i.e.,* during the time span they must retain records under the applicable regulation).

The regulations also require covered entities to make disclosures to third parties. Related compliance involves set-up/monitoring and transaction-specific costs. ''Set-up'' burden, incurred only by covered new entrants, includes their identifying the applicable required disclosures, determining how best to comply, and designing and developing compliance systems and procedures. ''Monitoring'' burden, incurred by all covered entities, includes their time and costs to review changes to regulatory requirements, make necessary revisions to compliance systems and procedures, and to monitor the ongoing operation of systems and procedures to ensure continued compliance. ''Transaction-related'' burden refers to the time and cost associated with providing the various required disclosures in individual transactions, thus, generally, of much less magnitude than ''monitoring'' (or ''setup'') burden. The FTC's estimates of transaction time and volume are intended as averages.

Calculating the burden associated with the regulations' requirements is very difficult because of the highly diverse group of affected entities. The ''respondents'' included in the following burden calculations consist of, among others, credit and lease advertisers, creditors, owners (such as purchasers and assignees) of credit obligations, financial institutions, service providers, certain government agencies and others involved in delivering electronic fund transfers (''EFTs'') of government benefits, and lessors.[9] The burden estimates represent FTC staff's best assessment, based on its knowledge and expertise relating to the financial services industry, of the average time to complete the aforementioned tasks associated with recordkeeping and disclosure. Staff considered the wide variations in covered entities' (1) size and location; (2) credit or lease products offered, extended, or advertised, and their particular terms; (3) EFT types used; (4) types and frequency of adverse actions taken; (5) types of appraisal reports utilized; and (6) computer systems and electronic features of compliance operations.

The cost estimates that follow relate solely to labor costs, and they include the time necessary to train employees how to comply with the regulations. Staff calculated labor costs by multiplying appropriate hourly wages by the burden hours described above. The hourly wages used were $56 for managerial oversight, $42 for skilled technical services, and $17 for clerical work. These figures are averages drawn from Bureau of Labor Statistics data.[10] Further, the FTC cost estimates assume the following labor category apportionments, except where otherwise indicated below: Recordkeeping—10% skilled technical, 90% clerical; disclosure—10% managerial, 90% skilled technical.

The applicable PRA requirements impose minimal capital or other non-labor costs. Affected entities generally already have the necessary equipment for other business purposes. Similarly, FTC staff estimates that compliance with these rules entails minimal printing and copying costs beyond that associated with documenting financial transactions in the normal course of business.

The following discussion and tables present FTC estimates under the PRA of recordkeeping and disclosure average time and labor costs, excluding that which the FTC believes entities incur customarily in the normal course of business [11] and information compiled and produced in response to FTC law enforcement investigations or prosecutions.[12]

concerning motor vehicle dealers engaged in direct financing for vehicles they sell, lease, or service. Subsection (c) recognizes the FTC's ongoing enforcement authority over motor vehicle dealers predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both, including those that, among other things, assign their contracts to unaffiliated third parties.

The FTC's enforcement authority also includes state-chartered credit unions. In varying ways, other federal agencies also have enforcement authority over state-chartered credit unions. For example, for large credit unions (exceeding $10 billion in assets), the BCFP has certain authority. The National Credit Union Administration also has certain authority for state-chartered federally insured credit unions, and it additionally provides insurance for certain state-chartered credit unions through the National Credit Union Share Insurance Fund and examines state-chartered credit unions for various purposes. *See generally* Dodd-Frank Act, §§ 1061, 1025, 1026.

[6] As of the third quarter of 2017, there was approximately the following number of State-chartered credit unions: 2,347 state-chartered credit unions—2,106 federally insured, 125 privately insured, and 116 in Puerto Rico insured by a quasi-governmental entity. Because of the difficulty in parsing out PRA burden for such entities in view of the overlapping agency authority (*see supra* note 5), the FTC's estimates include PRA burden for all state-chartered credit unions (rounded to 2,300). Similarly, because it is not practicable for PRA purposes to estimate the portion of motor vehicle dealers that engage in one form of financing versus another (and that would or would not be subject to BCFP oversight), the FTC staff's ''carve-out'' for this PRA burden analysis reflects a general estimated volume of motor vehicle dealers. These attributions of burden estimation for motor vehicle dealers and state-chartered credit unions do not bear on actual enforcement authority.

[7] PRA ''burden'' does not include ''time, effort, and financial resources'' expended in the normal course of business, regardless of any regulatory requirement. *See* 5 CFR 1320.3(b)(2).

[8] For example, large companies may use computer-based and/or electronic means to provide required disclosures, including issuing some disclosures en masse, *e.g.,* notice of changes in terms. Smaller companies may have less automated compliance systems but may nonetheless rely on electronic mechanisms for disclosures and recordkeeping. Regardless of size, some entities may utilize compliance systems that are fully integrated into their general business operational system; if so, they may have minimal additional burden. Other entities may have incorporated fewer of these approaches into their systems and thus may have a higher burden.

[9] The Commission generally does not have jurisdiction over banks, thrifts, and federal credit unions under the applicable regulations.

[10] These inputs are based broadly on mean hourly data found within the ''Bureau of Labor Statistics, Economic News Release,'' March 31, 2017, Table 1, ''National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2016.'' *http://www.bls.gov/news.release/ocwage.t01.htm.*

[11] *See supra* note 7 and accompanying text.

[12] *See* 5 CFR 1320.4(a) (excluding information collected in response to, among other things, a

1. Regulation B

The ECOA prohibits discrimination in the extension of credit. Regulation B implements the ECOA, establishing disclosure requirements to assist customers in understanding their rights under the ECOA and recordkeeping requirements to assist agencies in enforcement. Regulation B applies to retailers, mortgage lenders, mortgage brokers, finance companies, and others.

Recordkeeping

FTC staff estimates that Regulation B's general recordkeeping requirements affect 530,762 credit firms subject to the Commission's jurisdiction, at an average annual burden of 1.25 hours per firm for a total of 663,453 hours.[13] Staff also estimates that the requirement that mortgage creditors monitor information about race/national origin, sex, age, and marital status imposes a maximum burden of one minute each (of skilled technical time) for approximately 2.6 million credit applications (based on industry data regarding the approximate number of mortgage purchase and refinance originations), for a total of 43,333 hours.[14] Staff also estimates that recordkeeping of self-testing subject to the regulation would affect 1,500 firms, with an average annual burden of one hour (of skilled technical time) per firm, for a total of 1,500 hours, and that recordkeeping of any corrective action as a result of self-testing would affect 10% of them, *i.e.,* 150 firms, with an average annual burden of four hours (of skilled technical time) per firm, for a total of 600 hours.[15] Keeping associated records of race/national origin, sex, age, and marital status requires an estimated one minute of skilled technical time.

Disclosure

Regulation B requires that creditors (*i.e.,* entities that regularly participate in the decision whether to extend credit under Regulation B) provide notices whenever they take adverse action, such as denial of a credit application. It requires entities that extend mortgage credit with first liens to provide a copy of the appraisal report or other written valuation to applicants.[16] Regulation B also requires that for accounts that spouses may use or for which they are contractually liable, creditors who report credit history must do so in a manner reflecting both spouses' participation. Further, it requires creditors that collect applicant characteristics for purposes of conducting a self-test to disclose to those applicants that: (1) Providing the information is optional; (2) the creditor will not take the information into account in any aspect of the credit transactions; and (3) if applicable, the information will be noted by visual observation or surname if the applicant chooses not to provide it.[17]

Burden Totals

Recordkeeping: 708,886 hours (631,281 + 77,605 carve-out); $14,845,512 ($13,316,477 + $1,529,035 carve-out), associated labor costs

Disclosures: 1,088,912 hours (961,224 + 127,688 carve-out); $47,258,792 ($41,717,144 + $5,541,648 carve-out), associated labor costs

REGULATION B—DISCLOSURES—BURDEN HOURS

Disclosures	Setup/monitoring [1]			Transaction-related [2]			Total Burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/ monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Credit history reporting	133,553	.25	33,388	60,098,850	.25	250,412	283,800
Adverse action notices	530,762	.75	398,072	92,883,350	.25	387,014	785,086
Appraisal reports/written valuations	4,650	1	4,650	1,725,150	.50	14,376	19,026
Self-test disclosures	1,500	.5	750	60,000	.25	250	1,000
Total							1,088,912

[1] The estimates assume that all applicable entities would be affected, with respect to appraisal reports and other written valuations. Given market changes, the estimated number of these entities is decreased slightly while the estimated number of entities affected by credit history, adverse action and self-test burden is increased slightly from the most recently cleared FTC burden estimates.
[2] Applicable transactions have increased for appraisal reports; however, credit history, adverse action and self-test transactions have decreased, based on market changes.

REGULATION B—RECORDKEEPING AND DISCLOSURES—COST

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
General recordkeeping	0	$0	66,345	$2,786,490	597,108	$10,150,836	$12,937,326
Other recordkeeping	0	0	43,333	1,819,986	0	0	1,819,986
Recordkeeping of self-test	0	0	1,500	63,000	0	0	63,000
Recordkeeping of corrective action	0	0	600	25,200	0	0	25,200
Total Recordkeeping							14,845,512
Disclosures:							

federal civil action or ''during the conduct of an administrative action, investigation, or audit involving an agency against specific individuals or entities'').

[13] Section 1071 of the Dodd-Frank Act amended the ECOA to require financial institutions to collect and report information concerning credit applications by women- or minority-owned businesses and small businesses, effective on the July 21, 2011 transfer date. Both the BCFP and the Board have exempted affected entities from complying with this requirement until a date set by the prospective final rules these agencies issue to implement it. The Commission will address PRA burden for its enforcement of the requirement after the BCFP and the Board have issued the associated final rules.

[14] Regulation B contains model forms that creditors may use to gather and retain the required information.

[15] In contrast to banks, for example, entities under FTC jurisdiction are not subject to audits by the FTC for compliance with Regulation B; rather they may be subject to FTC investigations and enforcement actions. This may impact the level of self-testing (as specifically defined by Regulation B) in a given year, and staff has sought to address such factors in its burden estimates.

[16] While the rule also requires the creditor to provide a short written disclosure regarding the appraisal process, the disclosure is provided by the BCFP, and is thus not a ''collection of information'' for PRA purposes. *See* 5 CFR 1320.3(c)(2). Accordingly, it is not included in burden estimates below.

[17] The disclosure may be provided orally or in writing. The model form provided by Regulation B assists creditors in providing the written disclosure, which helps to reduce burden.

REGULATION B—RECORDKEEPING AND DISCLOSURES—COST—Continued

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
Credit history reporting	28,380	1,589,280	255,420	10,727,640	0	0	12,316,920
Adverse action notices	78,509	4,396,504	706,577	29,676,234	0	0	34,072,738
Appraisal reports	1,903	106,568	17,123	719,166	0	0	825,734
Self-test disclosure	100	5,600	900	37,800	0	0	43,400
Total Disclosures							$47,258,792
Total Recordkeeping and Disclosures							$62,104,304

2. Regulation E

The EFTA requires that covered entities provide consumers with accurate disclosure of the costs, terms, and rights relating to EFT and certain other services. Regulation E implements the EFTA, establishing disclosure and other requirements to aid consumers and recordkeeping requirements to assist agencies with enforcement. It applies to financial institutions, retailers, gift card issuers and others that provide gift cards, service providers, various federal and state agencies offering EFTs, prepaid account entities, etc. Staff estimates that Regulation E's recordkeeping requirements affect 251,053 firms offering EFT and certain other services to consumers and that are subject to the Commission's jurisdiction, at an average annual burden of one hour per firm, for a total of 251,053 hours. This represents a decrease from prior figures, reflecting a decrease in entities under FTC jurisdiction engaged in applicable activities.

Burden Totals

Recordkeeping: 251,053 hours (233,947 + 17,106 carve-out); $4,895,526 ($4,561,949 + $333,577 carve-out), associated labor costs

Disclosures: 7,184,905 hours (7,165,931 + 18,974 carve-out); $311,824,884 ($310,999,818 + $825,066 carve-out), associated labor costs

REGULATION E—DISCLOSURES—BURDEN HOURS

Disclosures	Setup/monitoring [1]			Transaction-related [2]			Total Burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/ monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Initial terms	27,300	.5	13,650	273,000	.02	91	13,741
Change in terms	8,550	.5	4,275	11,286,000	.02	3,762	8,037
Periodic statements	27,300	.5	13,650	327,600,000	.02	109,200	122,850
Error resolution	27,300	.5	13,650	273,000	5	22,750	36,400
Transaction receipts	27,300	.5	13,650	1,375,000,000	.02	458,333	471,983
Preauthorized transfers [2]	258,553	.5	129,277	6,463,825	.25	26,933	156,210
Service provider notices	20,000	.25	5,000	200,000	.25	833	5,833
ATM notices	125	.25	31	25,000,000	.25	104,167	104,198
Electronic check conversion [3]	48,553	.5	24,277	728,295	.02	243	24,520
Overdraft services	15,000	.5	7,500	1,500,000	.02	500	8,000
Gift cards	15,000	.5	7,500	750,000,000	.02	250,000	257,500
Remittance transfers:							
Disclosures	4,800	1.25	6,000	96,000,000	.9	1,440,000	1,446,000
Error resolution	4,800	1.25	6,000	120,960,000	.9	1,814,400	1,820,400
Agent compliance	4,800	1.25	6,000	96,000,000	.9	1,440,000	1,446,000
Prepaid accounts and gov't benefits: [4]							
Disclosures	550	[5] 40 × 10	220,000	2,750,000,000	.02	916,667	1,136,667
Disclosures—updates	138	1 × 10	[6] 1,380	N/A			1,380
Access to account information	550	[7] 20 × 10	110,000	1,100,000	.01	183	110,183
Error resolution	300	4 × 4	4,800	275,000	2	9,167	13,967
Error resolution—followup [8]		N/A		1,380	30	690	690
Submission of agreements	138	2 × 1	276	690	1	12	288
Updates to agreements [9]		N/A		690	5	58	58
Total							7,184,905

[1] Except as noted below, most respondent tallies in this table have decreased due to business shifts and other market changes that result in fewer entities under FTC jurisdiction. Accordingly, related transactions under FTC jurisdiction have also decreased.

[2] Preauthorized transfers rules apply to ''persons'' and entities. The number of respondents and transactions by such persons have increased, as these preauthorized transfers are used more commonly than previously.

[3] The total number of electronic check conversion respondents and transactions has decreased, particularly due to declining check usage.

[4] Prepaid accounts are now covered by Regulation E (and payroll cards are included in this area). Government benefit notices are included also in this area, although some separate requirements for government benefits remain; these factors are accounted for in the estimates. The number of government benefit entities also have declined given business shifts that have reduced the number of entities under FTC jurisdiction (and prepaid entities under FTC jurisdiction are also few in number).

[5] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[6] This reflects prepaid accounts' updates of additional fee type disclosures. Individual burden hours are listed first, followed by the number of programs.

[7] Burden hours are on a per program basis; individual burden hours are listed first, followed by the number of programs.

[8] This pertains to prepaid accounts.

[9] This pertains to prepaid accounts' agreements.

REGULATION B—RECORDKEEPING AND DISCLOSURES—COST

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
Recordkeeping	0	$0	25,105	$1,054,410	225,948	$3,841,116	$4,895,526
Disclosures:							
Initial terms	1,374	76,944	12,367	519,414	0	0	596,358
Change in terms	804	45,024	7,233	303,786	0	0	348,810
Periodic statements	12,285	687,960	110,565	4,643,730	0	0	5,331,690
Error resolution	3,640	203,840	32,760	1,375,920	0	0	1,579,760
Transaction receipts	47,198	2,643,088	424,785	17.840.970	0	0	20,484,058
Preauthorized transfers	15,621	874,776	140,589	5,904,738	0	0	6,779,514
Service provider notices	583	32,648	5,250	220,500	0	0	253,148
ATM notices	10,420	583,520	93,778	3,938,676	0	0	4,522,196
Electronic check conversion	2,452	137,312	22,068	926,856	0	0	1,064,168
Overdraft services	800	44,800	7,200	302,400	0	0	347,200
Gift cards	25,750	1,442,000	231,750	9,733,500	0	0	11,175,500
Remittance transfers:							
Disclosures	144,600	8,097,600	1,301,400	54,658,800	0	0	62,756,400
Error resolution	182,040	10,194,240	1,638,360	68,811,120	0	0	79,005,360
Agent compliance	144,600	8,097,600	1,301,400	54,658,800	0	0	62,756,400
Prepaid accounts and gov't. benefits:							
Disclosures	113,667	6,365,352	1,023,000	42,966,000	0	0	49,331,352
Disclosures—updates	138	7,728	1,242	52,164	0	0	59,892
Access to account information	11,018	617,008	99,165	4,164,930	0	0	4,781,938
Error resolution	1,397	78,232	12,570	527,940	0	0	606,172
Error resolution—followup	69	3,864	621	26,082	0	0	29,946
Submission of agreements	29	1,624	259	10,878	0	0	12,502
Updates to agreements	6	336	52	2,184	0	0	2,520
Total Disclosures	.....	.....	.....	.....	.....	.....	311,824,884
Total Recordkeeping and Disclosures	.....	.....	.....	.....	.....	.....	316,720,410

3. Regulation M

The CLA requires that covered entities provide consumers with accurate disclosure of the costs and terms of leases. Regulation M implements the CLA, establishing disclosure requirements to help consumers comparison shop and understand the terms of leases and recordkeeping requirements. It applies to vehicle lessors (such as auto dealers, independent leasing companies, and manufacturers' captive finance companies), computer lessors (such as computer dealers and other retailers), furniture lessors, various electronic commerce lessors, diverse types of lease advertisers, and others.

Staff estimates that Regulation M's recordkeeping requirements affect approximately 30,203 firms within the FTC's jurisdiction leasing products to consumers at an average annual burden of one hour per firm, for a total of 30,203 hours.

Burden Totals [18]

Recordkeeping: 30,203 hours (3,513 + 26,690 carve-out); $1,649,088 ($191,814 + $1,457,274 carve-out), associated labor costs

Disclosures: 71,750 hours (2,094 + 69,656 carve-out); $3,917,550 ($114,394 + $3,803,156 carve-out), associated labor costs

REGULATION M—DISCLOSURES—BURDEN HOURS

Disclosures	Setup/monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/ monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Motor Vehicle Leases [1]	26,690	1	26,690	4,000,000	.50	33,333	60,023
Other Leases [2]	3,513	.50	1,757	60,000	.25	250	2,007
Advertising [3]	14,615	.50	7,308	578,960	.25	2,412	9,720
Total	.....	.....	.....	.....	.....	.....	71,750

[1] This category focuses on consumer vehicle leases. Vehicle leases are subject to more lease disclosure requirements (pertaining to computation of payment obligations) than other lease transactions. (Only consumer leases for more than four months are covered.) *See* 15 U.S.C. 1667(1); 12 CFR 1013.2(e)(1). While the number of respondents for vehicle leases has decreased with market changes, the number of vehicle lease transactions has remained about the same, compared to past FTC estimates. Leases up to $55,800 plus an annual adjustment are now covered. The resulting total burden has decreased.

[2] This category focuses on all types of consumer leases other than vehicle leases. It includes leases for computers, other electronics, small appliances, furniture, and other transactions. (Only consumer leases for more than four months are covered.) *See* 15 U.S.C. 1667(1); 12 CFR 1013.2(e)(1). The number of respondents has decreased, based on market changes in companies and types of transactions they offer; the number of such transactions has also declined, based on types of transactions offered that are covered by the CLA. Leases up to $55,800 plus an annual adjustment are now covered. The resulting total burden has decreased.

[3] Respondents for advertising have decreased as have lease advertisements, based on market changes, from past FTC estimates. The resulting total burden has decreased.

[18] Recordkeeping and disclosure burden estimates for Regulation M are more substantial for motor vehicle leases than for other leases, including burden estimates based on market changes and regulatory definitions of coverage. Based on industry information, the estimates for recordkeeping and disclosure costs assume the following: 90% managerial, and 10% skilled technical. As noted above, for purposes of PRA burden calculations for Regulations B, E, M, and Z, and given the different types of motor vehicle dealers, the FTC is including in its estimates burden for all of them.

REGULATION M—RECORDKEEPING AND DISCLOSURES—COST

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
Recordkeeping	27,183	$1,522,248	3,020	$126,840	0	0	$1,649,088
Disclosures:							
Motor Vehicle Leases	54,021	3,025,176	6,002	252,084	0	0	3,277,260
Other Leases	1,806	101,136	201	8,442	0	0	109,578
Advertising	8,748	489,888	972	40,824	0	0	530,712
Total Disclosures	.....	.....	.....	.....	.....	.....	3,917,550
Total Recordkeeping and Disclosures	.....	.....	.....	.....	.....	.....	5,566,638

4. Regulation Z

The TILA was enacted to foster comparison credit shopping and informed credit decision making by requiring creditors and others to provide accurate disclosures regarding the costs and terms of credit to consumers.[19] Regulation Z implements the TILA, establishing disclosure requirements to assist consumers and recordkeeping requirements to assist agencies with enforcement. These requirements pertain to open-end and closed-end credit and apply to various types of entities, including mortgage companies; finance companies; auto dealerships; private education loan companies; merchants who extend credit for goods or services; credit advertisers; acquirers of mortgages; and others. Additional requirements also exist in the mortgage area, including for high cost mortgages, higher-priced mortgage loans,[20] ability to pay of mortgage consumers, mortgage servicing, loan originators, and certain integrated mortgage disclosures.

FTC staff estimates that Regulation Z's recordkeeping requirements affect approximately 430,762 entities subject to the Commission's jurisdiction, at an average annual burden of 1.25 hours per entity with .25 additional hours per entity for 3,650 entities (ability to pay), and 5 additional hours per entity for 4,500 entities (loan originators).

Burden Totals

Recordkeeping: 561,866 hours (484,961 + 76,905 carve-out); $10,956,397 ($9,456,749 + $1,499,648 carve-out), associated labor costs

Disclosures: 7,854,575 hours (6,838,256 + 1,016,319 carve-out; $318,601,732 ($274,493,500 + $44,108,232 carve-out), associated labor costs

REGULATION Z—DISCLOSURES—BURDEN HOURS

Disclosures [1]	Setup/monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/ monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Open-end credit:							
Initial terms	23,650	.75	17,738	10,500,600	.375	65,629	83,367
Initial terms—prepaid accounts	3	[2] 4 × 1	12	[3] 3 × 78,667	.125	492	504
Rescission notices	750	.5	375	3,750	.25	16	391
Subsequent disclosures	4,650	.75	3,488	23,250,000	.188	72,850	76,338
Subsequent disclosures—prepaid accounts	3	[4] 4 × 1	12	[5] 3 × 78,667	.0625	246	258
Periodic statements	23,650	.75	17,738	788,325,450	.0938	1,232,415	1,250,153
Periodic statements—prepaid accounts	3	[6] 40 × 1	120	[7] 3 × 944,000	.03125	1,475	1,595
Error resolution	23,650	.75	17,738	2,104,850	6	210,485	228,223
Error resolution—prepaid accounts followup	3	[8] 4 × 1	12	[9] 3 × 1,180	15	885 897	
Credit and charge card accounts	10,250	.75	7,688	5,125,000	.375	32,031	39,719
Credit and charge card accounts—prepaid accounts	3	[10] 4 × 1	12	[11] 3 × 12	240	144	156
Settlement of estate debts	23,650	.75	17,738	496,650	.375	3,104	20,842
Special credit card requirements	10,250	.75	7,688	5,125,000	.375	32,031	39,719
Home equity lines of credit	750	.5	375	5,250	.25	22	397
Home equity lines of credit high-cost mortgages	250	2	500	1,500	2	50	550
College student credit card marketing—ed. institutions	1,350	.5	675	81,000	.25	338	1,013
College student credit card marketing—card issuer reports	150	.75	113	4,500	.75	56	169
Posting and reporting of credit card agreements	10,250	.75	7,688	5,125,000	.375	32,031	39,719
Posting and reporting of prepaid account agreements	3	[12] .75 × 1	2	[13] 3 × 5	2.5	1	3
Advertising	38,650	.75	28,988	115,950	.75	1,449	30,437
Advertising—prepaid accounts	3	[14] 20 × 1	60	N/A	.....	.....	60
Advertising—prepaid accounts Updates	3	[15] 0.2 × 5	3	N/A	.....	.....	3
Sale, transfer, or assignment of mortgages	500	.5	250	500,000	.25	2,083	2,333
Appraiser misconduct reporting	301,150	.75	225,863	6,023,000	.375	37,644	263,507
Mortgage servicing [16]	1,500	.75	1,125	150,000	.5	1,250	2,375

[19] On May 24, 2018, President Trump signed the Economic Growth, Regulatory Relief, and Consumer Protection Act (Act), Public Law 115–174. Among other things, the Act amends the TILA in several respects, and will be implemented by the BCFP through amendments to Regulation Z. The Commission will address PRA burden for its enforcement of the requirements after the BCFP has issued the associated final rules.

[20] While Regulation Z also requires the creditor to provide a short written disclosure regarding the appraisal process for higher-priced mortgage loans, the disclosure is provided by the BCFP. As a result, it is not a ''collection of information'' for PRA purposes (*see* 5 CFR 1320.3(c)(2)). It is thus excluded from the burden estimates below.

REGULATION Z—DISCLOSURES—BURDEN HOURS—Continued

Disclosures [1]	Setup/monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/ monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Loan originators	2,250	2	4,500	22,500	5	1,875	6,375
Closed-end credit:							
Credit disclosures	280,762	.75	210,572	112,304,800	2.25	4,211,430	4,422,002
Rescission notices	3,650	.5	1,825	5,475,000	1	91,250	93,075
Rediscloures	101,150	.5	50,575	505,750	2.25	18,966	69,541
Integrated mortgage disclosures	3,650	10	36,500	10,950,000	3.5	638,750	675,250
Variable rate mortgages	3,650	1	3,650	365,000	1.75	10,646	14,296
High cost mortgages	1,750	1	1,750	43,750	2	1,458	3,208
Higher priced mortgages	1,750	1	1,750	14,000	2	467	2,217
Reverse mortgages	3,025	.5	1,513	15,125	1	252	1,765
Advertising	205,762	.5	102,881	2,057,620	1	34,294	137,175
Private education loans	75	.5	38	30,000	1.5	750	788
Sale, transfer, or assignment of mortgages	48,850	.5	24,425	2,442,500	.25	10,177	34,602
Ability to pay/qualified mortgage	3,650	.75	2,738	0	0	0	2,738
Appraiser misconduct reporting	301,150	.75	225,863	6,023,000	.375	37,644	263,507
Mortgage servicing [17]	3,650	1.5	5,475	730,000	2.75	33,458	38,933
Loan originators	2,250	2	4,500	22,500	5	1,875	6,375
Total open-end credit	.....	.....	.....	.....	.....	.....	2,089,103
Total closed-end credit	.....	.....	.....	.....	.....	.....	5,765,472
Total credit	.....	.....	.....	.....	.....	.....	7,854,575

[1] Regulation Z requires disclosures for closed-end and open-end credit. TILA and Regulation Z now cover credit up to $55,800 plus an annual adjustment (except that real estate credit and private education loans are covered regardless of amount). For most disclosure types listed in this table, FTC staff has reduced prior PRA burden estimates due to business shifts and other market changes. In the case of mortgage servicing (open- and closed-credit), however, staff has increased burden estimates per respondent due to amendments to Regulation Z. In addition, due to Regulation Z's new requirements for prepaid accounts with certain credit aspects, staff has added burden estimates for these items. However, the overall effect of these competing factors yields a net decrease from the FTC's prior reported estimate for open-end credit and for closed-end credit.

[2] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[3] This figure lists the number of entities followed by the number of responses or programs each.

[4] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[5] This figure lists the number of entities followed by the number of responses or programs each.

[6] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[7] This figure lists the number of entities followed by the number of responses or programs each.

[8] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[9] This figure lists the number of entities followed by the number of responses or programs each.

[10] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[11] This figure lists the number of entities followed by the number of responses or programs each.

[12] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[13] This figure lists the number of entities followed by the number of responses or programs each.

[14] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[15] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[16] Regulation Z has expanded various mortgage servicing requirements for successors-in-interest, which in some instances can affect open-end credit, increasing burden per respondent. However, the estimated number of entities and transactions under FTC jurisdiction is reduced, thereby reducing aggregate estimated burden compared to prior FTC estimates.

[17] Regulation Z has expanded various mortgage servicing requirements for successors-in-interest, and periodic statement requirements including for consumers in bankruptcy, among other things, affecting closed-end credit, increasing burden per respondent. However, the estimated number of entities and transactions under FTC jurisdiction is reduced, thereby reducing aggregate estimated burden compared to prior FTC estimates.

REGULATION Z—RECORDKEEPING AND DISCLOSURES—COST

Required task	Managerial		Skilled technical		Clerical		Total Cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
Recordkeeping	0	$0	56,187	$2,359,854	505,679	$8,596,543	$10,956,397
Open-end credit Disclosures:							
Initial terms	8,337	466,872	75,030	3,151,260	0	0	3,618,132
Initial terms—prepaid accounts	50	2,800	454	19,068	0	0	21,868
Rescission notices	39	2,184	352	14,784	0	0	16,968
Subsequent disclosures	7,634	427,504	68,704	2,885,568	0	0	3,313,072
Subsequent disclosures—prepaid accounts	26	1.456	232	9,744	0	0	11,200
Periodic statements	125,015	7,000,840	1,125,138	47,255,796	0	0	54,256,636
Periodic statements—prepaid accounts	159	8,904	1436	60,312	0	0	69.216
Error resolution	22,822	1,278,032	205,401	8,626,842	0	0	9,904,874
Error resolution—prepaid accounts followup	90	5,040	807	33.894	0	0	38,934
Credit and charge card accounts	3,972	222,432	35,747	1,501,374	0	0	1,723,806
Credit and charge card accounts—prepaid accounts	16	896	140	5,880	0	0	6,776
Settlement of estate debts	2,084	116,704	18,758	787,836	0	0	904,540
Special credit card requirements	3,972	222,432	35,747	1,501,374	0	0	1,723,806
Home equity lines of credit	40	2,240	357	14,994	0	0	17,234
Home equity lines of credit—high cost mortgages	55	3,080	495	20,790	0	0	23,870
College student credit card marketing—ed institutions	101	5,656	912	38,304	0	0	43,960
College student credit card marketing—card issuer reports	17	952	152	6,384	0	0	7,336
Posting and reporting of credit card agreements	3,972	222,432	35,747	1,501,374	0	0	1,723,806
Posting and reporting of prepaid accounts	1	56	2	84	0	0	140
Advertising	3,044	170,464	27,393	1,150,506	0	0	1,320,970

REGULATION Z—RECORDKEEPING AND DISCLOSURES—COST—Continued

Required task	Managerial		Skilled technical		Clerical		Total Cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
Advertising—prepaid accounts	6	336	54	2,268	0	0	2,604
Advertising—prepaid accounts Updates	1	56	2	84	0	0	140
Sale, transfer, or assignment of mortgages	233	13,048	2,100	88,200	0	0	101,248
Appraiser misconduct reporting	26,351	1,475,656	237,156	9,960,552	0	0	11,436,208
Mortgage servicing	238	13,328	2,137	89,754	0	0	103,082
Loan originators	638	35,728	5,737	240,954	0	0	276,682
Total open-end credit							90,667,108
Closed-end credit Disclosures:							
Credit disclosures	442,200	2,476,300	3,979,802	167,151,684	0	0	169,627,984
Rescission notices	9,308	521,248	83,767	3,518,214	0	0	4,039,462
Redisclosures	6,954	389,424	62,587	2,628,654	0	0	3,018,078
Integrated mortgage disclosures	67,525	3,781,400	607,725	25,524,450	0	0	29,305,850
Variable rate mortgages	1,430	80,080	12,866	540,372	0	0	620,452
High cost mortgages	321	17,976	2,887	121,254	0	0	139,230
Higher priced mortgages	222	12,432	1,995	83,790	0	0	96,222
Reverse mortgages	177	9,912	1,588	66,696	0	0	76,608
Advertising	13,718	768,208	123,457	5,185,194	0	0	5,953,402
Private education loans	79	4,424	709	29,778	0	0	34,202
Sale, transfer, or assignment of mortgages	3,460	193,760	31,142	1,307,964	0	0	1,501,724
Ability to pay/qualified mortgage	274	15,344	2,464	103,488	0	0	118,832
Appraiser misconduct reporting	26,351	1,475,656	237,156	9,960,552	0	0	11,436,208
Mortgage servicing	3,893	218,008	35,040	1,471,680	0	0	1,689,688
Loan originators	638	35,728	5,737	240,954	0	0	276,682
Total closed-end credit							227,934,624
Total Disclosures							318,601,732
Total Recordkeeping and Disclosures	329,558,129						

Request for Comment: You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before August 27, 2018. Write ''Regs BEMZ, PRA Comments, P084812'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public FTC website, at *http://www.ftc.gov/os/publiccomments.shtm.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/RegsBEMZpra2* by following the instructions on the web-based form. When this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that website.

If you file your comment on paper, write ''Regs BEMZ, PRA Comments, P084812'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov/*, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before August 27, 2018. For information on the Commission's privacy policy,

including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.* For supporting documentation and other information underlying the PRA discussion in this Notice, see *http://www.reginfo.gov/public/jsp/PRA/praDashboard.jsp.*

Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead can also be sent by email to *wliberante@omb.eop.gov.*

Heather Hippsley,

Acting Principal Deputy General Counsel.

[FR Doc. 2018–15979 Filed 7–25–18; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2018–0065, NIOSH–317]

Draft—National Occupational Research Agenda for Oil and Gas Extraction

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for comment.

SUMMARY: The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces the availability of a draft NORA Agenda entitled *National Occupational Research Agenda for Oil and Gas Extraction* for public comment. To view the notice and related materials, visit *https://www.regulations.gov* and enter CDC–2018–0065 in the search field and click ''Search.''

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DATES: Electronic or written comments must be received by September 24, 2018.

ADDRESSES: You may submit comments, identified by CDC–2018–0065 and docket number NIOSH–317, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov* Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

Instructions: All submissions received in response to this notice must include the agency name and docket number [CDC–2018–0065; NIOSH–317]. All relevant comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.* All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226–1998.

FOR FURTHER INFORMATION CONTACT: Emily Novicki *NORACoordinator@cdc.gov*), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Mailstop E–20, 1600 Clifton Road NE, Atlanta, GA 30329, phone (404) 498–2581 (not a toll free number).

SUPPLEMENTARY INFORMATION: The National Occupational Research Agenda (NORA) is a partnership program created to stimulate innovative research and improved workplace practices. The national agenda is developed and implemented through the NORA sector and cross-sector councils. Each council develops and maintains an agenda for its sector or cross-sector.

Background: The *National Occupational Research Agenda for Oil and Gas Extraction* is intended to identify the research, information, and actions most urgently needed to prevent occupational injuries. The National Occupational Research Agenda for *Oil and Gas Extraction* provides a vehicle for stakeholders to describe the most relevant issues, gaps, and safety and health needs for the sector. Each NORA research agenda is meant to guide or promote high priority research efforts on a national level, conducted by various entities, including: Government, higher education, and the private sector.

The first National Occupational Research Agenda for Oil and Gas Extraction was published in 2011 for the second decade of NORA (2006–2016). The revised agenda was developed considering new information about injuries and illnesses, the state of the science, and the probability that new information and approaches will make a difference. As the steward of the NORA process, NIOSH invites comments on the draft *National Occupational Research Agenda for Oil and Gas Extraction.* Comments expressing support or with specific recommendations to improve the Agenda are requested. A copy of the draft Agenda is available at *https://www.regulations.gov* (see Docket Number CDC–2018–0065).

Dated: July 23, 2018.

Frank J. Hearl,

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2018–15968 Filed 7–25–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[CDC–2018–0060; Docket Number NIOSH–316]

Draft Current Intelligence Bulletin: NIOSH Practices in Occupational Risk Assessment

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of draft document available for public comment and online public meeting.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) announces the availability of the following draft document for public comment entitled *Current Intelligence Bulletin: NIOSH Practices in Occupational Risk Assessment.* To view the notice, document and related materials, visit *https://www.regulations.gov* and enter CDC–2018–0060 in the search field and click ''Search''.

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- Background
- Online Public Meeting
- Instructions

DATES: The online meeting will be held September 13, 2018 from 1 p.m.–4 p.m., Eastern Time, or until the last public presenter has spoken, whichever occurs first. The public online meeting will be a web-based event available only by remote access. Members of the public who wish to provide public comments should plan to log in to the meeting at the start time listed. Members of the public who register with the NIOSH Docket Office, *niocindocket@cdc.gov,* to attend the public meeting will be provided the login information prior to the meeting.

ADDRESSES: Written comments submitted to the docket must be received by October 15, 2018. Written comments may be submitted by any of the following two methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* NIOSH Docket Office, 1090 Tusculum Ave., MS C–34, Cincinnati, Ohio 45226–1998.

FOR FURTHER INFORMATION CONTACT: Doug Daniels, Education and Information Division/NIOSH, 1090 Tusculum Avenue, Cincinnati, OH 45226–1998, telephone (513) 533–8329 (not a toll free number).

SUPPLEMENTARY INFORMATION:

Background: The proposed NIOSH document describes the underlying science and general approach used by NIOSH researchers when conducting high quality, scientifically sound assessments of the health risk associated with workplace hazards. The report focuses on chemical risk assessment practices; however, some of these practices may also benefit assessments of other workplace hazards, such as traumatic injury or work stress. Risk assessments are an important tool for informed decision-making on workplace safeguards; therefore, these assessments have supported NIOSH recommendations on limiting chemical exposures. The information provided by the proposed NIOSH document is intended for NIOSH risk assessors, other scientists, stakeholders, and the public to improve their understanding of the NIOSH risk assessment process.

The purpose of the public review of the draft document is to obtain comments on whether the proposed NIOSH draft document (1) adequately, clearly, and concisely explains NIOSH practices in risk assessment; and (2) demonstrates that its practices are consistent with the current scientific knowledge.

Purpose of Meeting

To discuss and obtain comments on the draft document, *Current Intelligence Bulletin: NIOSH Practices in Occupational Risk Assessment.* Special emphasis will be placed on discussion of the following questions for reviewers:

(1) Are the methods presented in the proposed NIOSH document consistent with the current scientific knowledge of toxicology, epidemiology, industrial hygiene, and risk assessment? If not, provide specific information and references that should be considered.

(2) Is there additional scientific information related to the issues of the proposed NIOSH document that should be considered for inclusion? If so, provide information and specify references for consideration. Is there any discussion in the document that should be omitted?

(3) Is information in the proposed NIOSH document explained in a clear and transparent manner? If not, specify (section, page, and line number) where clarification is needed.

Online Public Meeting

The meeting is open to the public, limited only by the number of logins available. The Adobe Connect license accommodates approximately 500 people. In addition, there will be an audio conference for those who cannot log in through a computer. There is no registration fee to attend this public online meeting. However, those wishing to attend are encouraged to register via email to NIOSH Docket Office *niocindocket@cdc.gov* by September 6, 2018. Registrants will be provided with the public meeting login information prior to the meeting. Individuals wishing to speak during the meeting may sign up when registering. Those who have not signed up to present in advance may be allowed to present at the meeting if time allows. Persons wanting to provide oral comments will be permitted up to 20 minutes. If additional time becomes available, presenters will be notified. Oral comments given at the meeting must also be submitted to the docket in writing in order to be considered by the Agency. Priority for attendance will be given to those providing oral comments. Other requests to attend the meeting will then be accommodated on a first-come basis. Unreserved attendees will be admitted as login space allows.

Instructions: All material submitted to the Agency should reference the agency name and docket number [CDC–2018–0060; NIOSH–316]. Each person making a comment will be asked to give his or her name and affiliation, and all comments (including their name and affiliation) will be posted without change to *https://www.regulations.gov.* All information received in response to this notice will be available for public examination and copying at the NIOSH Docket Office, Room 155, 1150 Tusculum Parkway, Cincinnati, Ohio 45226–1998.

Dated: July 23, 2018.

Frank J. Hearl,

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2018–15967 Filed 7–25–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3362–PN]

Medicare and Medicaid Programs: Application From the Accreditation Association for Ambulatory Health Care, Inc. (AAAHC) for Continued Approval of Its Ambulatory Surgical Center Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services (CMS), HHS.

ACTION: Notice with request for comment.

SUMMARY: This proposed notice acknowledges the receipt of an application from the Accreditation Association for Ambulatory Health Care, Inc. (AAAHC) for continued recognition as a national accrediting organization (AO) for Ambulatory Surgical Centers (ASCs) that wish to participate in the Medicare or Medicaid programs.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on August 27, 2018.

ADDRESSES: In commenting, refer to file code CMS–3362–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention:

CMS–3362–PN, P.O. Box 8010, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3362–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Erin McCoy, (410) 786–2337, Monda Shaver, (410) 786–3410, or Marie Vasbinder, (410) 786–8665.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that website to view public comments.

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from an Ambulatory Surgical Center (ASC) provided certain requirements are met. Section 1832(a)(2)(F)(i) of the Social Security Act (the Act) establishes distinct criteria for facilities seeking designation as an ASC. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 416 specify the conditions that an ASC must meet in order to participate in the Medicare program, the scope of covered services, and the conditions for Medicare payment for ASCs.

Generally, to enter into an agreement, an ASC must first be certified by a State survey agency as complying with the conditions or requirements set forth in part 416 of our Medicare regulations. Thereafter, the ASC is subject to regular surveys by a State survey agency to determine whether it continues to meet these requirements.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by a Centers for Medicare & Medicaid Services (CMS) approved national accrediting organization (AO) that all applicable Medicare conditions are met or exceeded, we may deem those provider entities as having met the requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

If an AO is recognized by the Secretary of the Department of Health and Human Services as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program may be deemed to meet the Medicare conditions. An AO applying for approval of its accreditation program under part 488, subpart A, must provide CMS with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of AOs are set forth at § 488.5.

The Accreditation Association for Ambulatory Health Care, Inc.'s (AAAHC's) current term of approval for its ASC program expires December 20, 2018.

II. Provisions of the Proposed Notice

A. Approval of Deeming Organizations

Section 1865(a)(2) of the Act and our regulations at § 488.5 require that our findings concerning review and approval of an AO's requirements consider, among other factors, the applying AO's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of AAAHC's request for continued CMS-approval of its ASC accreditation program. This notice also solicits public comment on whether AAAHC's requirements meet or exceed the Medicare conditions for coverage (CfCs) for ASCs.

B. Evaluation of Deeming Authority Request

AAAHC submitted all the necessary materials to enable us to make a determination concerning its request for continued CMS-approval of its ASC accreditation program. This application was determined to be complete on May 24, 2018. Under section 1865(a)(2) of the Act and our regulations at § 488.5, our review and evaluation of AAAHC will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of AAAHC's standards for ASCs as compared with Medicare's CfCs for ASCs.
- AAAHC's survey process to determine the following:

++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

++ The comparability of AAAHC's processes to those of State agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

++ AAAHC's processes and procedures for monitoring an ASC found out of compliance with AAAHC's program requirements. These monitoring procedures are used only when AAAHC identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the State survey agency monitors corrections as specified at § 488.9(c)(1).

++ AAAHC's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

++ AAAHC's capacity to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ The adequacy of AAAHC's staff and other resources, and its financial viability.

++ AAAHC's capacity to adequately fund required surveys.

++ AAAHC's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

++ AAAHC's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as CMS may require (including corrective action plans).

C. Notice Upon Completion of Evaluation

Upon completion of our evaluation, including evaluation of public comments received as a result of this notice, we will publish a final notice in the **Federal Register** announcing the result of our evaluation.

III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Response to Public Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Dated: July 20, 2018.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2018–15951 Filed 7–23–18; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: National Youth in Transition Database (NYTD) and Youth Outcomes Survey.

OMB No.: 0970–0340.

Description: The John H. Chafee Foster Care Program for Successful Transition to Adulthood (42 U.S.C. 677, as amended by Pub. L. 115–123, the Family First Prevention Services Act within Division E, Title VII of the Bipartisan Budget Act of 2018) requires State child welfare agencies to collect and report to the Administration for Children and Families (ACF) data on the characteristics of youth receiving independent living services and information regarding their outcomes. The regulation implementing the National Youth in Transition Database (NYTD), listed in 45 CFR 1356.80, contains standard data collection and reporting requirements for States to meet the law's requirements. ACF uses the information collected under the regulation to track independent living services, assess the collective outcomes of youth, and assess performance with regard to those outcomes, consistent with the law's mandate.

Respondents: State agencies (including agencies of the District of Columbia, Puerto Rico and the U.S. Virgin Islands) that administer the John H. Chafee Foster Care Program for Successful Transition to Adulthood.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Youth Outcome Survey	21,064	1	0.50	10,529
Data File	53	2	1,849	195,994

Estimated Total Annual Burden Hours: 206,253.

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chap 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–15989 Filed 7–25–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1011]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Permanent Discontinuation or Interruption in Manufacturing of Certain Drug and Biological Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 27, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0759. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Permanent Discontinuation or Interruption in Manufacturing of Certain Drug and Biological Products—21 CFR 310.306, 314.81(b)(3)(iii), and 600.82

OMB Control Number 0910–0759—Extension

Sections 310.306, 314.81(b)(3)(iii), and 600.82 (21 CFR 310.306, 314.81(b)(3)(iii), and 600.82) were modified to implement sections 506C and 506E of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c and 356e) as amended by the Food and Drug Administration Safety and Innovation Act. Under these sections, applicants with an approved new drug application (NDA) or abbreviated new drug application (ANDA) for a covered drug product, manufacturers of a covered drug product marketed without an approved application, and applicants with an approved biologics license application (BLA) for a covered biological product (including certain applications of blood or blood components) must notify FDA in writing of a permanent discontinuance of the manufacture of the drug or biological product, or an interruption in manufacturing of the drug or biological product, that is likely to lead to a meaningful disruption in the applicant's supply (or a significant disruption for blood or blood components) of that product. The notification is required if the drug or biological product is life supporting, life sustaining, or intended for use in the prevention or treatment of a debilitating disease or condition, including use in emergency medical care or during surgery, and if the drug or biological product is not a radiopharmaceutical drug product.

The regulations also require that the notification include the following information: (1) The name of the drug or biological product subject to the notification, including the National Drug Code Directory (NDC) (or, for a biological product that does not have an NDC, an alternative standard for identification and labeling that has been recognized as acceptable by the Center Director); (2) the name of each applicant of the drug or biological product; (3) whether the notification relates to a permanent discontinuance of the drug or biological product or an interruption in manufacturing of the product; (4) a description of the reason for the permanent discontinuance or interruption in manufacturing; and (5) the estimated duration of the interruption in manufacturing. The notification must be submitted to FDA electronically at least 6 months prior to the date of the permanent discontinuance or interruption in manufacturing. If 6 months' advance notice is not possible because the permanent discontinuance or interruption in manufacturing was unanticipated 6 months in advance, the applicant must notify FDA as soon as practicable, but in no case later than 5 business days after the permanent discontinuance or interruption in manufacturing occurs.

If an applicant fails to submit the required notification, FDA will issue a letter informing the applicant or manufacturer of its noncompliance. The applicant must submit to FDA, not later than 30 calendar days after FDA issues the letter, a written response setting forth the basis for noncompliance and providing the required notification.

Description of Respondents: Applicants of prescription drugs and biological products subject to an approved NDA, ANDA, or BLA, and manufacturers of prescription drug products marketed without an approved ANDA or NDA, if the product is life supporting, life sustaining, or intended for use in the prevention or treatment of a debilitating disease or condition, including use in emergency medical care or during surgery, or is not a radiopharmaceutical product. If the BLA applicant is a manufacturer of blood or blood components, it is only subject to these regulations if it manufactures a significant percentage of the nation's blood supply.

Burden Estimates: Based on the number of drug and biological product shortage related notifications we have seen in the past 12 months, we estimate that annually a total of approximately 75 respondents (''No. of Respondents'' in table 1) will notify us of a permanent discontinuance of the manufacture of a drug or biological product or an interruption in manufacturing of a drug or biological product that is likely to lead to a meaningful disruption in the respondent's supply of that product. We estimate that these respondents will submit annually a total of approximately 352.5 notifications as required under §§ 310.306, 314.81(b)(3)(iii), and 600.82. We estimate 4.7 notifications per respondent, because a respondent may experience multiple discontinuances or interruptions in manufacturing in a year that requires notification (''No. of Responses per Respondent'' in table 1). We also estimate that preparing and submitting these notifications to FDA will take approximately 2 hours per respondent (''Average Burden per Response'' in table 1).

In the **Federal Register** of April 13, 2018, (83 FR 16108), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Notifications required under §§ 310.306 (unapproved drugs), 314.81(b)(3)(iii) (products approved under an NDA or ANDA), and 600.82 (products approved under a BLA)	75	4.7	352.5	2	705

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimated burden for this information collection has changed since the previous OMB approval. The current burden is based on the number of actual new notifications received including notifications that were counted previously under the OMB approval for the interim final rule entitled ''Permanent Discontinuance or Interruption in Manufacturing of Certain Drug or Biological Products'' (80 FR 38915, July 8, 2015) (OMB control number 0910–0699).

Dated: July 16, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–15948 Filed 7–25–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Charter Renewal for the Advisory Commission on Childhood Vaccines

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of charter renewal.

SUMMARY: HHS is hereby giving notice that the Advisory Commission on Childhood Vaccines (ACCV) has been rechartered. The effective date of the renewed charter is July 20, 2018.

FOR FURTHER INFORMATION CONTACT: Narayan Nair, MD, MPH, Executive Secretary, Advisory Commission on Childhood Vaccines, Health Resources and Services Administration, Department of Health and Human Services, Room 08N146B, 5600 Fishers Lane, Rockville, MD 20857; phone: (301) 443–6593; fax: (301) 443–8196; email: *nnair@hrsa.gov.*

SUPPLEMENTARY INFORMATION: The ACCV was established by section 2119 of the Public Health Service Act (the Act) (42 U.S.C. 300aa–19), as enacted by Public Law (Pub. L.) 99–660, and as subsequently amended, and advises the Secretary of Health and Human Services (the Secretary) on issues related to implementation of the National Vaccine Injury Compensation Program (VICP). Other activities of the ACCV include: Recommending changes in the Vaccine Injury Table at its own initiative or as the result of the filing of a petition; advising the Secretary in implementing section 2127 of the Act regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions; surveying federal, state, and local programs and activities related to gathering information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b) of the Act; advising the Secretary on the methods of obtaining, compiling, publishing, and using credible data related to the frequency and severity of adverse reactions associated with childhood vaccines; consulting on the development or revision of Vaccine Information Statements; and recommending to the Director of the National Vaccine Program research related to vaccine injuries which should be conducted to carry out the VICP.

The charter renewal for ACCV was approved on July 20, 2018, which will also stand as the filing date. Renewal of the ACCV charter gives authorization for the Commission to operate until July 20, 2020.

A copy of the ACCV charter is available on the VICP website at: *https://www.hrsa.gov/advisory-committees/vaccines/index.html.* A copy of the charter also can be obtained by accessing the FACA database that is maintained by the Committee Management Secretariat under the General Services Administration. The website address for the FACA database is *http://www.facadatabase.gov/.*

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–15994 Filed 7–25–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Resource-Related Research Projects (R24).

Date: August 23, 2018.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Dharmendar Rathore, Ph.D., Senior Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G30, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, 240–669–5058, *rathored@mail.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01).

Date: August 24, 2018.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Chelsea D. Boyd, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC 9823, Rockville, MD 20852–9834, 240–669–2081, *chelsea.boyd@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 20, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–15953 Filed 7–25–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5976–N–07]

Housing Opportunity Through Modernization Act of 2016: Final Implementation of Public Housing Income Limit

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The Housing Opportunity Through Modernization Act of 2016 (HOTMA) was signed into law on July 29, 2016. One of the statutory amendments made by HOTMA adds an income limit to the Public Housing program. This notice informs the public of how HUD is setting that income limit and makes the income limit effective, while providing information to public

housing agencies on how to start the process for tracking over-income families.

DATES: *Applicable Date:* September 24, 2018.

FOR FURTHER INFORMATION CONTACT: If you have any questions, please contact Todd Thomas, Program Analyst, Office of Public Housing Programs, at 202–402–4542, or send an email to *HOTMAquestions@hud.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

HOTMA was signed into law on July 29, 2016 (Pub. L. 114–201, 130 Stat. 782). Section 103 of HOTMA amends section 16(a) of the United States Housing Act of 1937 (42 U.S.C. 1437n(a)) (1937 Act) to place an income limitation on a public housing tenancy for families. The law requires that after a family's income has exceeded 120 percent of the area median income (AMI) (or a different limitation established by the Secretary) for two consecutive years, a public housing agency (PHA) must terminate the family's tenancy within 6 months of the second income determination or charge the family a monthly rent equal to the greater of (1) the applicable Fair Market Rent (FMR); or (2) the amount of monthly subsidy for the unit including amounts from the operating and capital fund, as determined by regulations. For purposes of this notice, the income limit established by HOTMA will be referred to as the ''over-income limit''. A PHA must notify a family of the potential changes to monthly rent after one year of the family's income exceeding the over-income limit. Pursuant to section 3(a)(5) of the 1937 Act, the over-income limit does not apply to PHAs operating fewer than 250 public housing units that are renting to families with income exceeding the over-income limit, if the PHAs are renting to those families because there are no income-eligible families on the PHA's waiting list. Each PHA must submit a report annually to HUD about the number of families residing in public housing with incomes exceeding the over-income limit and the number of families on the waiting lists for admission to public housing projects. Such reports must be publicly available.

The new language in section 16(a)(5) of the 1937 Act sets the over-income limit at 120 percent of the AMI. However, HUD has the ability to adjust the over-income limit if the Secretary determines that it is necessary due to prevailing levels of construction costs or unusually high or low family incomes, vacancy rates, or rental costs.

On November 29, 2016, at 81 FR 85996, HUD published a notice soliciting public input on a proposal to determine the over-income limit by using the very low-income (VLI) level for the applicable area as the baseline and multiplying it by 2.4. Because VLI is preliminarily calculated as 50 percent of the estimated AMI for the family, in most cases this would result in a figure matching 120 percent AMI. However, in areas where the VLI has been adjusted to account for high or low housing costs or to prevent it from being lower than 50 percent of the State non-metro median family income, the final amount would result in an adjusted eligibility income limit, as well.

HUD's income limits were developed by HUD's Office of Policy Development and Research and are updated annually. Information about HUD's income limits and HUD's methodology for adjusting income limits as part of the income limit calculation can be found at *https://www.huduser.gov/portal/datasets/il/il16/index_il2016.html.*

This notice finalizes how the over-income limit is determined and informs PHAs how to begin implementing the statutory income limit for public housing. However, this notice does not address how a PHA is to determine the monthly subsidy to use in setting rents for over-income families that the PHA has allowed to remain in public housing. Section 103 of HOTMA requires HUD to issue a regulation on that determination, and HUD will follow this notice with a proposed rule, which will also include guidelines for how PHAs are to set their policies for addressing over-income families after the 2-year grace period has ended. Additionally, this notice does not make effective the requirement to submit the annual report on the number of over-income families and the number of families on the public housing waiting lists. HUD intends to make this reporting requirement effective through a forthcoming notice.

The regulations at 24 CFR 960.261 provide discretion to PHAs to evict or terminate assistance to families whose income exceeds the local low-income limit, except for families with a valid Family Self-Sufficiency (FSS) contract, or families where at least one family member is receiving the Earned Income Disregard benefit. The statutory changes in section 103 of HOTMA do not address the treatment of families whose income exceeds the local low-income limit but is below the applicable over-income limit established in HOTMA. As such, the requirements and flexibilities provided through the regulations at 24 CFR 960.216 continue to apply for families with incomes above the local low-income limit but below the over-income limit established in this notice.

II. Summary of Comments

In response to the November 29, 2017, notice, HUD received 11 comments.

Adjustments

1. Commenters stated that HUD should never adjust the over-income limit downward (below 120 percent AMI), but rather use it as a floor for all areas and only adjust upward for high-cost areas. Others stated that it is necessary to keep as many higher-income families in public housing as possible to subsidize the lower-income families, particularly in light of reduced public housing funding.

HUD Response: HUD disagrees with the suggestion that 120 percent of AMI should be a floor for over-income families. Section 16(a)(5) of the 1937 Act provides discretion to HUD to establish income limits higher or lower than 120 percent of AMI to account for several factors including construction costs, family incomes, vacancy rates, or rental costs. HUD's methodology considers several of these factors and makes proportional adjustments. Were HUD to establish a floor of 120 percent, residents in localities with higher housing costs would receive disproportionate treatment than those in lower housing cost areas. HUD believes its methodology adequately makes proportional adjustments—both upward and downward—to reflect the factors required by the statute.

HUD also recognizes the concern that higher-income families allow PHAs to more deeply subsidize lower-income families. The statute allows PHAs to continue to house over-income families without providing them subsidy, if the PHA opts to do so. HUD will issue further guidance to PHAs on how to set their over-income policies.

2. Commenters asked that HUD include adjustments based on construction costs and vacancy rates, as those are two cost categories included in the statute but not contemplated in HUD's proposal. Some stated that HUD should include local vacancy rates in adjusting the income limit. Others also asked that HUD should include factors for increasing the limit for larger families and should consider family composition so as not to penalize families with an adult child beginning to work who will soon leave the household.

HUD Response: HUD's methodology takes into account local housing market factors such as construction costs and vacancy rates by using the metropolitan-

wide FMR to make adjustments for high and low housing costs. Specifically, HUD develops its FMRs annually using survey data of local gross rents paid, which are based on local housing market factors, including vacancy rates. Therefore, HUD will not make separate adjustments to the over-income limit because the FMR used to adjust income limits where necessary has already factored in such costs in its current methodology.

HUD's program income limits are also adjusted by household size such that a 1-person family has a different income limit value than the value for a 4-person or 8-person family. HUD will annually publish the over-income limits for each locality, specifying over-income limits for each family size. However, HUD has no discretion to consider family composition related to the over-income limit.

3. Commenters stated that using income definitions used for admissions limits may be inappropriate for determining the over-income limit, as factors that are important at very low-income levels may not be important at 120 percent AMI, and vice versa.

HUD Response: HUD disagrees that the factors used to make adjustments to very low-income limits are inappropriate for determining an over-income limit. The factors HUD uses for the very low-income limits consider local family incomes and local housing costs. HUD adjusts the very low-income limits upward and downward based on changes to family incomes, changes in housing costs, and to account for large spikes in changes to family incomes at the local level. HUD believes that these adjustments are precisely the types of adjustments included in section 16(a)(5) of the 1937 Act and therefore respectfully declines to amend its methodology.

Annual Reviews

Commenters stated that some PHAs use forms for annual reexaminations instead of forms for a unit change when program participants move units. The commenters asked if whether the two consecutive income reviews specified by HOTMA to judge whether a family has been over the income limit means two subsequent Annual 50058s or 24 months of 50058s reporting that the family is over the income threshold.

HUD Response: HUD intends to provide guidance on how to notify families, track over-income families, and report into HUD systems. However, to this specific question, the statute requires that a household must have maintained an income above the limit for two consecutive years before a PHA may terminate or raise rents on that household. If a PHA becomes aware, through an annual reexamination or an interim reexamination for an increase in income, that a family has reached the over-income limit, that will be the point in time for which the two-year clock will start.

Caps on Changes

Commenters asked if HUD was going to impose a 5 percent cap on changes to the over-income limit that would be on top of caps on changes already in place related to program income limits and, if so, asked HUD to provide additional justification for and examples of this policy. Others stated that HUD should eliminate the 5 percent ceiling for increase in the very low-income limit to account for expensive rental markets, but only for the purpose of determining the over-income limits.

HUD Response: HUD does not intend to impose additional adjustments beyond those adjustments made by HUD to the very low-income limits, which includes a 5 percent cap on annual changes to such income limits. Specifically, HUD's current cap on income limit increases is the greater of 5 percent or twice the increase in national median income growth. Because there is a two-year process to declare a family ineligible for public housing subsidy under section 16(a)(5) of the 1937 Act, large increases to the over-income limit for higher rental markets may result in families who are over-income in one year not being considered over-income in the second year as the over-income limit is adjusted upward in subsequent years.

Exemptions

1. Commenters pointed out that the notice states that PHAs housing families with incomes over 120 percent AMI under section 3(a)(5) of the 1937 Act are exempt from the income limit in HOTMA, but that the statutory provision was directed at individual families and did not seem to encompass the entire PHA.

HUD Response: Section 3(a)(5) of the 1937 Act permits PHAs operating fewer than 250 units to admit families that are not low-income at the time of admission into the program under certain circumstances as included in 24 CFR 960.503. HOTMA reiterates that families admitted by such PHAs under the circumstances included in section 3(a)(5) are not subject to the over-income limit. The requirements, including those governing rental payments for such families, will continue as established in 24 CFR 960.503. However, families served by PHAs operating fewer than 250 units that were not admitted under the circumstances included in section 3(a)(5) will be subject to the over-income limit established in HOTMA and made effective by this notice.

2. Commenters recommended that HUD include exemptions from the over-income limit for vulnerable populations, including seniors and disabled individuals and those that face specific financial constraints (*e.g.,* large families). Some stated that HUD should provide an explicit exemption to over-income limits for families participating in self-sufficiency programs. Commenters also stated that PHAs should be required to consider whether evicting a family for having an income that exceeds the over-income limit would create a hardship (such as for a household member caring for a relative close to the home or if a household member is ill). Others asked that HUD allow PHAs the ability to apply for an exception to the over-income limit entirely, based on the local market and conditions.

HUD Response: HUD does not have the authority under HOTMA to permit PHAs to exempt any public housing family from the over-income limitation established by HOTMA. However, PHAs are required to establish policies for continued occupancy in public housing. Through the development of those policies, a PHA is able to consider specific circumstances in which they would provide for flexibility in the administration of over-income requirements, provided such policies are in compliance with the 1937 Act and all applicable fair housing requirements. PHAs are subject to, among other fair housing and civil rights authorities, Section 504 of the Rehabilitation Act (Section 504), the Fair Housing Act, and Title II of the Americans with Disabilities Act (ADA), which include, among other requirements, the obligation to grant reasonable accommodations that may be necessary for persons with disabilities.

Fair Market Rents (FMRs)

1. Commenters stated that new guidance on small area fair market rents (SAFMRs) might make calculation of income thresholds administratively cumbersome for PHAs.

HUD Response: For each locality, HUD will publish over-income limits annually. Therefore, there is no associated burden on PHAs to calculate the over-income limits.

2. Commenters stated that FMRs do not accurately reflect rental market prices and that they are too volatile year-to-year, and are therefore

inappropriate to use when determining very low-incomes.

HUD Response: FMRs are HUD's best estimates of gross rents paid in each locality for which FMRs are published. Therefore, FMRs represent the best known, consistently calculated measurement of housing costs across the country. Furthermore, as required by section 107 of HOTMA, HUD will publish annual notices of proposed material changes in the methodology for estimating FMRs for public comment. The **Federal Register** notice announcing proposed material changes in the methodology for estimating FY 2018 FMRs, published June 26, 2017, at 82 FR 24377, contains specific proposals to limit the year-to-year volatility in FMR estimates that are concerning to the commenters.

3. Commenters stated that HUD should consider additional changes to the VLI FMR determination only for the purpose of determining the income limit. The commenters asked that HUD increase the annualized two-bedroom FMR from 85 percent to 100 percent to follow the expectation that FMRs allow access to 40–50 percent of the rental market in any given area. The commenters also suggested that HUD change the VLI limit from 35 percent to 30 percent.

HUD Response: The current high housing cost adjustment is that the 4-person very low-income limit is increased if the limit would otherwise be less than the amount at which 35 percent of it equals 85 percent of the annualized two-bedroom 40th percentile rent in the area. This adjusts income limits upward for areas where rental housing costs are unusually high in relation to the median income. The high housing cost adjustment is not meant to mimic programmatic requirements but to increase income limits in areas where the housing cost relative to incomes are extreme high.

Mixed Income Developments

1. Commenters stated that a barrier to implementing the income limit is that many public housing developments use Low-Income Housing Tax Credits, and the tax credit program does not allow PHAs to terminate households from affordable housing programs when household income increases over time. They asked that HUD and the Department of Treasury more closely align their policies.

HUD Response: HUD's and Treasury's policies are aligned when it comes to the treatment of over-income families. HUD regulations protect initially qualifying households from being displaced as their income rises, provided that their income remains below 80 percent AMI, which is a statutorily mandated public housing income limit. Similarly, under Treasury's regulations, the fact that a family is over-income under the Tax Credit program (which generally has a lower income limit than the public housing program) does not by itself amount to good cause for lease termination, although the over-income designation may affect the tax credits.

2. Commenters urged HUD to consider implementing a mechanism where public housing tenants in a mixed-finance building can switch to a market unit if the family's income exceeds the applicable over-income limit (freeing up an ACC unit), but allowing them to easily access a subsidized unit again should the family's income drop again.

HUD Response: HUD appreciates the comment and will take it in consideration during the rulemaking stage, which will address how a PHA determines its policies on dealing with over-income families after the 2-year grace period.

Over-Income Tenants

1. Commenters asked whether the decision to require an over-income family to vacate the unit or charge them the greater of FMR or the subsidy amount is a decision that a PHA can make on a unit-by-unit basis or whether it must be an agency-wide policy decision.

HUD Response: As with any other discretion provided to PHAs, PHAs are required to develop policies in their Admissions and Continued Occupancy Policies (ACOP) regarding when families will be permitted to remain in the unit and pay an alternative rent or be terminated. All such decisions must be consistent with applicable non-discrimination and other fair housing requirements. HUD will further address this issue in the rulemaking stage.

2. Commenters stated that the assumption in HOTMA that families with incomes exceeding the applicable over-income limit will be able to find housing in the private market is unrealistic in cities with very expensive housing markets.

HUD Response: HUD recognizes the concern expressed by this commenter, which is the reason that HUD chose to exercise its authority to establish higher over-income limits for such cities.

Utility Allowance

Commenters asked whether, when charging over-income families FMR, the PHA would be allowed to reduce the FMR rent for the utility allowance.

HUD Response: This question is outside of the scope of this notice. In a forthcoming rulemaking, HUD will address the alternative rent options. HUD will specifically address the implications of utility allowances in that rulemaking.

Reports to HUD

Commenters asked for additional guidance on what the report on over-income families (required by HOTMA) would look like.

HUD Response: Under the new requirements in the 1937 Act, PHAs will need to report annually on the number of over-income families residing in public housing and the number of families on the admissions waiting lists for public housing at the end of that year. The report will be in a format specified by HUD in the future.

Temporary Income Decreases

Commenters asked if the two-year over-income clock is restarted if a family has a temporary decrease in income.

HUD Response: If a family requests an interim reexamination, which then demonstrates that a family's income has dropped below the over-income limit, the family is no longer considered over-income. If a PHA becomes aware, through a subsequent annual reexamination or an interim reexamination that the family's income has increased to an amount that exceeds the over-income limit, the family would begin a new two-year clock.

Other Questions

1. Commenters asked for additional clarity on how HUD will determine rent structures for over-income families that the PHA allows to stay in their unit.

HUD Response: This question is outside of the scope of this notice. In a forthcoming rulemaking, HUD will address the alternative rent options.

2. Commenters stated that HUD should explicitly require compliance with fair housing and civil rights laws in its implementing regulations.

HUD Response: HUD appreciates the concerns regarding fair housing and civil rights laws. PHAs, in the administration of their public housing program, are always required to comply with fair housing and civil rights laws and their implementing regulations. HUD will consider whether any reference to fair housing and civil rights laws and regulations in forthcoming program regulations would be particularly helpful during the rulemaking stage.

3. Commenters stated that HUD should try to streamline its over-income policies across multiple HUD programs.

HUD Response: HUD appreciates the suggestion. However, this comment is outside of the scope of this notice. In many cases, over-income policies vary by program due to program design and funding structures, so HUD is limited in its ability to align such requirements.

III. Implementation

Through this notice, HUD is announcing that as of the date this notice is effective, HUD will be following the provisions of section 16(a)(5) of the 1937 Act, as added by section 103 of HOTMA, using the method of determining the over-income limit as described in the November 29, 2016, notice. PHAs must update their Admissions and Continued Occupancy Policies (ACOP) to implement these changes. Such policies must include the imposition of an over-income limit in the program, all instances of when the two-year timeframe begins, and notification requirements. If the implementation of this provision requires a significant amendment to a PHA's annual plan, a PHA should immediately take steps to complete the significant amendment process in order to effectuate the policy change. PHAs must complete all relevant policy and PHA plan changes no later than 6 months after the effective date of this notice.

Once a PHA has completed updates to its ACOP and, if necessary, its PHA plan, when the PHA becomes aware, through an annual reexamination or an interim reexamination for an increase in income, that a family's income exceeds the applicable income limit, the PHA must, per section 16(a)(5) of the 1937 Act, document that the family exceeds the threshold to compare with the family's income a year later.

If, one year after the initial determination by the PHA that a family's income exceeds the over-income limit, the family's income continues to exceed the over-income limit, the PHA must, as required by section 16(a)(5) of the 1937 Act, provide written notification to the family that their income has exceeded the over-income limit for one year, and that if the family's income continues to exceed the over-income limit for the next 12 consecutive months, the family will be subject to either a higher rent or termination based on the PHA's policies. If, however, a PHA discovers through an annual or interim reexamination that a previously over-income family has income that is now below the over-income limit, the family is no longer subject to these provisions. The family is entitled to a new 2-year grace period if the family's income once again exceeds the over-income limit.

HUD will provide additional information on where to locate applicable income limits, guidelines for PHAs to set alternative rents for over-income families, and any other guidance regarding this provision in a forthcoming notice.

IV. Environmental Impact Certification

This notice involves statutorily required income limits and exclusions with regard to eligibility for or calculation of HUD housing assistance or rental assistance which does not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Dated: July 9, 2018.

Danielle Bastarache,

Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 2018–15941 Filed 7–25–18; 8:45 am]

BILLING CODE 4210–67–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Lithography Machines and Systems and Components Thereof (II), DN 3329*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov* . The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Carl Ziess SMT GmBH on July 20, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain lithography machines and systems and components thereof (II). The complaint names as respondents: Nikon Corporation of Japan; Nikon Research Corporation of America of Belmont, CA; and Nikon Precision Inc. of Belmont, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States

relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business nine calendar days after the date of publication of this notice in the **Federal Register**. Complainant may file a reply to any written submission no later than the date on which complainant's reply would be due under § 210.8(c)(2) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(c)(2)).

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (Docket No. 3329) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: July 20, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–15960 Filed 7–25–18; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov*

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1106]

Certain Toner Cartridges and Components Thereof; Commission Determination Not To Review an Initial Determination Amending the Complainant and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 18) of the presiding administrative law judge (''ALJ'') amending the complaint and notice of investigation in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 29, 2018, based on a complaint filed on behalf of Canon U.S.A. Inc. of Melville, New York and Canon Virginia, Inc. of Newport News, Virginia. 83 FR 13516–17. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of U.S. Patent Nos. 9,746,826 (''the '826 patent''); 9,836,021 (''the '021 patent''); 9,841,727 (''the '727 patent''); 9,841,728 (''the '728 patent''); 9,841,729 (''the '729 patent''); 9,857,764 (''the '764 patent''); 9,857,765 (''the '765 patent''); 9,869,960 (''the '960 patent''); and 9,874,846. The Commission's notice of investigation named numerous respondents including Aster Graphics Co., Ltd. (''Aster Graphics'') of Guangdong, China; Do It Wiser LLC d/b/a Image Toner (''Image Toner'') of Alpharetta, Georgia; Global Cartridges of Burlingame, California; GPC Trading Co., Ltd. d/b/a GPC Image (''GPC Image'') of Kowloon, Hong Kong; and The Supplies Guys, LLC of Lancaster, Pennsylvania. The Office of Unfair Import Investigations is also a party to the investigation.

On June 13, 2018, complainants filed an unopposed amended motion to amend the complaint and notice of investigation (''NOI'') to do the following: (1) Change the name of respondent The Supplies Guys, LLC to The Supplies Guys, Inc.; (2) correct the

addresses for respondents Image Toner, Global Cartridges, and GPC Image; (3) terminate the investigation as to Aster Graphics; (4) add respondent Aster Graphics Company Ltd. (''Aster Graphics Company'') of Kowloon, Hong Kong to the investigation; (5) supplement complainants' identification of related court proceedings and patent applications related to the asserted patents in this investigation; and (6) terminate the investigation as to claims 3–4, 7, and 9 of the '826 patent; claims 5, 9, and 11 of the '021 patent; all asserted claims of the '727 and '728 patents; claims 2, 6, 10, 14, 19, 21, and 24 of the '729 patent; claim 8 of the '764 patent; claim 17 of the '765 patent; and claim 7 of the '960 patent.

The ALJ issued the subject ID on June 28, 2018, granting complainants' motion to amend the complaint and NOI. She found that good cause exists to grant the motion to amend under Commission rule 210.14(b)(1) because (1) complainant only learned during discovery that Aster Graphics Company of Hong Kong should replace Aster Graphics of China; and (2) complainants' motion is unopposed. The ALJ also found that no extraordinary circumstances exist to prevent the termination of these claims from the investigation and that such termination is in the public interest. No petitions for review were filed.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: July 23, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–15990 Filed 7–25–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Lithography Machines and Systems and Components Thereof (I), DN 3328;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Carl Ziess SMT GmBH on July 20, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain lithography machines and systems and components thereof (I). The complaint names as respondents: Nikon Corporation of Japan; Nikon Research Corporation of America of Belmont, CA; and Nikon Precision Inc. of Belmont, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business nine calendar days after the date of publication of this notice in the **Federal Register**. Complainant may file a reply to any written submission no later than the date on which complainant's reply would be due under § 210.8(c)(2) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(c)(2)).

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3328'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electonic Filing Procedures, Electronic

Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: July 20, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–15959 Filed 7–25–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: Registrants listed below have applied for and been granted registration by the Drug Enforcement Administration (DEA) as bulk manufacturers of various classes of schedule I and II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as bulk manufacturers of various basic classes of controlled substances. Information on previously published notices are listed in the table below. No comments or objections were submitted for these notices.

Company	FR docket	Published
Cedarburg Pharmaceuticals, Inc	83 FR 5275	February 6, 2018.
Cayman Chemical Company	83 FR 17678	April 23, 2018.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of these registrants to manufacture the applicable basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each of the company's maintenance of effective controls against diversion by inspecting and testing each company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the DEA has granted a registration as a bulk manufacturer to the above listed companies.

Dated: July 19, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–15963 Filed 7–25–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

[OMB Number 1125–0016]

Agency Information Collection Activities; Proposed Collection; Comments Requested; Reinstatement, With Change, of a Currently Approved Collection

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Notice.

SUMMARY: The Department of Justice, Executive Office for Immigration Review, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until September 24, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lauren Alder Reid, Chief, Immigration Law Division, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0289.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Executive Office for Immigration Review, including whether the information will have practical utility;

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. Type of Information Collection: Reinstatement, with change, of a currently approved collection.

2. The Title of the Form/Collection: Unfair Immigration-Related Employment Practices Complaint Form.

3. The agency form number, if any, and the applicable component of the Department sponsoring the collection: Form EOIR–58. The applicable component within the Department of Justice is the Office of the Chief Administrative Hearing Officer (OCAHO), Executive Office for Immigration Review.

4. Affected public who will be asked or required to respond, as well as a brief abstract: Individuals who wish to file a complaint alleging unfair immigration-related employment practices under section 274B of the Immigration and Nationality Act (INA). Other: None. Abstract: Section 274B of the INA prohibits: Employment discrimination on the basis of citizenship status or national origin; retaliation or intimidation by an employer against an individual seeking to exercise his or her right under this section; and ''document abuse'' or overdocumentation by the employer, which occurs when the employer asks an applicant or employee for more or different documents than required for employment eligibility verification under INA section 274A, with the intent of discriminating against the employee in violation of section 274B. Individuals who believe that they have suffered discrimination in violation of section 274B may file a charge with the Department of Justice, Immigrant and Employee Rights Section (IER). The IER then has 120 days to determine whether to file a complaint with OCAHO on behalf of the individual charging party. If the IER chooses not to file a complaint, the individual may then file his or her own complaint directly with OCAHO. This information collection may be used by an individual to file his or her own complaint with OCAHO. The Form EOIR–58 will elicit, in a uniform manner, all of the required information for OCAHO to assign a section 274B complaint to an Administrative Law Judge for adjudication.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: It is estimated that 23 respondents will complete the form annually; each response will be completed in approximately 30 minutes.

6. An estimate of the total public burden (in hours) associated with the collection: 11.5 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 20, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–15936 Filed 7–25–18; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

[OMB Number 1125–0006]

Agency Information Collection Activities; Proposed Collection; Comments Requested; Reinstatement, With Change, of a Currently Approved Collection

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Notice.

SUMMARY: The Department of Justice, Executive Office for Immigration Review, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until September 24, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lauren Alder Reid, Chief, Immigration Law Division, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0289.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Executive Office for Immigration Review, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of information collection:* Reinstatement, with change, of a currently approved collection.

2. *The title of the form/collection:* Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form EOIR–28. The applicable component within the Department of Justice is the Executive Office for Immigration Review.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Attorneys and qualified representatives notifying the Immigration Court that they are representing an alien in immigration proceedings. Other: None. Abstract: This information collection is necessary to allow an attorney or representative to notify the Immigration Court that he or

she is representing an alien before the Immigration Court.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 454,449 respondents will complete the form annually; each response will be completed in approximately 6 minutes.

6. *An estimate of the total public burden (in hours) associated with the collection:* 45,445 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 20, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–15935 Filed 7–25–18; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

[OMB Number 1125–0009]

Agency Information Collection Activities; Proposed Collection; Comments Requested; Reinstatement, Without Change, of a Currently Approved Collection

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Notice.

SUMMARY: The Department of Justice, Executive Office for Immigration Review, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until September 24, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lauren Alder Reid, Chief, Immigration Law Division, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0289.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Executive Office for Immigration Review, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection:

1. *Type of information collection:* Reinstatement, without change, of a currently approved collection.

2. *The title of the form/collection:* Application for Suspension of Deportation.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form EOIR–40. The applicable component within the Department of Justice is the Executive Office for Immigration Review.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual aliens determined to be deportable from the United States. Other: None. Abstract: This information collection is necessary to determine the statutory eligibility of individual aliens, who have been determined to be deportable from the United States, for suspension of their deportation pursuant to former section 244 of the Immigration and Nationality Act and 8 CFR 1240.55 (2011), as well as provide information relevant to a favorable exercise of discretion.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 133 respondents will complete the form annually; each response will be completed in approximately 5 hours and 45 minutes.

6. *An estimate of the total public burden (in hours) associated with the collection:* 765 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 20, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–15934 Filed 7–25–18; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On July 19, 2018, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Alaska, Fairbanks Division, in the lawsuit entitled *United States of America* v. *Golden Valley Electric Association, Inc.,* Civil Action No. 3:18–cv–00162–SLG.

The Complaint initiating this matter seeks injunctive relief and civil penalties for alleged violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.,* and regulations promulgated thereunder at an electric utility owned and operated by Golden Valley Electric Association, Inc. (''GVEA'') in Healy, Alaska. More specifically, the Complaint alleges that GVEA violated the Mercury Air Toxics Standard (''MATS'') by emitting mercury from one of its electric generating units in excess of the applicable emissions limit and failing to timely report those emissions.

Under the proposed Consent Decree, GVEA has agreed to pay a civil penalty to the United States, to comply with applicable emissions limits, to install and operate an emissions monitoring system, and to report to EPA, semi-annually, specified information enabling EPA to determine GVEA's compliance with the Consent Decree and the Clean Air Act.

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 of America v. *Golden Valley Electric Association, Inc.,* D.J. Ref. No. 90–5–2–1–10615/2. 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	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 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 $10.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan M. Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–15947 Filed 7–25–18; 8:45 am]

BILLING CODE 4410–15–P

LEGAL SERVICES CORPORATION

Notice to LSC Grantees of Application Process for Subgranting 2018–2019 Technology Initiative Grant and Pro Bono Innovation Fund Grant Funds

AGENCY: Legal Services Corporation.

ACTION: Notice of application dates and format for applications to subgrant LSC Technology Initiative Grant and Pro Bono Innovation Fund grants.

SUMMARY: The Legal Services Corporation (LSC) is the national organization charged with administering Federal funds provided for civil legal services to low-income people. LSC is announcing the submission dates for applications to make subgrants of its Technology Initiative Grants and its Pro Bono Innovation Fund grants. LSC is also providing information about where applicants may locate subgrant application forms and directions for providing the information required in the application.

DATES: See **SUPPLEMENTARY INFORMATION** section for application dates.

ADDRESSES: Legal Services Corporation—Office of Compliance and Enforcement, 3333 K Street NW, Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: Megan Lacchini, Office of Compliance and Enforcement, *lacchinim@lsc.gov,* 202–295–1506, or visit the LSC website at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

SUPPLEMENTARY INFORMATION: Under 45 CFR part 1627, LSC must publish, on an annual basis, ''notice of the requirements concerning the format and contents of [applications to make subgrants of LSC funds] annually in the **Federal Register** and on its website.'' 45 CFR 1627.4(b). This Notice and the publication of the Subgrant Application on LSC's website satisfy § 1627.4(b)'s notice requirement for the Technology Initiative Grant and Pro Bono Innovation Fund grant programs. Only current or prospective recipients of LSC Technology Initiative Grant and Pro Bono Innovation Fund grants may apply for approval to subgrant these funds.

Applicants must submit applications to make a subgrant of Technology Initiative Grant and Pro Bono Innovation Fund grant funds at least 45 days in advance of the subgrant's proposed effective date. 45 CFR 1627.4(b)(2).

Subgrant applications must be submitted at *https://lscgrants.lsc.gov.* Applicants may access the application under the ''Subgrants'' heading on their ''LSC Grants'' home page. Applicants may initiate an application by selecting ''Initiate Subgrant Application.'' Applicants must then provide the information requested in the LSC Grants data fields, located in the Subrecipient Profile, Subgrant Summary, and Subrecipient Budget screens, and upload the following documents:

- A draft Subgrant Agreement (with the required terms provided in the Technology Initiative Grants and Pro Bono Innovation Fund Subgrant Agreement Template (''Agreement Template''); and
- Responses to Technology Initiative Grants and Pro Bono Innovation Fund Subgrant Inquiries (''Inquiries'').

Applicants seeking to subgrant to an organization that is not a current LSC grantee must also upload:

- The subrecipient's accounting manual (or letter indicating that the subrecipient does not have one and why);
- The subrecipient's most recent audited financial statement (or letter indicating that the subrecipient does not have one and why);
- The subrecipient's most recent Form 990 filed with the Internal Revenue Service (or letter indicating that the subrecipient does not have one and why);
- The subrecipient's current fidelity bond policy (or letter indicating that the subrecipient does not have one and why);
- The subrecipient's conflict of interest policy (or letter indicating that the subrecipient does not have one and why); and
- The subrecipient's whistleblower policy (or letter indicating that the subrecipient does not have one and why).

The Agreement Template and Inquiries are available on LSC's website at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.* LSC encourages applicants to use LSC's Agreement Template as a model subgrant agreement. If the applicant does not, the proposed agreement must include, at a minimum, the substance of the provisions of the Template.

Once submitted, LSC will evaluate the application and provide applicants with instructions on any needed modifications to the information, documents, or Draft Agreement provided with the application. The applicant must then upload a final and signed subgrant agreement through LSC Grants. This can be done by selecting ''Upload Signed Agreement'' to the right of the application ''Status'' under the ''Subgrant'' heading on an applicant's LSC Grants home page.

As required by 45 CFR 1627.4(b)(3), LSC will inform applicants of its decision to disapprove, approve, or request modifications to the subgrant no later than the subgrant's proposed effective date.

Dated: July 20, 2018.

Stefanie Davis,

Assistant General Counsel.

[FR Doc. 2018–15952 Filed 7–25–18; 8:45 am]

BILLING CODE 7050–01–P

MILLENNIUM CHALLENGE CORPORATION

Millennium Challenge Corporation Advisory Council Notice of Open Meeting; Correction

AGENCY: Millennium Challenge Corporation.

ACTION: Renewal of the MCC Advisory Council and call for nominations for 2018–2020 term; correction.

SUMMARY: The Millennium Challenge Corporation published a document in the **Federal Register** of July 13, 2018, concerning refiling of the charter for the MCC Advisory Council and soliciting representative nominations for the 2018–2020 term. The document contained incorrect terminology in the subject and action lines, and an incorrect date.

FOR FURTHER INFORMATION CONTACT: Requests for additional information can be emailed to *MCCAdvisoryCouncil@mcc.gov* or mailed to Millennium Challenge Corporation, Attn: Beth Roberts, Designated Federal Officer, MCC Advisory Council, 1099 14th St. NW, Suite 700, Washington, DC 20005. Requests for additional information may also be obtained by contacting Beth Roberts at 202–521–3600.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of July 13, 2018, in FR Doc. 2018–15053, on page 32689 in the third column, Subject and Action lines, correct the subject ''Millennium Challenge Corporation Advisory Council Notice of Open Meeting'' to read: Renewal of the MCC Advisory Council and Call for Nominations for 2018–2020 Term, and correct the ''Action'' caption to read:

ACTION: Notice. On page 32690 in the first column, correct the ''Dates'' caption to read:

DATES: Nominations for Advisory Council members must be received on or before 5 p.m. EDT on August 17, 2018. Further information about the nomination process is included below.

MCC plans to host the first meeting of the 2018–2020 term of the MCC Advisory Council in Fall 2018. The Council will meet at least two times a year in Washington, DC, or via video/teleconferencing.

Dated: July 19, 2018.

Jeanne M. Hauch,

Vice President and General Counsel, Millennium Challenge Corporation.

[FR Doc. 2018–15949 Filed 7–25–18; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request; Purchase of Assets and Assumption of Liabilities

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The National Credit Union Administration (NCUA), as part of a continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the following extension of a currently approved collection, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before September 24, 2018 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to Dawn Wolfgang, National Credit Union Administration, 1775 Duke Street, Suite 5080, Alexandria, Virginia 22314; Fax No. 703–519–8579; or Email at *PRAComments@NCUA.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the address above or telephone 703–548–2279.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0169.

Title: Purchase of Assets and Assumption of Liabilities.

Type of Review: Extension of a currently approved collection.

Abstract: In accordance with § 741.8, federally insured credit unions (FICUs) must request approval from the NCUA prior to purchasing assets or assuming liabilities of a privately insured credit union, other financial institution, or their successor interest. A FICU seeking approval must submit a letter to the appropriate NCUA Regional Director stating the nature of the transaction, and include copies of relevant transaction documents. Relevant transaction documents may include, but are not limited to: the credit union's financial statements, strategic plan, and budget, inventory of the assets and liabilities to be transferred, and any relevant contracts or agreements regarding the transfer. NCUA will use the information to determine the safety and soundness of the transaction and risk to the National Credit Union Share Insurance Fund (NCUSIF).

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 7.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 7.

Estimated Burden Hours per Response: 120.

Estimated Total Annual Burden Hours: 840.

Reason for Change: The estimated hour burden per response has increased substantially from previous requests. NCUA has increased the time necessary to prepare and assemble the cover letter and the required transaction documents to reflect a more accurate accounting of burden associated with this reporting requirement.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) Whether the collection of information is necessary for the proper execution of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on July 23, 2018.

Dated: July 23, 2018.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2018–15982 Filed 7–25–18; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Submission for OMB Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice.

SUMMARY: The National Credit Union Administration (NCUA) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

DATES: Comments should be received on or before August 27, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NCUA, New Executive Office Building, Room 10235, Washington, DC 20503, or

email at *OIRA_Submission@OMB.EOP.gov* and (2) NCUA PRA Clearance Officer, 1775 Duke Street, Suite 5080, Alexandria, VA 22314, or email at *PRAComments@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Dawn Wolfgang at (703) 548–2279, emailing *PRAComments@ncua.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0188.

Type of Review: Extension of a currently approved collection.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs.

Affected Public: Individuals or Households; Private Sector: Businesses or other for-profits and Not-for-profit institutions.

Estimated Total Burden Hours: 42,000.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on July 23, 2018.

Dated: July 23, 2018.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2018–15983 Filed 7–25–18; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meetings Notice

TIME AND DATE: Every other Wednesday through Fiscal Year 2018 at 2:00 p.m., beginning on August 8, 2018. Meeting updates, such as changes in date and time or cancellations, will be posted at *www.nlrb.gov.*

PLACE: Board Agenda Room, No. 5065, 1015 Half St. SE, Washington DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pursuant to § 102.139(a) of the Board's Rules and Regulations, the Board or a panel thereof will consider ''the issuance of a subpoena, the Board's participation in a civil action or proceeding or an arbitration, or the initiation, conduct, or disposition . . . of particular representation or unfair labor practice proceedings under section 8, 9, or 10 of the [National Labor Relations] Act, or any court proceedings collateral or ancillary thereto.'' See also 5 U.S.C. 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: Roxanne Rothschild, Deputy Executive Secretary, 1015 Half Street SE, Washington, DC 20570. Telephone: (202) 273–2917.

Dated: July 24, 2018.

Roxanne Rothschild,

Deputy Executive Secretary, National Labor Relations Board.

[FR Doc. 2018–16047 Filed 7–24–18; 11:15 am]

BILLING CODE 7545–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83680; File No. SR–BX–2018–032]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section 7018(a) of the Exchange's Rules

July 20, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 10, 2018, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction fees at Rule 7018(a), as described further below.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's transaction fees at Rule 7018 to (i) adjust the volume threshold for a credit associated with orders that access liquidity that are entered by members that access liquidity equal to or in excess of a certain percentage of their total Consolidated Volume [3] for a month; (ii) establish two new credit tiers for orders that access liquidity equal to or exceeding 0.20% of total Consolidated Volume during a month and access 20% more liquidity as a percentage of Consolidated Volume than the member accessed in May 2018; and (iii) increase the fee applicable to buy (sell) orders with Midpoint pegging that receive an execution price that is lower (higher) than the midpoint of the National Best Bid and Offer (''NBBO'').

First Change

The Exchange operates on the ''taker-maker'' model, whereby it pays credits to members that take liquidity and charges fees to members that provide liquidity. Currently, the Exchange offers several different credits for orders that access liquidity on the Exchange. Among these credits, the Exchange pays a credit of $0.0015 per share executed for an order that accesses liquidity (excluding orders with Midpoint pegging and excluding orders that receive price improvement and execute against an order with a Non-displayed price) entered by a member that accesses liquidity equal to or exceeding

[3] Pursuant to Rule 7018(a), the term ''Consolidated Volume'' means the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month in equity securities, excluding executed orders with a size of less than one round lot.

0.05% of total Consolidated Volume during a month. The Exchange proposes to increase the Consolidated Volume threshold applicable to this credit to 0.075% of total Consolidated Volume during a month. The Exchange proposes this changes [sic] to provide a greater incentive to member firms to remove liquidity from the Exchange.

Second and Third Changes

The Exchange proposes to add two new categories of credit for members whose orders remove liquidity from the Exchange. First, the Exchange proposes to offer a $0.0018 per share executed credit for orders that access liquidity in securities in Tapes A and C (excluding orders with Midpoint pegging and excluding orders that receive price improvement and execute against an order with a Non-displayed price) that are entered by a member that: (i) Accesses liquidity equal to or exceeding 0.20% of total Consolidated Volume during a month; and (ii) accesses 20% more liquidity as a percentage of Consolidated Volume than the member accessed in May 2018. Second, the Exchange proposes to offer a $0.0019 per share executed credit for orders that access liquidity in securities in Tape B (excluding orders with Midpoint pegging and excluding orders that receive price improvement and execute against an order with a Non-displayed price) that are entered by a member that: (i) Accesses liquidity equal to or exceeding 0.20% of total Consolidated Volume during a month; and (ii) accesses 20% more liquidity as a percentage of Consolidated Volume than the member accessed in May 2018.

An example of how these credits will work is as follows. Firm X removes 0.19% of total Consolidated Volume in securities in Tape A in May 2018. In July 2018, Firm X removes 0.23% of total Consolidated Volume in securities in the same Tape. Firm X will therefore qualify for a $0.0018 per share executed credit for its orders that access liquidity in securities in Tape A (excluding orders with Midpoint pegging and excluding orders that receive price improvement and execute against an order with a Non-displayed price) because, during July, Firm X removed more than 0.20% of total Consolidated Volume in securities in Tape A and it also removed 20% more liquidity in July (as a percentage of Consolidated Volume) than it did in May.

The Exchange proposes to add these credits to provide new and stronger incentive for members to remove and to increase their removal of liquidity from the Exchange. In particular, the Exchange proposes a higher credit for removing liquidity in Tape B than it does in Tapes A or C to specifically target Tape B securities, where the Exchange has seen less activity than it has in Tape A and C securities.

Fourth Change

Presently, the Exchange charges a baseline fee of $0.0030 per share executed for each non-displayed order that adds liquidity. However, for certain types of non-displayed orders that add liquidity, the Exchange charges lower fees relative to the baseline fee as a means of incentivizing additional liquidity. For example, the Exchange charges $0.0015 per share executed for orders with Midpoint pegging [4] or $0.0005 if the order with Midpoint pegging is entered by a member that adds 0.02% of total Consolidated Volume of non-displayed liquidity.

In May 2018, the Exchange added a fee of $0.0017 per share executed for buy (sell) orders with Midpoint pegging that receive execution prices that are lower (higher) than the midpoint of the NBBO.[5] In doing so, the Exchange explained that the $0.0017 per share executed fee—which is higher than the fees that the Exchange charges to execute regular Midpoint pegging orders—is reasonable because orders that execute at prices better than the Midpoint of the NBBO receive better prices than regular Midpoint pegging orders.[6] The Exchange also explained that the fee is also reasonable because it is lower than the baseline $0.0030 fee that the Exchange charges for non-display orders, and thus provides incentives for non-displayed orders that provide price improvement relative to the Midpoint.[7]

After having observed the impact of this fee over the past few months, the Exchange has determined to re-calibrate it so that it is better aligned with the Exchange's objectives in imposing it. Accordingly, the Exchange proposes to increase the fee from $0.0017 per share executed to $0.0024 per share executed. Even with this re-calibration, the Exchange believes that the fee remains reasonable for the same reasons it expressed upon establishing it.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [10]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [11] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[12] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [13]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [14] Although the court and the SEC were discussing the cash equities markets, the Exchange believes

[4] Pursuant to Rule 4703(d), an order with a ''Midpoint pegging'' attribute is a nondisplayed order whose price is determined withreference to midpoint between the Inside Bid and Inside Offer (the ''Midpoint'').

[5] *See* Release No. 34–83224 (May 14, 2018), 83 FR 23312 (May 18, 2018) (SR–BX–2018–018).

[6] *See id.*

[7] *See id.*

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[11] *NetCoalition* v. *SEC,* 615 F.3d 525 (DC Cir. 2010).

[12] *See NetCoalition,* at 534–535.

[13] *Id.* at 537.

[14] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca-2006–21)).

that these views apply with equal force to the options markets.

First Change

The Exchange believes that it is reasonable to increase the Consolidated Volume threshold on its credit for orders that access liquidity (excluding orders with Midpoint pegging and excluding orders that receive price improvement and execute against an order with Midpoint pegging) entered by members that access liquidity equal to or exceeding 0.05% of total Consolidated Volume during a month. The Exchange must, from time to time, assess the effectiveness of its credits in achieving their intended objectives and adjust the levels of such credits based on the Exchange's observations of market participant behavior. In this instance, the Exchange determined that the threshold percentage of Consolidated Volume that is necessary for members to qualify for the credits should be increased to provide stronger incentives to market participants to improve the market. The Exchange believes that the proposed increase is equitable and is not unfairly discriminatory because it will apply to all similarly situated member firms.

Second and Third Changes

Likewise, the Exchange believes that its proposal is reasonable to add new credits for orders that access liquidity (excluding orders with Midpoint pegging and those that receive price improvement and execute against an order with a non-displayed price) that are entered by members that access liquidity equal to or in excess of 0.20% of total Consolidated Volume during a month and that access 20% more liquidity as a percentage of Consolidated Volume than the member accessed in May 2018. This proposal is reasonable because it will provide new and stronger incentive for members to improve the market by removing liquidity from the Exchange. It will also incent them to increase the extent of this activity on the Exchange relative to their activity levels as of May 2018. The Exchange believes it is reasonable, equitable, and not unfairly discriminatory to propose a higher credit to members that remove liquidity in securities in Tape B than those that do so in securities in Tapes A and C because the Exchange has experienced less activity in Tape B securities relative to Tapes A and C securities and it wishes to specifically target increased activity with respect to Tape B securities. The Exchange also believes that these proposals are equitable and not unfairly discriminatory because they will apply to all similarly situated member firms.

Fourth Change

Finally, the Exchange believes that its proposal is reasonable to increase the fee it charges for Midpoint pegging buy (sell) orders that receive execution prices that are lower (higher) than the midpoint of the NBBO. A Midpoint pegging order that receives price improvement relative to the midpoint of the NBBO receives a better price than an order that executes at the midpoint of the NBBO, such that the fee that the Exchange charges for the former is higher than the latter. Notwithstanding the proposed fee increase, the Exchange notes that the $0.0024 per share executed fee that it proposes to charge for Midpoint pegging orders that receive price improvement relative to the midpoint of the NBBO remains lower than the baseline $0.0030 per share executed fee that the Exchange charges for non-displayed orders.

The Exchange also notes that it is reasonable for it, from time to time, to adjust its mix of fees, rebates, and credits so as to ensure that the Exchange is allocating its limited resources efficiently and in a manner that best achieves its overarching objectives. The proposed fee change is function of that adjustment.

The Exchange believes that the proposed fee increase is an equitable allocation and is not unfairly discriminatory because the Exchange will apply the same fee to all similarly situated members.

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. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and credits to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee or credit changes in this market may impose any burden on competition is extremely limited.

In this instance, the Exchange's proposals to add to or modify its credits do not impose a burden on competition because these proposals are reflective of the Exchange's overall efforts to provide greater incentives to market participants that it believes will improve the market, to the benefit of all participants. The Exchange does not believe that any of the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets. Moreover, because there are numerous competitive alternatives to the use of the Exchange, it is likely that BX will lose market share as a result of the changes if they are unattractive to market participants.

Likewise, the Exchange's proposed fee increase does not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from other exchanges and from off-exchange venues. Again, if the proposed fee increase is unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposal will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BX–2018–032 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–BX–2018–032. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2018–032 and should be submitted on or before August 16, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Brent J. Fields,

Secretary.

[FR Doc. 2018–15944 Filed 7–25–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83679; File No. SR–BatsBZX–2017–72]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of Amendment No. 4 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 4 Thereto, To List and Trade Shares of the Innovator S&P 500 Buffer ETF Series, Innovator S&P 500 Power Buffer ETF Series, and Innovator S&P 500 Ultra Buffer ETF Series Under Rule 14.11(i)

July 20, 2018.

I. Introduction

On November 7, 2017, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX''), formerly known as Bats BZX Exchange, Inc., filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] a proposed rule change to list and trade shares of the Innovator S&P 500 Buffer ETF Series (formerly known both as the Innovator S&P 500 Enhance and Buffer ETF Series and Innovator S&P 500 Enhance and 10% Shield Strategy ETF Series), Innovator S&P 500 Power Buffer ETF Series (formerly known as both the Innovator S&P 500 Buffer ETF Series and Innovator S&P 500 15% Shield Strategy ETF Series), and Innovator S&P 500 Ultra Buffer ETF Series (formerly known as both the Innovator S&P 500 Power Buffer ETF Series and Innovator S&P 500 −5% to −35% Shield Strategy ETF Series) under BZX Rule 14.11(i). The proposed rule change was published for comment in the **Federal Register** on November 22, 2017.[4] On December 21, 2017, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[5] On February 20, 2018, the Commission initiated proceedings to determine whether to disapprove the proposed rule change.[6] On April 4, 2018, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and superseded the proposed rule change as originally filed. On July 12, 2018, the Exchange filed Amendment No. 2 to the proposed rule change, which amended and superseded the proposed rule change as modified by Amendment No. 1, as well as Amendment No. 3 to the proposed rule change, which amended and superseded the proposed rule change as modified by Amendment No. 2. On July 18, 2018, the Exchange filed Amendment No. 4 to the proposed rule change, which amended and superseded the proposed rule change as modified by Amendment No. 3.[7] The Commission received no comments on the proposed rule change. The Commission is publishing this notice to solicit comments on Amendment No. 4 from interested persons and is approving the proposed rule change, as modified by Amendment No. 4, on an accelerated basis.

II. The Exchange's Description of the Proposed Rule Change, as Modified by Amendment No. 4

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

This Amendment No. 4 to SR–BatsBZX–2017–72 amends and replaces in its entirety the third amended proposal submitted on July 12, 2018.

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 82097 (November 16, 2017), 82 FR 55689.

[5] *See* Securities Exchange Act Release No. 82387, 82 FR 61613 (December 28, 2017) (extending the time period to February 20, 2018).

[6] *See* Securities Exchange Act Release No. 82739, 83 FR 8309 (February 26, 2018).

[7] The amendments to the proposed rule change are available at: *https://www.sec.gov/comments/sr-batsbzx-2017-72/batsbzx201772.htm*. In Amendment No. 4, the Exchange (among other things) narrowed the scope of the proposed rule change to withdraw its request to list and trade shares of the Innovator S&P 500 Ultra ETF Series (formerly known as the Innovator S&P 500 Ultra Strategy ETF Series).

The Exchange submits this Amendment No. 4 in order to revise certain details regarding the Funds.

The Exchange proposes to list and trade shares (''Shares'') of up to twelve monthly Innovator S&P 500 Buffer ETF Series (collectively, the ''Buffer Funds''), Innovator S&P 500 Power Buffer ETF Series (collectively, the ''Power Buffer Funds''), and Innovator S&P 500 Ultra Buffer ETF Series (collectively, the ''Ultra Buffer Funds'') (each a ''Fund'' and, collectively, the ''Funds'') under Rule 14.11(i), which governs the listing and trading of Managed Fund Shares on the Exchange.[8] Each Fund will be an actively managed exchange traded fund (''ETF'').

The Shares will be offered by Innovator ETFs Trust (formerly Academy Funds Trust) (the ''Trust''), which was established as a Delaware statutory trust on October 17, 2007. The Trust is registered with the Commission as an investment company and has filed, for each Fund, a registration statement on Form N–1A (''Registration Statement'') with the Commission on behalf of the Funds.[9] Each Fund intends to qualify each year as a regulated investment company (a ''RIC'') under Subchapter M of the Internal Revenue Code of 1986, as amended.[10] Innovator Capital Management, LLC (the ''Adviser'') is the investment adviser to the Funds and Milliman Financial Risk Management LLC (the ''Sub-Adviser'') is the sub-adviser. Rule 14.11(i)(7) provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[11] In addition, Rule 14.11(i)(7) further requires that personnel who make decisions on the investment company's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable investment company portfolio. Neither the Adviser nor the Sub-Adviser is a registered broker-dealer, and neither the Adviser nor the Sub-Adviser are affiliated with broker-dealers. In addition, Adviser and Sub-Adviser personnel who make decisions regarding a Fund's portfolio are subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the Fund's portfolio. In the event that (a) the Adviser or Sub-Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. Similarly, to the extent that a Fund is based on a benchmark index, in the event that the index provider of the benchmark index (the ''Index Provider'') becomes registered as a broker-dealer or newly affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

The investment objective of the Funds is to provide investors with returns that match those of the S&P 500 Price Return Index (the ''S&P 500 Index'') over a period of approximately one year, while providing a level of protection from S&P 500 Index losses.

The Funds are each actively managed funds that employ a ''defined outcome strategy'' that:

(1) For the Buffer Funds, seeks to provide investment returns that match the gains of the S&P 500 Index, up to a maximized annual return (the ''Buffer Cap Level''), while guarding against a decline in the S&P 500 Index of the first 10% (the ''Buffer Strategy'');

(2) for the Power Buffer Funds, seeks to provide investment returns that match the gains of the S&P 500 Index, up to a maximized annual return (the ''Power Buffer Cap Level''), while guarding against a decline in the S&P 500 Index of the first 15% (the ''Power Buffer Strategy''); and

(3) for the Ultra Buffer Funds, seeks to provide investment returns that match the gains of the S&P 500 Index, up to a maximized annual return (the ''Ultra Buffer Cap Level''), while guarding against a decline in the S&P 500 Index of between 5% and 35% (the ''Ultra Buffer Strategy'').

Pursuant to the Strategies, each Fund will invest primarily in exchange-traded options contracts that reference either the S&P 500 Index or ETFs that track the S&P 500 Index. Defined outcome strategies are designed to participate in market gains and losses within pre-determined ranges over a specified period (*i.e.*, point to point). These outcomes are predicated on the assumption that an investment vehicle employing the strategy is held for the designated outcome periods. As such, the Exchange is proposing to list up to twelve monthly series of each of the Buffer Funds, Power Buffer Funds and Ultra Buffer Funds, as named above.

The Exchange submits this proposal in order to allow each Fund to hold listed derivatives, in particular FLexible EXchange Options (''FLEX Options'') on the S&P 500 Index, in a manner that does not comply with Rule 14.11(i)(4)(C)(iv)(b).[12] Otherwise, the

[8] The Commission originally approved BZX Rule 14.11(i) in Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018) and subsequently approved generic listing standards for Managed Fund Shares under Rule 14.11(i) in Securities Exchange Act Release No. 78396 (July 22, 2016), 81 FR 49698 (July 28, 2016) (SR–BATS–2015–100).

[9] *See* Post-Effective Amendment Nos. 149, 150, and 151 to Registration Statement on Form N–1A for the Trust, which were filed with the Commission on July 12, 2018 (File Nos. 333–146827 and 811–22135). The descriptions of the Funds and the Shares contained herein are based on information in the Registration Statement. There are no permissible holdings for the Funds that are not described in this proposal. The Commission has issued an order granting certain exemptive relief to the Trust under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') (the ''Exemptive Order''). *See* Investment Company Act Release No. 32854 (October 6, 2017) (File No. 812–14781).

[10] 26 U.S.C. 851.

[11] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[12] Rule 14.11(i)(4)(C)(iv)(b) provides that ''the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference

Funds will comply with all other listing requirements of the Generic Listing Standards [13] for Managed Fund Shares on an initial and continued listing basis under Rule 14.11(i).

Innovator S&P 500 Buffer ETF Series

Under Normal Market Conditions,[14] each Buffer Fund will attempt to achieve its investment objective by employing a ''defined outcome strategy'' that will seek to provide investment returns during the outcome period that match the gains of the S&P 500 Index, up to the Buffer Cap Level, while shielding investors from S&P 500 Index losses of up to 10%. Pursuant to the Buffer Strategy, each Buffer Fund will invest primarily in FLEX Options or standardized options contracts listed on a U.S. exchange that reference either the S&P 500 Index or ETFs that track the S&P 500 Index.

The portfolio managers will invest in a portfolio of FLEX Options linked to an underlying asset, the S&P 500 Index, that, when held for the specified period, seeks to produce returns that, over the outcome period, match the positive returns of the S&P 500 Index up to the Buffer Cap Level. Pursuant to the Buffer Strategy, each Buffer Fund's portfolio managers will seek to produce the following outcomes during the outcome period:

- *If the S&P 500 Index appreciates over the outcome period:* The Buffer Fund will seek to provide shareholders with a total return that matches that of the S&P 500 Index, up to and including the Buffer Cap Level;
- *If the S&P 500 Index depreciates over the outcome period by 10% or less:* The Buffer Fund will seek to provide a total return of zero;
- *If the S&P 500 Index decreases over the outcome period by more than 10%:* The Buffer Fund will seek to provide a total return loss that is 10% less than the percentage loss on the S&P 500 Index with a maximum loss of approximately 90%.

The Buffer Funds will produce these outcomes by layering purchased and written FLEX Options. The customizable nature of FLEX Options allows for the creation of a strategy that sets desired defined outcome parameters. The FLEX Options comprising a Buffer Fund's portfolio have terms that, when layered upon each other, are designed to buffer against losses or match the gains of the S&P 500 Index. However, another effect of the layering of FLEX Options with these terms is a cap on the level of possible gains.

Any FLEX Options that are written by a Buffer Fund that create an obligation to sell or buy an asset will be offset with a position in FLEX Options purchased by the Buffer Fund to create the right to buy or sell the same asset such that the Buffer Fund will always be in a net long position. That is, any obligations of a Buffer Fund created by its writing of FLEX Options will be covered by offsetting positions in other purchased FLEX Options. As the FLEX Options mature at the end of each outcome period, they are replaced. By replacing FLEX Options annually, each Buffer Fund seeks to ensure that investments made in a given month during the current year buffer against negative returns of the S&P 500 Index up to pre-determined levels in that same month of the following year. The Buffer Funds do not offer any protection against declines in the S&P 500 Index exceeding 10% on an annualized basis. Shareholders will bear all S&P 500 Index losses exceeding 10% on a one-to-one basis.

The FLEX Options owned by each of the Buffer Funds will have the same terms (*i.e.*, same strike price and expiration) for all investors of a Buffer Fund within an outcome period. The Buffer Cap Level will be determined with respect to each Buffer Fund on the inception date of the Buffer Fund and at the beginning of each outcome period and is determined based on the price of the FLEX Options acquired by the Buffer Fund at that time.

Innovator S&P 500 Power Buffer ETF Series

Under Normal Market Conditions, each Power Buffer Fund will attempt to achieve its investment objective by employing a ''defined outcome strategy'' that will seek to provide investment returns during the outcome period that match the gains of the S&P 500 Index, up to the Power Buffer Cap Level, while shielding investors from S&P 500 Index losses of up to 15%. Pursuant to the Power Buffer Strategy, each Power Buffer Fund will invest primarily in FLEX Options or standardized options contracts listed on a U.S. exchange that reference either the S&P 500 Index or ETFs that track the S&P 500 Index.

The portfolio managers will invest in a portfolio of FLEX Options linked to an underlying asset, the S&P 500 Index, that, when held for the specified period, seeks to produce returns that, over the outcome period, match the positive returns of the S&P 500 Index up to the Power Buffer Cap Level. Pursuant to the Power Buffer Strategy, each Power Buffer Fund's portfolio managers will seek to produce the following outcomes during the outcome period:

- *If the S&P 500 Index appreciates over the outcome period:* The Power Buffer Fund will seek to provide shareholders with a total return that matches that of the S&P 500 Index, up to and including the Power Buffer Cap Level;
- *If the S&P 500 Index depreciates over the outcome period by 15% or less:* The Power Buffer Fund will seek to provide a total return of zero; and
- *If the S&P 500 Index decreases over the outcome period by more than 15%:* The Power Buffer Fund will seek to provide a total return loss that is 15% less than the percentage loss on the S&P 500 Index with a maximum loss of approximately 85%.

The Power Buffer Funds will produce these outcomes by layering purchased and written FLEX Options. The customizable nature of FLEX Options allows for the creation of a strategy that sets desired defined outcome parameters. The FLEX Options comprising a Power Buffer Fund's portfolio have terms that, when layered upon each other, are designed to buffer against losses or match the gains of the S&P 500 Index. However, another effect of the layering of FLEX Options with these terms is a cap on the level of possible gains.

Any FLEX Options that are written by a Power Buffer Fund that create an obligation to sell or buy an asset will be offset with a position in FLEX Options purchased by the Power Buffer Fund to create the right to buy or sell the same asset such that the Power Buffer Fund will always be in a net long position. That is, any obligations of a Power Buffer Fund created by its writing of

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assets shall not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures).'' The Funds do not meet the generic listing standards because they fail to meet the requirement of Rule 14.11(i)(4)(C)(iv)(b) that prevents the aggregate gross notional value of listed derivatives based on any single underlying reference asset from exceeding 30% of the weight of the portfolio (including gross notional exposures) and the requirement that the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the portfolio (including gross notional exposures).

[13] For purposes of this proposal, the term ''Generic Listing Standards'' shall mean the generic listing rules for Managed Fund Shares under Rule 14.11(i)(4)(C).

[14] As defined in Rule 14.11(i)(3)(E), the term ''Normal Market Conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues causing dissemination of inaccurate market information or system failures; or force majeure type events such as natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

FLEX Options will be covered by offsetting positions in other purchased FLEX Options. As the FLEX Options mature at the end of each outcome period, they are replaced. By replacing FLEX Options annually, each Power Buffer Fund seeks to ensure that investments made in a given month during the current year buffer against negative returns of the S&P 500 Index up to pre-determined levels in that same month of the following year. The Power Buffer Funds do not offer any protection against declines in the S&P 500 Index exceeding 15% on an annualized basis. Shareholders will bear all S&P 500 Index losses exceeding 15% on a one-to-one basis.

The FLEX Options owned by each of the Power Buffer Funds will have the same terms (*i.e.* same strike price and expiration) for all investors of a Power Buffer Fund within an outcome period. The Power Buffer Cap Level will be determined with respect to each Power Buffer Fund on the inception date of the Power Buffer Fund and at the beginning of each outcome period and is determined based on the price of the FLEX Options acquired by the Power Buffer Fund at that time.

Innovator S&P 500 Ultra Buffer ETF Series

Under Normal Market Conditions, each Ultra Buffer Fund will attempt to achieve its investment objective by employing a ''defined outcome strategy'' that will seek to provide investment returns during the outcome period that match the gains of the S&P 500 Index, up to the Ultra Buffer Cap Level, while shielding investors from S&P 500 Index losses of between 5% and 35%. Pursuant to the Ultra Buffer Strategy, each Ultra Buffer Fund will invest primarily in FLEX Options or standardized options contracts listed on a U.S. exchange that reference either the S&P 500 Index or ETFs that track the S&P 500 Index.

The portfolio managers will invest in a portfolio of FLEX Options linked to an underlying asset, the S&P 500 Index, that, when held for the specified period, seeks to produce returns that, over the outcome period, match the positive returns of the S&P 500 Index up to the Ultra Buffer Cap Level. Pursuant to the Ultra Buffer Strategy, each Ultra Buffer Fund's portfolio managers will seek to produce the following outcomes during the outcome period:

- *If the S&P 500 Index appreciates over the outcome period:* The Ultra Buffer Fund will seek to provide a total return that matches the percentage increase of the S&P 500 Index, up to the Ultra Buffer Cap Level;
- *If the S&P 500 Index decreases over the outcome period by 5% or less:* The Ultra Buffer Fund will seek to provide a total return loss that is equal to the percentage loss on the S&P 500 Index;
- *If the S&P 500 Index decreases over the outcome period by 5%-35%:* The Ultra Buffer Fund will seek to provide a total return loss of 5%; and
- *If the S&P 500 Index depreciates over the outcome period by greater than 35%:* The Ultra Buffer Fund will seek to provide a total return loss that is 30% less than the percentage loss on the S&P 500 Index with a maximum loss of approximately 70%.

The Ultra Buffer Funds will produce these outcomes by layering purchased and written FLEX Options. The customizable nature of FLEX Options allows for the creation of a strategy that sets desired defined outcome parameters. The FLEX Options comprising an Ultra Buffer Fund's portfolio have terms that, when layered upon each other, are designed to buffer against losses or match the gains of the S&P 500 Index. However, another effect of the layering of FLEX Options with these terms is a cap on the level of possible gains.

Any FLEX Options that are written by an Ultra Buffer Fund that create an obligation to sell or buy an asset will be offset with a position in FLEX Options purchased by the Ultra Buffer Fund to create the right to buy or sell the same asset such that the Ultra Buffer Fund will always be in a net long position. That is, any obligations of an Ultra Buffer Fund created by its writing of FLEX Options will be covered by offsetting positions in other purchased FLEX Options. As the FLEX Options mature at the end of each outcome period, they are replaced. By replacing FLEX Options annually, each Ultra Buffer Fund seeks to ensure that investments made in a given month during the current year buffer against negative returns of the S&P 500 Index up to pre-determined levels in that same month of the following year. The Ultra Buffer Funds do not offer any protection against declines in the S&P 500 Index exceeding 35% on an annualized basis. Shareholders will bear all S&P 500 Index losses exceeding 35% on a one-to-one basis.

The FLEX Options owned by each of the Ultra Buffer Funds will have the same terms (*i.e.* same strike price and expiration) for all investors of an Ultra Buffer Fund within an outcome period. The Ultra Buffer Cap Level will be determined with respect to each Ultra Buffer Fund on the inception date of the Ultra Buffer Fund and at the beginning of each outcome period and is determined based on the price of the FLEX Options acquired by the Ultra Buffer Fund at that time.

Investment Methodology for the Funds

Under Normal Market Conditions, each Fund will invest primarily in U.S. exchange-listed FLEX Options on the S&P 500 Index. Each of the Funds may invest its net assets (in the aggregate) in other investments which the Adviser or Sub-Adviser believes will help each Fund to meet its investment objective and that will be disclosed at the end of each trading day (''Other Assets''). Other Assets include only the following: Cash or cash equivalents, as defined in Rule 14.11(i)(4)(C)(iii) [15] and standardized options contracts listed on a U.S. securities exchange that reference either the S&P 500 Index or that reference ETFs that track the S&P 500 Index (''Reference ETFs'').

S&P 500 Index FLEX Options

The market for options contracts on the S&P 500 Index traded on Cboe Exchange, Inc. (''Cboe Options'') is among the most liquid markets in the world. In 2017, more than 1.16 million options contracts on the S&P 500 Index were traded per day on Cboe Options, which is more than $250 billion in notional volume traded on a daily basis. While FLEX Options are traded differently than standardized options contracts, the Exchange believes that this liquidity bolsters the market for FLEX Options, as described below. Every FLEX Option order submitted to Cboe Options is exposed to a competitive auction process for price discovery. The process begins with a request for quote (''RFQ'') in which the interested party establishes the terms of the FLEX Options contract. The RFQ solicits interested market participants, including on-floor market makers, remote market makers trading electronically, and member firm traders, to respond to the RFQ with bids or offers through a competitive process. This solicitation contains all of the

[15] As defined in Rule 14.11(i)(4)(C)(iii), cash equivalents include short-term instruments with maturities of less than three months, including: (i) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (ii) certificates of deposit issued against funds deposited in a bank or savings and loan association; (iii) bankers acceptances, which are short-term credit instruments used to finance commercial transactions; (iv) repurchase agreements and reverse repurchase agreements; (v) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (vi) commercial paper, which are short-term unsecured promissory notes; and (vii) money market funds.

contract specifications-underlying, size, type of option, expiration date, strike price, exercise style and settlement basis. During a specified amount of time, responses to the RFQ are received and at the end of that time period, the initiator can decide whether to accept the best bid or offer. The process occurs under the rules of Cboe Options which means that customer transactions are effected according to the principles of a fair and orderly market following trading procedures and policies developed by Cboe Options.

The Exchange believes that sufficient protections are in place to protect against market manipulation of the Funds' Shares and FLEX Options on the S&P 500 Index for several reasons: (i) The diversity, liquidity, and market cap of the securities underlying the S&P 500 Index; (ii) the competitive quoting process for FLEX Options; (iii) the significant liquidity in the market for options on the S&P 500 Index results in a well-established price discovery process that provides meaningful guideposts for FLEX Option pricing; and (iv) surveillance by the Exchange, Cboe Options [16] and the Financial Industry Regulatory Authority (''FINRA'') designed to detect violations of the federal securities laws and self-regulatory organization (''SRO'') rules. The Exchange has in place a surveillance program for transactions in ETFs to ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the Shares less readily susceptible to manipulation. Further, the Exchange believes that because the assets in each Fund's portfolio, which are comprised primarily of FLEX Options on the S&P 500 Index, will be acquired in extremely liquid and highly regulated markets,[17] the Shares are less readily susceptible to manipulation.

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares. All statements and representations made in this filing regarding (a) the description of the portfolio, reference assets, and index, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange rules shall constitute continued listing requirements for listing the Shares on the Exchange. The issuer has represented to the Exchange that it will advise the Exchange of any failure by a Fund or the related Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund or the related Shares are not in compliance with the applicable listing requirements, then, with respect to such Fund or Shares, the Exchange will commence delisting procedures under Exchange Rule 14.12. FINRA conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures with respect to such Fund under Exchange Rule 14.12.

The Exchange or FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and exchange-traded options contracts with other markets and other entities that are members of the ISG and may obtain trading information regarding trading in the Shares and exchange-traded options contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and exchange-traded options contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

As noted above, options on the S&P 500 Index are among the most liquid options in the world and derive their value from the actively traded S&P 500 Index components. The contracts are cash-settled with no delivery of stocks or ETFs, and trade in competitive auction markets with price and quote transparency. The Exchange believes the highly regulated options markets and the broad base and scope of the S&P 500 Index make securities that derive their value from that index less susceptible to market manipulation in view of market capitalization and liquidity of the S&P 500 Index components, price and quote transparency, and arbitrage opportunities.

The Exchange believes that the liquidity of the markets for S&P 500 Index securities, options on the S&P 500 Index, and other related derivatives is sufficiently great to deter fraudulent or manipulative acts associated with the Funds' Shares price. The Exchange also believes that such liquidity is sufficient to support the creation and redemption mechanism. Coupled with the extensive surveillance programs of the SROs described above, the Exchange does not believe that trading in the Funds' Shares would present manipulation concerns.

The Exchange represents that, except for the limitations on listed derivatives in BZX Rule 14.11(i)(4)(C)(iv)(b), the Funds' proposed investments will satisfy, on an initial and continued listing basis, all of the generic listing standards under BZX Rule 14.11(i)(4)(C) and all other applicable requirements for Managed Fund Shares under Rule 14.11(i). The Trust is required to comply with Rule 10A–3 under the Act for the initial and continued listing of the Shares of the Funds. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. In addition, the Exchange represents that the Shares of the Funds will comply with all other requirements applicable to Managed Fund Shares, which includes the dissemination of key information such as the Disclosed Portfolio,[18] Net Asset Value,[19] and the Intraday Indicative Value,[20] suspension of trading or removal,[21] trading halts,[22] surveillance,[23] minimum price variation for quoting and order entry,[24] and the information circular,[25] as set forth in Exchange rules applicable to Managed Fund Shares. Moreover, all of the options contracts held by the Funds will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place

[16] The Exchange notes that Cboe Options is a member of the Option Price Regulatory Surveillance Authority, which was established in 2006, to provide efficiencies in looking for insider trading and serves as a central organization to facilitate collaboration in insider trading and investigations for the U.S. options exchanges. For more information, *see http://www.cboe.com/aboutcboe/legal/departments/orsareg.aspx.*

[17] All exchange-listed securities that the Funds may hold will trade on a market that is a member of the Intermarket Surveillance Group (''ISG'') and the Funds will not hold any non-exchange-listed equities or options, however, not all of the components of the portfolio for the Funds may trade on exchanges that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. For a list of the current members of ISG, see *www.isgportal.org.*

[18] *See* Rule 14.11(i)(4)(A)(ii) and 14.11(i)(4)(B)(ii).

[19] *See* Rule 14.11(i)(4)(A)(ii).

[20] *See* Rule 14.11(i)(4)(B)(i).

[21] *See* Rule 14.11(i)(4)(B)(iii).

[22] *See* Rule 14.11(i)(4)(B)(iv).

[23] *See* Rule 14.11(i)(2)(C).

[24] *See* Rule 14.11(i)(2)(B).

[25] *See* Rule 14.11(i)(6).

a comprehensive surveillance sharing agreement. Quotation and last sale information for U.S. exchange-listed options contracts cleared by The Options Clearing Corporation will be available via the Options Price Reporting Authority. RFQ information for FLEX Options will be available directly from Cboe Options. The intra-day, closing and settlement prices of exchange-traded options will be readily available from the options exchanges, automated quotation systems, published or other public sources, or online information services such as Bloomberg or Reuters. Price information on cash equivalents is available from major broker-dealer firms or market data vendors, as well as from automated quotation systems, published or other public sources, or online information services.

Lastly, the issuer represents that it will provide and maintain a publicly available web tool for each of the Funds on its website that provides existing and prospective shareholders with important information to help inform investment decisions. The information provided includes the start and end dates of the current outcome period, the time remaining in the outcome period, the Fund's current net asset value, the Fund's cap for the outcome period and the maximum investment gain available up to the cap for a shareholder purchasing Shares at the current net asset value. For each of the Funds, the web tool also provides information regarding each Fund's buffer. This information includes the remaining buffer available for a shareholder purchasing Shares at the current net asset value or the amount of losses that a shareholder purchasing Shares at the current net asset value would incur before benefitting from the protection of the buffer. The cover of each Fund's prospectus, as well as the disclosure contained in ''Principal Investment Strategies,'' provides the specific web address for each Fund's web tool.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act [26] in general and Section 6(b)(5) of the Act [27] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest in that the Shares will meet each of the initial and continued listing criteria in BZX Rule 14.11(i) with the exception of Rule 14.11(i)(4)(C)(iv)(b), which requires that the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures).[28] Rule 14.11(i)(4)(C)(iv)(b) is intended to ensure that a fund is not subject to manipulation by virtue of significant exposure to a manipulable underlying reference asset by establishing concentration limits among the underlying reference assets for listed derivatives held by a particular fund.

The Exchange believes that sufficient protections are in place to protect against market manipulation of the Funds' Shares and FLEX Options on the S&P 500 Index for several reasons: (i) The diversity, liquidity, and market cap of the securities underlying the S&P 500 Index; (ii) the competitive quoting process for FLEX Options; (iii) the significant liquidity in the market for options on the S&P 500 Index results in a well-established price discovery process that provides meaningful guideposts for FLEX Option pricing; and (iv) surveillance by the Exchange, Cboe Options and FINRA designed to detect violations of the federal securities laws and SRO rules. The Exchange has in place a surveillance program for transactions in ETFs to ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the Shares less readily susceptible to manipulation. Further, the Exchange believes that because the assets in each Fund's portfolio, which are comprised primarily of FLEX Options on the S&P 500 Index, will be acquired in extremely liquid and highly regulated markets, the Shares are less readily susceptible to manipulation.

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares. All statements and representations made in this filing regarding (a) the description of the portfolio, reference assets, and index, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange rules shall constitute continued listing requirements for listing the Shares on the Exchange. The issuer has represented to the Exchange that it will advise the Exchange of any failure by a Fund or the related Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund or the related Shares are not in compliance with the applicable listing requirements, then, with respect to such Fund or Shares, the Exchange will commence delisting procedures under Exchange Rule 14.12. FINRA conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures with respect to such Fund under Exchange Rule 14.12.

The Exchange or FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and exchange-traded options contracts with other markets and other entities that are members of the ISG and may obtain trading information regarding trading in the Shares and exchange-traded options contracts from such markets and other entities. In addition, the Exchange may obtain information

[26] 15 U.S.C. 78f.

[27] 15 U.S.C. 78f(b)(5).

[28] As noted above, the Exchange is submitting this proposal because the Funds would not meet the requirements of Rule 14.11(i)(4)(C)(iv)(b) which prevents the aggregate gross notional value of listed derivatives based on any single underlying reference asset from exceeding 30% of the weight of the portfolio (including gross notional exposures) and the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets from exceeding 65% of the weight of the portfolio (including gross notional exposures).

regarding trading in the Shares and exchange-traded options contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees. As noted above, options on the S&P 500 Index are among the most liquid options in the world and derive their value from the actively traded S&P 500 Index components. The contracts are cash-settled with no delivery of stocks or ETFs, and trade in competitive auction markets with price and quote transparency. The Exchange believes the highly regulated options markets and the broad base and scope of the S&P 500 Index make securities that derive their value from that index less susceptible to market manipulation in view of market capitalization and liquidity of the S&P 500 Index components, price and quote transparency, and arbitrage opportunities.

The Exchange believes that the liquidity of the markets for S&P 500 Index securities, options on the S&P 500 Index, and other related derivatives is sufficiently great to deter fraudulent or manipulative acts associated with the Funds' Shares price. The Exchange also believes that such liquidity is sufficient to support the creation and redemption mechanism. Coupled with the extensive surveillance programs of the SROs described above, the Exchange does not believe that trading in the Funds' Shares would present manipulation concerns.

The Exchange represents that, except as described above, the Funds will meet and be subject to all other requirements of the Generic Listing Standards and other applicable continued listing requirements for Managed Fund Shares under Rule 14.11(i), including those requirements regarding the Disclosed Portfolio,[29] Intraday Indicative Value,[30] suspension of trading or removal,[31] trading halts,[32] disclosure,[33] and firewalls.[34] The Trust is required to comply with Rule 10A–3 under the Act for the initial and continued listing of the Shares of each Fund. Moreover, all of the options contracts held by the Funds will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

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 that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of Managed Fund Shares that will 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. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[35] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 4, is consistent with Section 6(b)(5) of the Act,[36] which requires, among other things, that the Exchange's rules be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission also finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[37] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities.

According to the Exchange, quotation and last-sale information for U.S. exchange-listed options contracts cleared by The Options Clearing Corporation will be available via the Options Price Reporting Authority.[38] RFQ information for FLEX Options will be available directly from Cboe Options. The intra-day, closing and settlement prices of exchange-traded options will be readily available from the options exchanges, automated quotation systems, published or other public sources, or online information services.[39] In addition, price information about cash equivalents will be available from major broker-dealer firms or market data vendors, as well as from automated quotation systems, published or other public sources, or online information services.[40]

The Commission also believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. Under BZX Rule 14.11(i)(4)(B)(iv), if the Exchange becomes aware that the NAV or the Disclosed Portfolio is not disseminated to all market participants at the same time, the Exchange is required to halt trading in such series of Managed Fund Shares. In addition, the Exchange represents that if the Funds or the Shares are not in compliance with the applicable listing requirements for Managed Funds Shares under BZX Rule 14.11(i), the Exchange will commence delisting procedures under BZX Rule 14.12 (Failure to Meet Listing Standards).[41] The Exchange also states that it has a general policy prohibiting the distribution of material, non-public information by its employees.[42] Further, the Trust has represented that it will provide and maintain a publicly available tool on its website that will provide existing and prospective Fund shareholders with certain information for each of the Funds including, among other things, current NAV, start and end dates of the current outcome period, and the remaining buffer available for a shareholder purchasing Shares at the current NAV or the amount of losses that a shareholder purchasing Shares at the current NAV would incur before benefitting from the protection of the buffer.[43]

The Shares do not qualify for generic listing because the Funds will not

[29] *See* Rule 14.11(i)(4)(B)(ii).

[30] *See* Rule 14.11(i)(4)(B)(i).

[31] *See* Rule 14.11(i)(4)(B)(iii).

[32] *See* Rule 14.11(i)(4)(B)(iv).

[33] *See* Rule 14.11(i)(6).

[34] *See* Rule 14.11(i)(7).

[35] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[36] 15 U.S.C. 78f(b)(5).

[37] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[38] *See* Amendment No. 4, *supra* note 7, at 20.

[39] *See id.*

[40] *See id.* at 20–21.

[41] *See id.* at 18.

[42] *See id.* at 19.

[43] *See id.* at 21.

satisfy the requirement of BZX Rule 14.11(i)(4)(C)(iv)(b) that the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the portfolio and the aggregate gross notional value of listed derivatives based on any single underlying reference asset not exceed 30% of the weight of the portfolio (including gross notional exposures). Although the Funds will hold listed derivatives primarily on a single reference asset, the S&P 500 Index,[44] the Commission believes that the prices of the Shares will be less susceptible to manipulation. As the Exchange states, options on the S&P 500 Index are among the most liquid options in the world, and derive their value from the actively traded index components. Additionally, all of the options held by the Funds will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[45]

In support of this proposal, the Exchange represented that:

(1) The Funds and the Shares will satisfy all of the requirements applicable to Managed Fund Shares under BZX Rule 14.11(i), as well as the Generic Listing Standards other than BZX Rule 14.11(i)(4)(C)(iv)(b).

(2) Trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by Cboe Options and FINRA, on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.

(3) For initial and continued listing, the Funds will be in compliance with Rule 10A–3 under the Act.[46]

(4) A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange.[47]

This approval order is based on all of the Exchange's statements and representations, including those set forth above and in Amendment No. 4.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 4 thereto, is consistent with Section 6(b)(5) of the Act[48] and the rules and regulations thereunder applicable to a national securities exchange.

[44] The Funds also may invest in options overlying Reference ETFs.

[45] For a list of the current members of ISG, see *www.isgportal.org.*

[46] 17 CFR 240.10A–3.

[47] *See* Amendment No. 4, *supra* note 7, at 20.

[48] 15 U.S.C. 78f(b)(5).

IV. Solicitation of Comments on Amendment No. 4 to the Proposed Rule Change

Interested persons are invited to submit written views, data, and arguments concerning whether Amendment No. 4 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR-BatsBZX–2017–72 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–BatsBZX–2017–72. 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–BatsBZX–2017–72 and should be submitted on or before August 16, 2018.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 4

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 4, prior to the 30th day after the date of publication of notice of the filing of Amendment No. 4 in the **Federal Register**. Amendment No. 4 supplements the proposal by, among other things, representing that the issuer will provide and maintain a publicly available web tool for each of the Funds that will offer important information to help inform investment decisions by prospective and existing shareholders. The amendment assisted the Commission in evaluating the Exchange's proposal and in determining that the listing and trading of the Shares is consistent with the Act. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[49] to approve the proposed rule change, as modified by Amendment No. 4, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[50] that the proposed rule change (SR–BatsBZX–2017–72), as modified by Amendment No. 4 be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[51]

Brent J. Fields,

Secretary.

[FR Doc. 2018–15945 Filed 7–25–18; 8:45 am]

BILLING CODE 8011–01–P

[49] 15 U.S.C. 78s(b)(2).

[50] *Id.*

[51] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 83 FR 35041, July 24, 2018.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, July 26, 2018 at 2:00 p.m.

CHANGES IN THE MEETING: The following matter will also be considered during the 2 p.m. Closed Meeting scheduled for Thursday, July 26, 2018:

Formal order of investigation

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the

Office of the Secretary at (202) 551–5400.

Dated: July 23, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–16035 Filed 7–24–18; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83682; File No. SR–FICC–2018–005]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change To Correct Certain References and Provide Transparency to Existing Processes in the Mortgage-Backed Securities Division Electronic Pool Notification Rules

July 20, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 13, 2018, Fixed Income Clearing Corporation (''FICC'') 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 clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the FICC Mortgage-Backed Securities Division (''MBSD'') electronic pool notification (''EPN'') Rules (the ''EPN Rules'') [3] as described below.

FICC is proposing to correct the EPN Rules by amending several references in the section of the EPN Rules entitled ''*FICC Mortgage-Backed Securities Division (''MBSD'') EPN Schedule of Charges.*'' Specifically, FICC is proposing to replace the references to ''FICC'' with ''the Corporation.'' FICC is proposing this change because ''FICC'' is not a term that is defined in the EPN Rules. In addition, FICC is proposing to replace the reference to ''The Depository Trust Corporation'' with ''The Depository Trust & Clearing Corporation.'' FICC is proposing this change because the reference to ''The Depository Trust Corporation'' is an error.

FICC is also proposing to amend *Article III (EPN Users)* of the EPN Rules to set forth MBSD's existing practices. Specifically, FICC is proposing to include an EPN User's ongoing obligation to notify FICC if such EPN User no longer complies with the requirements for admission to membership in the EPN Rules (*i.e.,* as set forth in Secs. 2 (Approval of Applicants) and 3 (Agreements of EPN Users) of EPN Rule 1 (Requirements Applicable to EPN Users) of *Article III (EPN Users)*). In addition, FICC is proposing to amend *Article III (EPN Users)* to define specific circumstances where FICC would undertake action to determine the status of an EPN User and its continued access to the EPN system. The proposed change would also state that FICC may request that an EPN User provide written assurances if FICC believes such EPN User may fail to comply with the EPN Rules. The proposed changes to *Article III (EPN Users)* would necessitate a new defined term in *Article I (Definitions and General Provisions)* of the EPN Rules.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

FICC is proposing to correct the EPN Rules by amending several references in the section of the EPN Rules entitled ''*FICC Mortgage-Backed Securities Division (''MBSD'') EPN Schedule of Charges.*'' Specifically, FICC is proposing to replace the references to ''FICC'' with ''the Corporation.'' FICC is proposing this change because ''FICC'' is not a term that is defined in the EPN Rules. In addition, FICC is proposing to replace the reference to ''The Depository Trust Corporation'' with ''The Depository Trust & Clearing Corporation.'' FICC is proposing this change because the reference to ''The Depository Trust Corporation'' is an error.

FICC is also proposing to amend *Article III (EPN Users)* of the EPN Rules to set forth MBSD's existing practices. Specifically, FICC is proposing to include an EPN User's ongoing obligation to notify FICC if such EPN User no longer complies with the requirements for admission to membership in the EPN Rules (*i.e.,* as set forth in Secs. 2 (Approval of Applicants) and 3 (Agreements of EPN Users) of EPN Rule 1 (Requirements Applicable to EPN Users) of *Article III (EPN Users)*). In addition, FICC is proposing to amend *Article III (EPN Users)* to define specific circumstances where FICC would undertake action to determine the status of an EPN User and its continued access to the EPN system. The proposed change would also state that FICC may request that an EPN User provide written assurances if FICC believes such EPN User may fail to comply with the EPN Rules. The proposed changes to *Article III (EPN Users)* would necessitate a new defined term in *Article I (Definitions and General Provisions)* of the EPN Rules.

The proposed changes are described below.

1. MBSD's EPN Service

MBSD's electronic pool notification service (referred to in the EPN Rules as the ''EPN Service'') enables users to reduce risk and streamline their operations by providing an automated manner for market participants that have an obligation to deliver pools (''pool sellers'') to transmit pool information efficiently and reliably to their counterparties (''pool buyers'') in real time. Market participants that wish to utilize the EPN Service are required to submit an application to MBSD. The application process and the use of the EPN Service are governed by the EPN Rules.[4] MBSD's Clearing Members are required to be EPN Users; however, one can be an EPN User and not a Clearing Member.[5]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Terms not defined herein are defined in the EPN Rules, *available at http://www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_mbsd_epnrules.pdf.*

[4] *See* EPN Rules Article III (EPN Users), EPN Rule 1 (Requirements Applicable to EPN Users), *supra* note 3.

[5] MBSD maintains two sets of rulebooks. The EPN Rules govern MBSD's EPN Service and the MBSD Clearing Rules (the ''MBSD Rules'') govern MBSD's clearance and settlement service. The MBSD Rules are *available at http://www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_mbsd_rules.pdf.* Pursuant to the MBSD Rules, the term ''Clearing Member'' means any entity admitted into membership pursuant to MBSD Rule 2A. *See* MBSD Rule 1, Definitions.

2. Proposed Changes To Make Corrections to the EPN Rules

FICC is proposing to correct several references in the EPN Rules because the proposed changes would help to ensure that the EPN Rules are clear and accurate. Specifically, FICC is proposing to correct the section entitled ''*FICC Mortgage-Backed Securities Division (''MBSD'') EPN Schedule of Charges*'' in order to replace the references to ''FICC'' with ''the Corporation.'' FICC is proposing this change because ''FICC'' is not a term that is defined in the EPN Rules. In addition, FICC is also proposing to replace the reference to ''The Depository Trust Corporation'' with ''The Depository Trust & Clearing Corporation.'' FICC is proposing this change because the reference to ''The Depository Trust Corporation'' is an error.

3. Proposed Changes To Amend the EPN Rules To Include an EPN User's Ongoing Reporting Obligations

FICC's existing practice is to require EPN Users to report certain information to FICC. In addition, if FICC learns of information that leads FICC to believe an EPN User is not in compliance with the EPN Rules, FICC will assess whether such EPN User is in compliance with the EPN Rules and may request that an EPN User provide written assurances that such EPN User will not violate the EPN Rules. FICC is proposing to amend the EPN Rules to reflect these practices.

First, FICC is proposing to amend EPN Rule 1 (Requirements Applicable to EPN Users) of *Article III (EPN Users)* to include a provision that would be numbered ''Sec. 8. General Continuance Standards.'' This section would state that an EPN User shall promptly inform FICC, both orally and in writing, if such EPN User no longer complies with any of the requirements for admission to membership set forth in the EPN Rules (*i.e.,* as set forth in Secs. 2 (Approval of Applicants) and 3 (Agreements of EPN Users) of EPN Rule 1 (Requirements Applicable to EPN Users) of *Article III (EPN Users)*). The referenced notification must take place within two Business Days from the date on which the EPN User first learns of its non-compliance.

Next, FICC is proposing to amend the EPN Rules to have the new ''General Continuance Standards'' state that an EPN User shall notify FICC within two Business Days of learning of an investigation or proceeding to which it is, or is becoming, subject that would cause the EPN User to fall out of compliance with any of the requirements for membership set forth in the EPN Rules (*i.e.,* as set forth in Secs. 2 (Approval of Applicants) and 3 (Agreements of EPN Users) of EPN Rule 1 (Requirements Applicable to EPN Users) of *Article III (EPN Users)*). However, the EPN User would not be required to notify FICC if doing so would cause the EPN User to violate an applicable law, rule, or regulation.

4. Proposed Changes To Amend the EPN Rules To Define Circumstances Under Which FICC May Determine an EPN User's Compliance With the EPN Rules

FICC is also proposing that the new ''General Continuance Standards'' state that FICC would undertake action to determine the status of an EPN User and its continued access to the EPN system if:

(a) An EPN User fails to maintain the requirements for admission to membership, including but not limited to operational testing and related reporting requirements imposed by FICC from time to time;

(b) an EPN User violates any EPN Rule or other agreement with FICC;

(c) an EPN User fails to satisfy in a timely manner any obligation to FICC;

(d) there is a Reportable Event (as defined below); or

(e) FICC otherwise deems it necessary or advisable, in order to protect FICC, its other EPN Users, or its creditors or investors, to safeguard securities and funds in the custody or control of FICC, or to promote the prompt and accurate processing, clearance or settlement of securities transactions.

In connection with clause (d) above, FICC proposes to define a reportable event (''Reportable Event'') in EPN Rule 1 (Definitions) of *Article I (Definitions and General Provisions)* as an event that would effect a change in control of an EPN User or could have a substantial impact on such EPN User's business and/or financial condition, including, but not limited to: (i) Material organizational changes including mergers, acquisitions, changes in corporate form, name changes, changes in the ownership of an EPN User or its affiliates, and material changes in management, and (ii) status as a defendant in litigation, which could reasonably impact the EPN User's financial condition or ability to conduct business. The proposed ''General Continuance Standards'' section would also require an EPN User to submit written notice to FICC of a Reportable Event at least 90 calendar days prior to the effective date of such Reportable Event unless the EPN User demonstrates that it could not have reasonably done so, and provided notice, both orally and in writing, to FICC as soon as possible.

Additionally, FICC is proposing that the proposed ''General Continuance Standards'' section state that, if FICC has reason to believe that an EPN User may fail to comply with any of the EPN Rules, FICC may require the EPN User to provide written assurances. Specifically, FICC may require such assurances, within such timeframe, in such detail, and pursuant to such manner as FICC shall determine, in writing of a credible nature that the EPN User shall not, in fact, violate any of the EPN Rules. These assurances could include, but would not be limited to, notarized statements, affidavits and/or officers' certificates.

In order to accommodate the proposed ''General Continuance Standards'' section as described in this subsection 4 and in subsection 3 above, FICC is proposing to change the numbering of the existing ''Confidentiality'' provision in EPN Rule 1 (Requirements Applicable to EPN Users) of *Article III (EPN Users)* from ''Sec. 8'' to ''Sec. 9.''

2. Statutory Basis

Section 17A(b)(3)(F) of the Act requires, in part, that the EPN Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions.[6]

The proposed change to correct references in the section of the EPN Rules entitled ''*FICC Mortgage-Backed Securities Division (''MBSD'') EPN Schedule of Charges*'' (as described above in subsection 2 of Item II(A)1) would help to ensure that the EPN Rules are accurate and clear to EPN Users. As such, FICC believes that the proposed change would allow EPN Users to have a better understanding of the EPN Rules and thereby assist in promoting the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[7]

The proposed changes to (i) include an EPN User's ongoing obligation to notify FICC if such EPN User no longer complies with the requirements for admission to membership as set forth in the EPN Rules (as described above in subsection 3 of Item II(A)1), (ii) define specific circumstances where FICC would undertake action to determine the status of an EPN User and its continued access to the EPN system (as described above in subsection 4 of Item II(A)1), and (iii) state that FICC may request that an EPN User provide

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] *Id.*

written assurances if FICC believes such EPN User may fail to comply with the EPN Rules (as described above in subsection 4 of Item II(A)1) would provide clarity to EPN Users by setting forth in the EPN Rules FICC's existing practice. FICC believes this clarity would help to ensure that EPN Users are fully aware of their rights and obligations. The proposed changes would also help to ensure that FICC is promptly made aware in the event that an EPN User's access to the EPN Service should be reassessed due to an EPN User's possible violation of the EPN Rules. Because the proposed rule changes are designed to help ensure that EPN Users remain compliant with the EPN Rules, FICC believes that the proposed changes would help FICC protect the EPN Service. As the EPN Service is an important aspect of MBSD's clearance and settlement services, these proposed changes would promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[8]

Rule 17Ad–22(e)(18) under the Act requires, in part, that FICC establish, implement, maintain and enforce written policies and procedures reasonably designed to monitor compliance with participation requirements on an ongoing basis.[9] As described above, the proposed rule changes to amend the EPN Rules to (i) include an EPN User's ongoing reporting obligations (as described above in subsection 3 of Item II(A)1) and (ii) define circumstances under which FICC may determine an EPN User's compliance with the EPN Rules (as described above in subsection 4 of Item II(A)1) would help to ensure that FICC is promptly made aware in the event that an EPN User's access to the EPN Service should be reassessed due to an EPN User's possible violation of EPN Rules. Because the proposed changes give FICC the ability to monitor an EPN User's compliance with the EPN Rules, FICC believes the proposed changes to (i) include an EPN User's ongoing reporting obligations and (ii) define circumstances under which FICC may determine an EPN User's compliance with the EPN Rules are consistent with Rule 17Ad–22(e)(18).[10]

Rule 17Ad–22(e)(23)(i) under the Act requires, in part, that FICC establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for publicly disclosing all relevant rules and material procedures.[11] As described above, the proposed rule changes to amend the EPN Rules to (i) make corrections (as described above in subsection 2 of Item II(A)1), (ii) include an EPN User's ongoing reporting obligations (as described above in subsection 3 of Item II(A)1), and (iii) define circumstances under which FICC may determine an EPN User's compliance with the EPN Rules (as described above in subsection 4 of Item II(A)1) would better publicly disclose all relevant and material procedures regarding the EPN Service. Therefore, FICC believes the proposed changes to correct and codify FICC's existing practices in the EPN Rules are consistent with Rule 17Ad–22(e)(23)(i).[12]

(B) Clearing Agency's Statement on Burden on Competition

FICC does not believe that the proposed changes to correct references in the section of the EPN Rules entitled ''*FICC Mortgage-Backed Securities Division (''MBSD'') EPN Schedule of Charges*'' (as described above in subsection 2 of Item II(A)1) would impact competition because the proposed changes correct errors in the EPN Rules and do not affect FICC's operations or the rights and obligations of EPN Users.

FICC does not believe that the proposed changes to (i) include an EPN User's ongoing obligation to notify FICC if such EPN User no longer complies with the requirements for admission to membership in the EPN Rules (as described above in subsection 3 of Item II(A)1), (ii) define specific circumstances where FICC would undertake action to determine the status of an EPN User and its continued access to the EPN system (as described above in subsection 4 of Item II(A)1), and (iii) state that FICC may request that an EPN User provide written assurances if FICC believes such EPN User may fail to comply with the EPN Rules (as described above in subsection 4 of Item II(A)1) would impact competition because the proposed changes would codify FICC's existing practices in the EPN Rules. The proposed changes would apply equally to all EPN Users and would not affect FICC's operations. As a result, FICC believes the proposed rule change would not have any impact on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

FICC has not received or solicited any written comments relating to this proposal. FICC will notify the Commission of any written comments received by FICC.

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*. Please include File Number SR–FICC–2018–005 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–FICC–2018–005. 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

[8] *Id.*

[9] 17 CFR 240.17Ad–22(e)(18).

[10] *Id.*

[11] 17 CFR 240.17Ad–22(e)(23)(i).

[12] *Id.*

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 FICC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–FICC–2018–005 and should be submitted on or before August 16, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Brent J. Fields,

Secretary.

[FR Doc. 2018–15943 Filed 7–25–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83681; File No. SR–BX–2018–025]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing of Proposed Rule Change To Make Permanent the Pilot Program for the Exchange's Retail Price Improvement Program

July 20, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 9, 2018, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to a proposal to make permanent the pilot program for the Exchange's Retail Price Improvement (''RPI'') Program (the ''Program''), which is set to expire the earlier of approval of the filing to make this rule permanent or December 31, 2018.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make permanent the Exchange's pilot RPI Program,[3] currently scheduled to expire the earlier of approval of the filing to make this rule permanent or December 31, 2018.

Background

In November 2014, the Commission approved the RPI Program on a pilot basis.[4] The Program is designed to attract retail order flow to the Exchange, and allow such order flow to receive potential price improvement. The Program is currently limited to trades occurring at prices equal to or greater than $1.00 per share. Under the Program, a class of market participant called a Retail Member Organization (''RMO'') is eligible to submit certain retail order flow (''Retail Orders'')[5] to the Exchange. BX members (''Members'') are permitted to provide potential price improvement for Retail Orders in the form of non-displayed interest that is priced more aggressively than the Protected National Best Bid or Offer (''Protected NBBO'').[6]

The Program was approved by the Commission on a pilot basis running one-year from the date of implementation.[7] The Commission approved the Program on November 28, 2014.[8] The Exchange implemented the Program on December 1, 2014 and the pilot has since been extended for a one-year period twice, as well as for a six-month period, with it now scheduled to expire the earlier of approval of the filing to make this rule permanent or December 31, 2018.[9]

Specifically, BX Rule 4780(h) will be amended to delete that the Program is a pilot and that is scheduled to expire the earlier of approval of the filing to make this rule permanent or December 31, 2018. BX Rule 4780(h) will continue to say that the Program will be limited to securities whose Bid Price on the Exchange is greater than or equal to $1.00 per share.

The SEC approved the Program pilot, in part, because it concluded, ''the Program is reasonably designed to benefit retail investors by providing price improvement to retail order flow.'' [10] The Commission also found that ''while the Program would treat retail order flow differently from order flow submitted by other market participants, such segmentation would not be inconsistent with Section 6(b)(5) of the Act, which requires that the rules

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 73702 (November 28, 2014), 79 FR 72049 (December 4, 2014) (SR–BX–2014–048) (''RPI Approval Order'').

[4] *See id.*

[5] A ''Retail Order'' is defined in BX Rule 4780(a)(2) by referencing BX Rule 4702, and BX Rule 4702(b)(6) says it is an order type with a non-display order attribute submitted to the Exchange by a RMO. A Retail Order must be an agency order, or riskless principal order that satisfies the criteria of FINRA Rule 5320.03. The Retail Order must reflect trading interest of a natural person with no change made to the terms of the underlying order of the natural person with respect to price (except in the case of a market order that is changed to a marketable limit order) or side of market and that does not originate from a trading algorithm or any other computerized methodology.

[6] The term Protected Quotation is defined in Chapter XII, Sec. 1(19) and has the same meaning as is set forth in Regulation NMS Rule 600(b)(58). The Protected NBBO is the best-priced protected bid and offer. Generally, the Protected NBBO and the national best bid and offer (''NBBO'') will be the same. However, a market center is not required to route to the NBBO if that market center is subject to an exception under Regulation NMS Rule 611(b)(1) or if such NBBO is otherwise not available for an automatic execution. In such case, the Protected NBBO would be the best-priced protected bid or offer to which a market center must route interest pursuant to Regulation NMS Rule 611.

[7] *See* RPI Approval Order, *supra* note 3 at 72053.

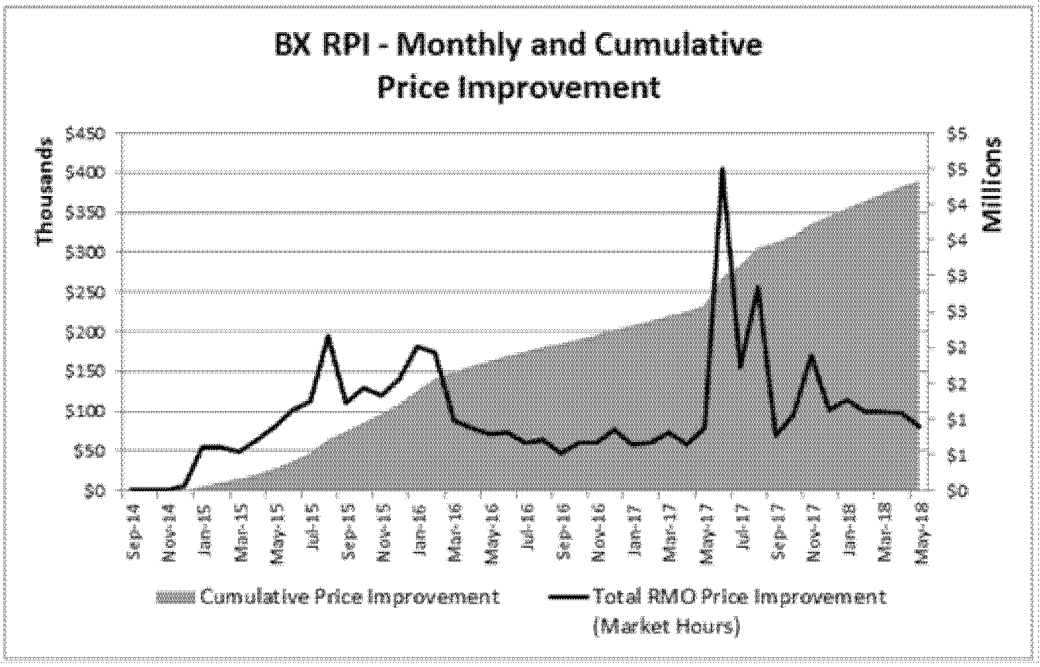
[8] *Id.* at 72049.

[9] *See* Securities Exchange Act Release No. 76490 (November 20, 2015), 80 FR 74165 (November 27, 2015) (SR–BX–2015–073); Securities Exchange Act Release No. 79446 (December 1, 2016), 81 FR 88290 (December 7, 2016) (SR–BX–2016–065); Securities Exchange Act Release No. 82192 (December 1, 2017), 82 FR 57809 (December 7, 2017) (SR–BX–2017–055); and Securities Exchange Act Release No. 83539 (June 28, 2018), 83 FR 31203 (July 3, 2018) (SR–BX–2018–026).

[10] *See* RPI Approval Order, *supra* note 3 at 72051.

of an exchange are not designed to permit unfair discrimination.'' [11] As the SEC acknowledged, the retail order segmentation was designed to create greater retail order flow competition and thereby increase the amount of this flow to transparent and well-regulated exchanges. This would help to ensure that retail investors benefit from competitive price improvement that exchange-based liquidity providers provide.

As discussed below, the Exchange believes that the Program data supports the conclusion that it provides valuable price improvement, more than $4 million since inception, to retail investors that they may not otherwise receive and that it is therefore appropriate to make the pilot Program permanent.



Definitions

The Exchange adopted the following definitions under BX Rule 4780. First, the term ''Retail Member Organization'' (or ''RMO'') is defined as a Member (or a division thereof) that has been approved by the Exchange to submit Retail Orders.

Second, the term ''Retail Order'' is defined by BX Rule 4702(b)(6)(A) as an order type with a non-display order attribute submitted to the Exchange by a RMO. A Retail Order must be an agency Order, or riskless principal Order that satisfies the criteria of FINRA Rule 5320.03. The Retail Order must reflect trading interest of a natural person with no change made to the terms of the underlying order of the natural person with respect to price (except in the case of a market order that is changed to a marketable limit order) or side of market and that does not originate from a trading algorithm or any other computerized methodology.[12]

The criteria set forth in FINRA Rule 5320.03 adds additional precision to the definition of ''Retail Order'' by clarifying that an RMO may enter Retail Orders on a riskless principal basis, provided that (i) the entry of such riskless principal orders meet the requirements of FINRA Rule 5320.03, including that the RMO maintains supervisory systems to reconstruct, in a time-sequenced manner, all Retail Orders that are entered on a riskless principal basis; and (ii) the RMO submits a report, contemporaneously with the execution of the facilitated order, that identifies the trade as riskless principal.

The term ''Retail Price Improving Order'' or ''RPI Order'' or collectively ''RPI interest'' is defined as an Order Type with a Non-Display Order Attribute that is held on the Exchange Book in order to provide liquidity at a price at least $0.001 better than the NBBO through a special execution process described in Rule 4780. A RPI Order may be entered in price increments of $0.001. An RPI Order will be posted to the Exchange Book regardless of its price, but an RPI Order may execute only against a Retail Order, and only if its price is at least $0.001 better than the NBBO.[13] RPI orders can be priced either as an explicitly priced limit order or implicitly priced as relative to the NBBO with an offset of at least $0.001.

The price of an RPI Order with an offset is determined by a Member's entry of the following into the Exchange: (1) RPI buy or sell interest; (2) an offset from the Protected NBBO, if any; and (3) a ceiling or floor price. RPI Orders submitted with an offset are similar to other peg orders available to Members in that the order is tied or ''pegged'' to a certain price, and would have its price automatically set and adjusted upon changes in the Protected NBBO, both upon entry and any time thereafter. RPI sell or buy interest typically are entered to track the Protected NBBO, that is, RPI Orders typically are submitted with an offset. The offset is a predetermined amount by which the Member is willing to improve the Protected NBBO, subject to a ceiling or floor price. The ceiling or floor price

[11] *Id.*

[12] *See supra* note 5.

[13] Exchange systems prevent Retail Orders from interacting with RPI Orders if the RPI Order is not priced at least $0.001 better than the Protected NBBO. The Exchange notes, however, that price improvement of $0.001 would be a minimum requirement and Members can enter RPI Orders that better the Protected NBBO by more than $0.001. Exchange systems accept RPI Orders without a minimum price improvement value; however, such interest execute at its floor or ceiling price only if such floor or ceiling price is better than the Protected NBBO by $0.001 or more.

is the amount above or below which the Member does not wish to trade. RPI Orders in their entirety (the buy or sell interest, the offset, and the ceiling or floor) will remain non-displayed. The Exchange also allows Members to enter RPI Orders that establish the exact limit price, which is similar to a non-displayed limit order currently accepted by the Exchange except the Exchange accepts sub-penny limit prices on RPI Orders in increments of $0.001. The Exchange monitors whether RPI buy or sell interest, adjusted by any offset and subject to the ceiling or floor price, is eligible to interact with incoming Retail Orders.

Members and RMOs may enter odd lots, round lots or mixed lots as RPI Orders and as Retail Orders respectively. As discussed below, RPI Orders are ranked and allocated according to price and time of entry into the System consistent with BX Rule 4757 and therefore without regard to whether the size entered is an odd lot, round lot or mixed lot amount. Similarly, Retail Orders interact with RPI Orders and other price-improving orders available on the Exchange (*e.g.,* non-displayed liquidity priced more aggressively than the NBBO) [14] according to the Priority and Allocation rules of the Program and without regard to whether they are odd lots, round lots or mixed lots. Finally, Retail Orders are designated as Type 1 or Type 2 without regard to the size of the order.

RPI Orders interact with Retail Orders as follows. Assume a Member enters RPI sell interest with an offset of $0.001 and a floor of $10.10 while the Protected NBO is $10.11. The RPI Order could interact with an incoming buy Retail Order at $10.109. If, however, the Protected NBO was $10.10, the RPI Order could not interact with the Retail Order because the price required to deliver the minimum $0.001 price improvement ($10.099) would violate the Member's floor of $10.10. If a Member otherwise enters an offset greater than the minimum required price improvement and the offset would produce a price that would violate the Member's floor, the offset would be applied only to the extent that it respects the Member's floor. By way of illustration, assume RPI buy interest is entered with an offset of $0.005 and a ceiling of $10.112 while the Protected NBBO is at $10.11. The RPI Order could interact with an incoming sell Retail Order at $10.112, because it would produce the required price improvement without violating the Member's ceiling, but it could not interact above the $10.112 ceiling. Finally, if a Member enters an RPI Order without an offset (*i.e.,* an explicitly priced limit order), the RPI Order will interact with Retail Orders at the level of the Member's limit price as long as the minimum required price improvement is produced. Accordingly, if RPI sell interest is entered with a limit price of $10.098 and no offset while the Protected NBBO is $10.11, the RPI Order could interact with the Retail Order at $10.098, producing $0.012 of price improvement. The System will not cancel RPI interest when it is not eligible to interact with incoming Retail Orders; such RPI interest will remain in the System and may become eligible again to interact with Retail Orders depending on the Protected NBBO. RPI Orders are not accepted during halts.

RMO Qualifications and Approval Process

Under BX Rule 4780(b), any Member may qualify as an RMO if it conducts a retail business or routes retail orders on behalf of another broker-dealer. For purposes of BX Rule 4780, conducting a retail business shall include carrying retail customer accounts on a fully disclosed basis. Any Member that wishes to obtain RMO status is required to submit: (i) An application form; (ii) supporting documentation sufficient to demonstrate the retail nature and characteristics of the applicant's order flow [15] and (iii) an attestation, in a form prescribed by the Exchange, that substantially all orders submitted by the Member as a Retail Order would meet the qualifications for such orders under proposed BX Rule 4780(b). The Exchange shall notify the applicant of its decision in writing.

An RMO is required to have written policies and procedures reasonably designed to assure that it will only designate orders as Retail Orders if all requirements of a Retail Order are met. Such written policies and procedures must require the Member to (i) exercise due diligence before entering a Retail Order to assure that entry as a Retail Order is in compliance with the requirements of this rule, and (ii) monitor whether orders entered as Retail Orders meet the applicable requirements. If the RMO represents Retail Orders from another broker-dealer customer, the RMO's supervisory procedures must be reasonably designed to assure that the orders it receives from such broker-dealer customer that it designates as Retail Orders meet the definition of a Retail Order. The RMO must (i) obtain an annual written representation, in a form acceptable to the Exchange, from each broker-dealer customer that sends it orders to be designated as Retail Orders that entry of such orders as Retail Orders will be in compliance with the requirements of this rule, and (ii) monitor whether its broker-dealer customers' Retail Order flow continues to meet the applicable requirements.[16]

If the Exchange disapproves the application, the Exchange provides a written notice to the Member. The disapproved applicant could appeal the disapproval by the Exchange as provided in proposed BX Rule 4780(d), and/or reapply for RMO status 90 days after the disapproval notice is issued by the Exchange. An RMO also could voluntarily withdraw from such status at any time by giving written notice to the Exchange.

Failure of RMO To Abide by Retail Order Requirements

BX Rule 4780(c) addresses an RMO's failure to abide by Retail Order requirements. If an RMO designates orders submitted to the Exchange as Retail Orders and the Exchange determines, in its sole discretion, that those orders fail to meet any of the requirements of Retail Orders, the Exchange may disqualify a Member from its status as an RMO. When disqualification determinations are made, the Exchange provides a written disqualification notice to the Member. A disqualified RMO may appeal the disqualification as provided in proposed BX Rule 4780(d) and/or reapply for RMO status 90 days after the disqualification notice is issued by the Exchange.

[14] Other price improving liquidity may include, but is not limited to: Booked non-displayed orders with a limit price that is more aggressive than the then-current NBBO; midpoint-pegged orders (which are by definition non-displayed and priced more aggressively than the NBBO); non-displayed orders pegged to the NBBO with an aggressive offset, as defined in BX Rule 4780(a)(4) as Other Price Improving Contra-Side Interest. Orders that do not constitute other price improving liquidity include, but are not limited to: Orders with a time-in-force instruction of IOC; displayed orders; limit orders priced less aggressively than the NBBO.

[15] For example, a prospective RMO could be required to provide sample marketing literature, website screenshots, other publicly disclosed materials describing the retail nature of their order flow, and such other documentation and information as the Exchange may require to obtain reasonable assurance that the applicant's order flow would meet the requirements of the Retail Order definition.

[16] The Exchange or another self-regulatory organization on behalf of the Exchange will review an RMO's compliance with these requirements through an exam based review of the RMO's internal controls.

Appeal of Disapproval or Disqualification

BX Rule 4780(d) provides appeal rights to Members. If a Member disputes the Exchange's decision to disapprove it as an RMO under BX Rule 4780(b) or disqualify it under BX Rule 4780(c), such Member (''appellant'') may request, within five business days after notice of the decision is issued by the Exchange, that the Retail Price Improvement Program Panel (''RPI Panel'') review the decision to determine if it was correct.

The RPI Panel consists of the Exchange's Chief Regulatory Officer (''CRO''), or a designee of the CRO, and two officers of the Exchange designated by the Chief Executive Officer of BX. The RPI Panel reviews the facts and render a decision within the time frame prescribed by the Exchange. The RPI Panel may overturn or modify an action taken by the Exchange and all determinations by the RPI Panel constitute final action by the Exchange on the matter at issue.

Retail Liquidity Identifier

Under BX Rule 4780(e), the Exchange disseminates an identifier when RPI interest priced at least $0.001 better than the Exchange's Protected Bid or Protected Offer for a particular security is available in the System (''Retail Liquidity Identifier''). The Retail Liquidity Identifier is disseminated through consolidated data streams (*i.e.,* pursuant to the Consolidated Tape Association Plan/Consolidated Quotation System, or CTA/CQS, for Tape A and Tape B securities, and the Nasdaq UTP Plan for Tape C securities) as well as through proprietary Exchange data feeds.[17] The Retail Liquidity Identifier reflects the symbol and the side (buy or sell) of the RPI interest, but does not include the price or size of the RPI interest. In particular, CQS and UTP quoting outputs include a field for codes related to the Retail Liquidity Identifier. The codes indicate RPI interest that is priced better than the Exchange's Protected Bid or Protected Offer by at least the minimum level of price improvement as required by the Program.

[17] The Exchange notes that the Retail Liquidity Identifier for Tape A and Tape B securities are disseminated pursuant to the CTA/CQS Plan. The identifier is also available through the consolidated public market data stream for Tape C securities. The processor for the Nasdaq UTP quotation stream disseminates the Retail Liquidity Identifier and analogous identifiers from other market centers that operate programs similar to the RPI Program.

Retail Order Designations

Under BX Rule 4780(f), an RMO can designate how a Retail Order interacts with available contra-side interest as provided in Rule 4702.

A Type 1-designated Retail Order will attempt to execute against RPI Orders and any other orders on the Exchange Book with a price that is (i) equal to or better than the price of the Type-1 Retail Order and (ii) at least $0.001 better than the NBBO. A Type-1 Retail Order is not routable and will thereafter be cancelled.

A Type 2-designated Retail Order will first attempt to execute against RPI Orders and any other orders on the Exchange Book with a price that is (i) equal to or better than the price of the Type-2 Retail Order and (ii) at least $0.001 better than the NBBO and will then attempt to execute against any other order on the Exchange Book with a price that is equal to or better than the price of the Type-2 Retail Order, unless such executions would trade through a Protected Quotation. A Type-2 Retail Order may be designated as routable.

Priority and Order Allocation

Under BX Rule 4780(g), competing RPI Orders in the same security are ranked and allocated according to price then time of entry into the System. Executions occur in price/time priority in accordance with BX Rule 4757. Any remaining unexecuted RPI interest remain available to interact with other incoming Retail Orders if such interest is at an eligible price. Any remaining unexecuted portion of the Retail Order will cancel or execute in accordance with BX Rule 4780(f). The following example illustrates this method:

Protected NBBO for security ABC is $10.00–$10.05
Member 1 enters an RPI Order to buy ABC at $10.015 for 500
Member 2 then enters an RPI Order to buy ABC at $10.02 for 500
Member 3 then enters an RPI Order to buy ABC at $10.035 for 500

An incoming Retail Order to sell 1,000 shares of ABC for $10.00 executes first against Member 3's bid for 500 at $10.035, because it is the best priced bid, then against Member 2's bid for 500 at $10.02, because it is the next best priced bid. Member 1 is not filled because the entire size of the Retail Order to sell 1,000 is depleted. The Retail Order executes against RPI Orders in price/time priority.

However, assume the same facts above, except that Member 2's RPI Order to buy ABC at $10.02 is for 100. The incoming Retail Order to sell 1,000 executes first against Member 3's bid for 500 at $10.035, because it is the best priced bid, then against Member 2's bid for 100 at $10.02, because it is the next best priced bid. Member 1 then receives an execution for 400 of its bid for 500 at $10.015, at which point the entire size of the Retail Order to sell 1,000 is depleted.

As a final example, assume the same facts as above, except that Member 3's order was not an RPI Order to buy ABC at $10.035, but rather, a non-displayed order to buy ABC at $10.03. The result would be similar to the result immediately above, in that the incoming Retail Order to sell 1,000 executes first against Member 3's bid for 500 at $10.03, because it is the best priced bid, then against Member 2's bid for 100 at $10.02, because it is the next best priced bid. Member 1 then receives an execution for 400 of its bid for 500 at $10.015, at which point the entire size of the Retail Order to sell 1,000 is depleted.

All Regulation NMS securities traded on the Exchange are eligible for inclusion in the RPI Program. The Exchange limits the Program to trades occurring at prices equal to or greater than $1.00 per share. Toward that end, Exchange trade validation systems prevent the interaction of RPI buy or sell interest (adjusted by any offset) and Retail Orders at a price below $1.00 per share.[18] For example, if there is RPI buy interest tracking the Protected NBB at $0.99 with an offset of $0.001 and a ceiling of $1.02, Exchange trade validation systems would prevent the execution of the RPI Order at $0.991 with a sell Retail Order with a limit of $0.99. However, if the Retail Order was Type 2 as defined the Program,[19] it would be able to interact at $0.99 with liquidity outside the Program in the Exchange's order book. In addition to facilitating an orderly [20] and operationally intuitive program, the Exchange believes that limiting the

[18] As discussed above, the price of an RPI is determined by a Member's entry of buy or sell interest, an offset (if any) and a ceiling or floor price. RPI sell or buy interest typically tracks the Protected NBBO.

[19] Type 2 Retail Orders are treated as IOC orders that execute against displayed and non-displayed liquidity in the Exchange's order book where there is no available liquidity in the Program. Type 2 Retail Orders can either be designated as eligible for routing or as non-routable, as described above.

[20] Given the proposed limitation, the Program would have no impact on the minimum pricing increment for orders priced less than $1.00 and therefore no effect on the potential of markets executing those orders to lock or cross. In addition, the non-displayed nature of the liquidity in the Program simply has no potential to disrupt displayed, protected quotes. In any event, the Program would do nothing to change the obligation of exchanges to avoid and reconcile locked and crossed markets under NMS Rule 610(d).

Program to trades equal to or greater than $1.00 per share enabled it better to focus its efforts to monitor price competition and to assess any indications that data disseminated under the Program is potentially disadvantaging retail orders. As part of that review, the Exchange produced data throughout the pilot, which included statistics about participation, the frequency and level of price improvement provided by the Program, and any effects on the broader market structure.

Rationale for Making the Program Pilot Permanent

The Exchange established the RPI Program in an attempt to attract retail order flow to the Exchange by providing an opportunity price improvement to such order flow. The Exchange believes that the Program promotes transparent competition for retail order flow by allowing Exchange members to submit RPI Orders [21] to interact with Retail Orders. Such competition promotes efficiency by facilitating the price discovery process and generating additional investor interest in trading securities, thereby promoting capital formation and retail investment opportunities. The Program will continue to be limited to trades occurring at prices equal to or greater than $1.00 per share.

The Exchange believes, in accordance with its filing establishing the pilot Program, that BX did ''produce data throughout the pilot, which will include statistics about participation, the frequency and level of price improvement provided by the Program, and any effects on the broader market structure.'' [22] The Exchange has fulfilled this obligation through the reports and assessments it has submitted to the Commission since the implementation of the pilot Program.

The SEC stated in the RPI Approval Order that the Program could promote competition for retail order flow among execution venues, and that this could benefit retail investors by creating additional well-regulated and transparent price improvement opportunities for marketable retail order flow, most of which is currently executed in the Over-the-Counter (''OTC'') markets without ever reaching a public exchange.[23] The Exchange believes that it has achieved its goal of attracting retail order flow to BX, and has resulted in a significant price improvement to retail investors through a competitive pricing process. The data demonstrates that the Program has continued to grow over time and the Exchange has not detected any negative impact to market quality The Exchange also has not received any complaints or negative feedback concerning the Program.

As seen in the table below, RMO orders and shares executed have continued to rise since the introduction of the Program in December 2014. RMO executed share volume on BX accounted for 0.05% of total consolidated volume in eligible U.S. listed securities in Q4 2017. Despite its size relative to total consolidated trading, however, the Program has continued to provide considerable price improvement to RMO orders each month with total price improvement during market hours from the start of the Program through May 2018 totaling over $4.3 million.

Retail orders are routed by sophisticated brokers using systems that seek the highest fill rates and amounts of price improvement. These brokers have many choices of execution venues for retail orders. When they choose to route to the Program, they have determined that it is the best opportunity for fill rate and price improvement at that time.

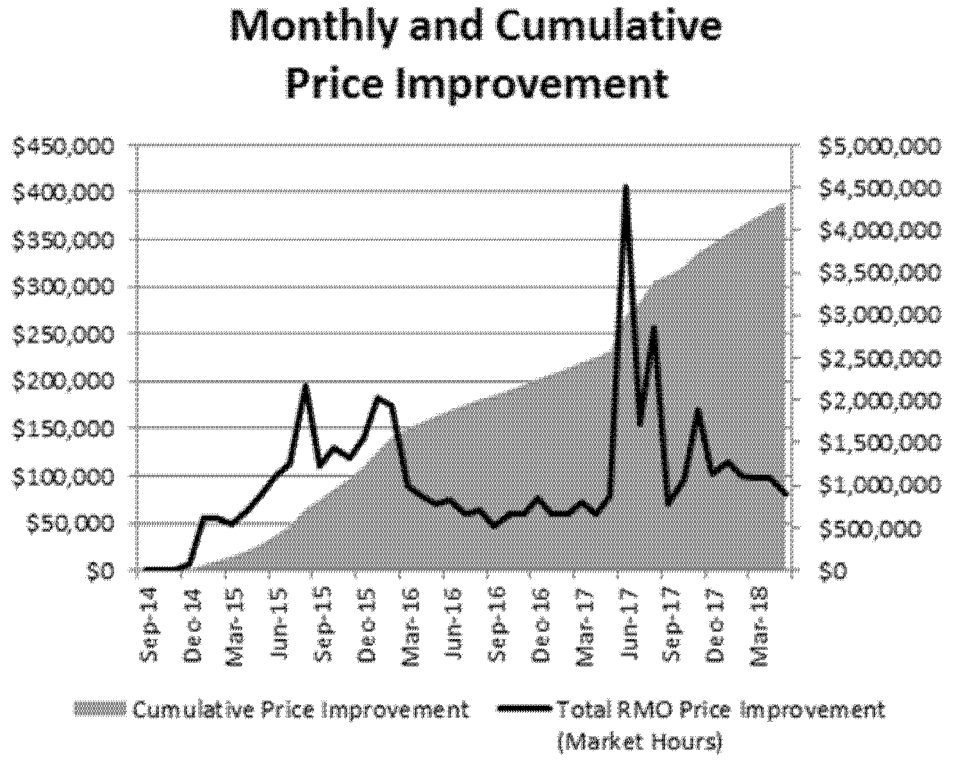
Month	Total RMO orders (market hours)	RMO shares executed (market hours)	Total RMO price improvement (market hours)
Sep-14	0	0	$0
Oct-14	0	0	0
Nov-14	0	0	0
Dec-14	4,003	521,587	6,572
Jan-15	66,903	9,723,791	55,480
Feb-15	71,204	12,948,664	54,769
Mar-15	62,216	10,818,042	49,232
Apr-15	75,558	12,121,577	63,247
May-15	98,859	16,723,281	81,268
Jun-15	116,570	20,341,305	100,520
Jul-15	133,917	22,310,364	111,657
Aug-15	192,546	30,011,636	194,706
Sep-15	141,496	23,199,937	110,415
Oct-15	148,414	25,745,772	128,838
Nov-15	123,267	20,788,967	120,037
Dec-15	145,022	24,414,783	140,444
Jan-16	162,025	30,010,815	181,781
Feb-16	135,409	27,794,644	173,988
Mar-16	93,729	17,688,230	88,900
Apr-16	82,819	15,269,513	78,241
May-16	70,192	13,336,738	71,145
Jun-16	76,092	15,356,152	74,035
Jul-16	65,121	13,532,803	59,305
Aug-16	78,611	16,412,113	64,231
Sep-16	84,240	17,368,907	46,792
Oct-16	146,207	30,827,361	60,624
Nov-16	103,046	19,744,407	60,391
Dec-16	168,638	31,003,843	76,025
Jan-17	140,203	23,474,999	58,887

[21] A Retail Price Improvement Order is defined in BX Rule 4780(a)(3) by referencing BX Rule 4702 and BX Rule 4702(b)(5) says that it is as an order type with a non-display order attribute that is held on the Exchange Book in order to provide liquidity at a price at least $0.001 better than the NBBO through a special execution process described in Rule 4780.

[22] *See* Securities Exchange Act Release No. 73410 (October 23, 2014), 79 FR 64447 at 64450 (SR–BX–2014–048).

[23] RPI Approval Order, 79 FR at 72053.

Month	Total RMO orders (market hours)	RMO shares executed (market hours)	Total RMO price improvement (market hours)
Feb-17	139,447	26,643,083	59,372
Mar-17	161,154	30,595,963	73,250
Apr-17	126,665	26,587,486	59,141
May-17	143,927	31,368,371	78,979
Jun-17	332,266	71,569,426	405,933
Jul-17	210,309	39,061,892	155,669
Aug-17	266,762	51,442,492	255,999
Sep-17	154,846	29,831,646	69,634
Oct-17	205,399	39,409,251	95,051
Nov-17	370,064	94,703,209	169,738
Dec-17	219,528	49,424,240	102,082
Jan-18	248,419	47,080,453	113,956
Feb-18	263,576	40,979,066	100,148
Mar-18	597,460	40,896,277	98,779
Apr-18	1,095,396	41,067,806	97,015
May-18	1,031,527	31,843,167	81,199
Total	8,353,052	1,193,994,059	4,327,477



The table below shows that between April 2017 and May 2018, roughly 50% of RMO orders were for 100 shares or less and around 70% of orders were for 300 shares or less. Larger orders of 7,500 shares or more accounted for approximately 2%, ranging from 0.62% to 3.09%. Although large order were a small percentage of total orders, they make up a significant portion of total shares ordered, ranging from 21.11% to 46.22%. Orders of 300 shares or less, which accounted for the vast majority of total RMO orders, accounted for only between 4.81% and 15.38% of total shares ordered.

DISTRIBUTION OF RMO ORDERS BY ORDER SIZE

Month	<=100 (%)	101–300 (%)	301–500 (%)	501–1,000 (%)	1,001–2,000 (%)	2,001–4,000 (%)	4,001–7,500 (%)	7,500–15,000 (%)	>15,000 (%)
Apr-17	49.50	18.53	8.67	9.47	5.69	3.84	2.24	1.38	0.69
May-17	46.55	23.79	8.25	8.42	5.26	3.71	2.12	1.29	0.62
Jun-17	59.60	13.26	6.62	7.91	4.75	3.48	2.36	1.52	0.51
Jul-17	57.30	14.61	7.32	8.50	5.17	3.28	2.00	1.19	0.65
Aug-17	56.38	15.19	7.54	8.49	5.23	3.41	1.91	1.22	0.63
Sep-17	53.16	16.29	7.69	8.79	5.71	4.05	2.22	1.38	0.70
Oct-17	54.28	16.00	7.46	8.65	5.64	3.84	2.15	1.33	0.66
Nov-17	47.76	15.30	8.19	10.23	7.38	5.10	2.95	2.04	1.06

Month	<=100 (%)	101–300 (%)	301–500 (%)	501–1,000 (%)	1,001–2,000 (%)	2,001–4,000 (%)	4,001–7,500 (%)	7,500–15,000 (%)	>15,000 (%)
Dec-17	48.66	15.30	8.27	10.34	6.99	4.82	2.79	1.87	0.98
Jan-18	53.60	14.93	7.73	9.20	5.98	4.04	2.28	1.53	0.71
Feb-18	58.44	14.58	7.14	8.02	4.93	3.29	1.91	1.14	0.55
Mar-18	55.29	17.97	8.63	8.38	5.12	2.64	1.07	0.61	0.28
Apr-18	54.52	19.12	9.04	8.31	5.02	2.50	0.87	0.42	0.19
May-18	50.44	20.21	9.89	9.10	5.77	2.88	0.96	0.50	0.26

DISTRIBUTION OF RMO SHARES ORDERED BY ORDER SIZE

Month	<=100 (%)	101–300 (%)	301–500 (%)	501–1,000 (%)	1,001–2,000 (%)	2,001–4,000 (%)	4,001–7,500 (%)	7,500–15,000 (%)	>15,000 (%)
Apr-17	3.04	4.63	4.42	8.78	10.06	12.89	13.89	16.06	26.23
May-17	3.28	6.49	4.49	8.34	9.98	13.38	14.28	16.05	23.71
Jun-17	2.47	3.78	3.95	8.89	10.15	13.74	17.06	20.07	19.88
Jul-17	2.82	4.20	4.36	9.31	10.78	12.94	14.44	16.47	24.67
Aug-17	2.80	4.28	4.42	9.21	10.84	13.21	13.55	16.63	25.08
Sep-17	2.88	4.16	3.98	8.36	10.50	14.04	14.17	16.78	25.14
Oct-17	2.89	4.31	4.09	8.73	11.02	14.04	14.49	17.11	23.32
Nov-17	1.80	3.01	3.26	7.48	10.45	13.51	14.27	18.89	27.33
Dec-17	2.00	3.17	3.48	8.02	10.45	13.46	14.18	18.35	26.91
Jan-18	2.50	3.78	4.01	8.82	11.05	13.94	14.30	18.35	23.26
Feb-18	3.25	4.52	4.52	9.34	11.08	13.87	14.53	16.86	22.02
Mar-18	5.73	6.96	6.80	12.44	14.90	14.65	11.00	12.34	15.17
Apr-18	7.27	8.11	7.84	13.68	16.23	15.46	10.29	9.51	11.61
May-18	6.31	7.54	7.50	13.09	16.40	15.66	10.00	9.80	13.70

DISTRIBUTION OF RMO SHARES EXECUTED BY ORDER SIZE

Month	<=100 (%)	101–300 (%)	301–500 (%)	501–1,000 (%)	1,001–2,000 (%)	2,001–4,000 (%)	4,001–7,500 (%)	7,500–15,000 (%)	>15,000 (%)
Apr-17	11.39	15.32	11.28	16.25	12.77	10.87	9.27	9.25	3.61
May-17	10.86	20.10	10.47	13.77	11.37	10.58	8.96	9.44	4.45
Jun-17	7.65	10.05	8.48	14.31	11.28	11.85	12.00	18.69	5.68
Jul-17	10.07	12.67	10.18	15.57	12.94	11.79	9.97	10.27	6.56
Aug-17	9.93	12.98	10.89	17.05	14.16	11.94	9.38	8.23	5.45
Sep-17	11.36	13.46	10.12	16.01	13.80	13.07	8.60	8.61	4.97
Oct-17	10.83	13.37	10.07	16.40	14.46	12.48	9.47	7.96	4.96
Nov-17	7.04	10.64	10.14	19.81	18.19	13.96	9.04	7.10	4.09
Dec-17	8.25	11.27	10.37	19.49	17.05	13.33	8.82	7.13	4.28
Jan-18	9.93	12.43	10.92	19.37	16.07	12.66	8.49	6.49	3.64
Feb-18	12.63	14.31	11.81	19.45	15.07	11.22	6.81	5.55	3.16
Mar-18	13.92	15.35	11.92	19.14	14.77	10.05	6.35	5.49	3.00
Apr-18	14.81	15.76	11.86	18.35	13.47	10.21	6.75	5.41	3.39
May-18	13.65	15.78	12.38	18.77	13.92	10.57	6.25	5.27	3.40

The table below shows the average and median sizes of RMO removing orders.

AVERAGE AND MEDIAN RMO SIZES

Year	RMO taking order size	
	Avg	Median
Apr-17	863	111
May-17	802	180
Jun-17	743	82
Jul-17	739	100
Aug-17	753	100
Sep-17	841	100
Oct-17	793	100
Nov-17	1,103	150
Dec-17	1,044	132
Jan-18	844	100
Feb-18	690	100
Mar-18	512	100
Apr-18	454	100
May-18	517	100

The data provided by the Exchange describes a valuable service that delivers considerable price improvement in a transparent and well-regulated environment. The Program represents just a fraction of retail orders, most of which are executed off-exchange by a wide range of order handling services that have considerably more market share and which operate pursuant to different rules and regulatory requirements. BX found no data or received any customer feedback that indicated any negative impact of the Program on overall market quality.

As discussed more fully below, the reports and assessments provided by the Exchange to the SEC have covered (i) the economic impact of the Program on the entire market; (ii) the economic impact of the Program on execution quality; (iii) whether only eligible participants are accessing Program liquidity; (iv) whether the Program is attracting retail participants; (v) the net benefits of the Program on participants; (vi) the overall success in achieving intended benefits; and (vii) whether the Program can be improved.

1. Economic Impact of the RPI Program on the Entire Market

The Exchange detected no negative impact on BX quote quality from the Program. Because the size of the Program is within the normal day-to-day fluctuations of market share between different venues, it is impossible to detect a correlation with a decline of order flow in another venue or order type. The Program did not negatively affect the overall quality of the market by causing liquidity-providing orders to move from the Exchange to the Program. The Program also did not diminish the quality of (or increase the toxicity of) other order types arriving at the Exchange.

The Program is intended to attract off-exchange order flow back to transparent and well-regulated exchange trading systems. Given current market structure, BX believes that the Program improves overall market quality by attracting desirable order flow and liquidity-providers back to the vigorous order competition available on-exchange.

Using correlation tests and visualization the Exchange failed to detect a significant relationship between the amount of RMO volume traded on BX and measurements of overall market quality. The results of correlation tests against 30-second realized spreads show minimal to no correlation.

Additionally, through time series visualization BX detects no significant changes in BX market quality measures during the life of the pilot Program. Metrics including quoted spreads, volatility, realized spreads, and depth were examined using executions on BX and the NBBO weighted by volume executed on BX. Both quoted and realized spreads did not show any dramatic changes following the implementation of the Program or as it gained traction over time. Consolidated trade-to-trade volatility appears to have decreased slightly in the middle of the Program.

2. Economic Impact of the BX RPI Program on Execution Quality

To assess the execution quality of the Program, BX focused on symbol-day combinations when during market hours: (i) An RMO execution occurred on BX, (ii) a non-RMO execution occurred on BX, and (iii) a tape-eligible trade occurred on BX. Symbol day combinations are aggregated to overall daily statistics by either a simple average or by volume weighting by RMO executed volume during market hours.[24] This results in the number and identity of symbols captured in each daily average changing from day to day. Using this data, the Exchange examined whether the economic outcomes for RMO trades differs from non-RMO trades and/or all trades.

When comparing average price improvement for RMO and non-RMO executions for a subset of 100 stocks with the largest number of RMO shares executed, the price improvement seen in RMO and non-RMO trades is comparable over the life of the Program. When volume weighting the average price improvement by RMO volume to emphasize those stock/day combinations with the highest volume traded in RMO, average price improvement on BX for both RMO and non-RMO trades appear generally comparable over time, with RMO price improvement generally beating non-RMO. Note that this price improvement measure does not take rebates into account.

In the subset of active RMO symbols, RMO volume-weighted effective and realized spreads for RMO and all executions, which includes RMO executions, are generally comparable throughout the duration of the Program.

Similar to regular, liquidity-taking orders on BX, the Program offers inverted pricing where RMO orders receive a rebate (on top of the price improvement they receive) when executing against RPI liquidity, while there is a fee associated with RPI orders which post non-displayed, price-improving liquidity. RPI orders are charged $0.0025 per share. Retail Orders currently receive a rebate of $0.0021 per share when executing against RPI liquidity, a rebate of $0.0000 per share when executing against other hidden, price-improvising liquidity, and a rebate of $0.0017 per share when executing against other displayed liquidity on the BX book.

3. Are Only Eligible Participants Accessing Program Liquidity

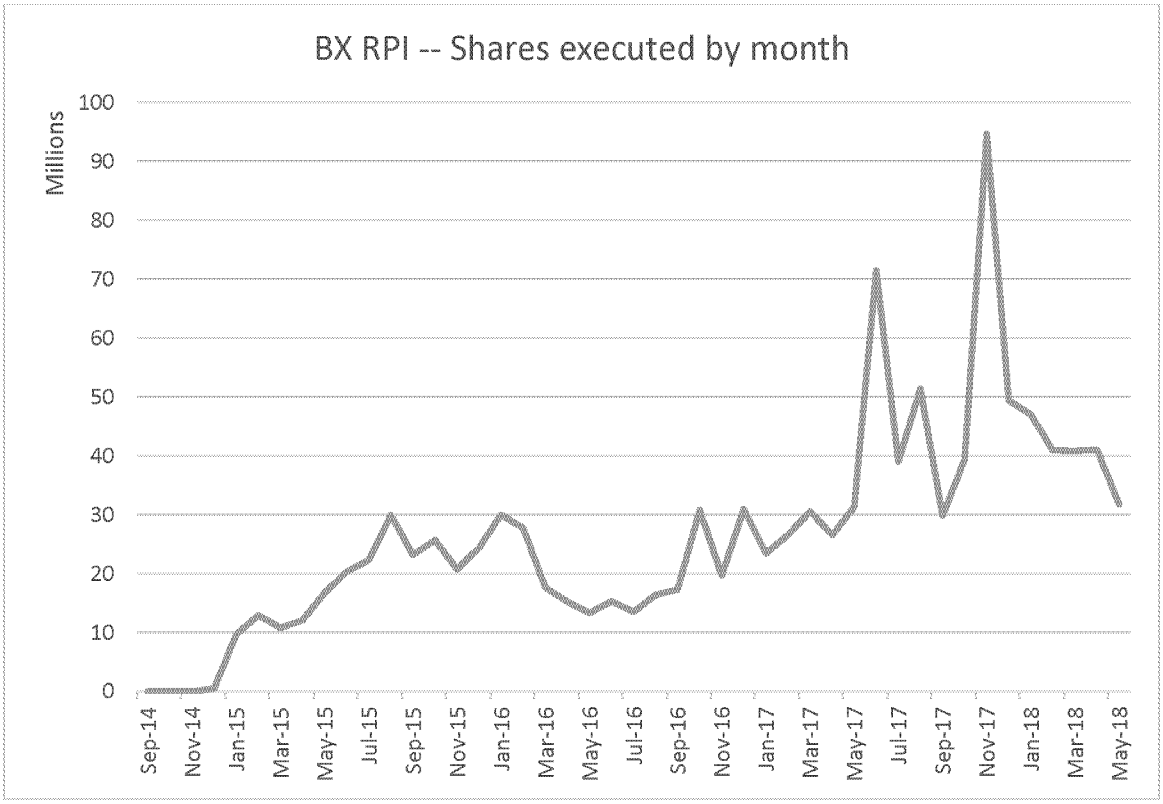
Only RMOs that have been approved by BX can enter RMO orders that access the Program liquidity, and the BX trading system does not allow non-RMO orders to access RPI providing orders. BX BX [sic] trading system does not allow non-RMO orders to access RPI providing orders. BX Rule 4780(c) enables BX at its sole discretion to disqualify RMO members that submit orders that fail to meet any of the requirements of the rule.

4. Is the Program Attracting Retail Participation

The Program successfully attracted retail orders to the Exchange and participation in the Program has continued to increase over time. The Exchange believes that the success of the Program is in that it provided tangible price improvement and transparency to retail investors through a competitive pricing process.

Brokers route retail orders to a wide range of different trading systems. The Program offers a transparent and well-regulated option providing meaningful competition and price improvement. BX believes that it has achieved its goal of attracting retail order flow to BX and, as stated above, it has resulted in a significant price improvement to retail investors through a competitive pricing process. The Exchange also has not detected any negative impact to market quality as the Program has continued to grow over time.

[24] Both RMO and non-RMO execution quality values are weighted by RMO volume and a very small number of extreme outlier symbol-day stats have been removed from the analysis.



On average, an RMO execution continues to get more price improvement than the minimum $0.001 price improvement required of an RPI liquidity-providing order in the Program, and over time the price improvement seen on BX in non-RMO orders does not appear to be negatively impacted by the introduction of the Program.

5. Net Benefits of the Program on Participants

From the beginning of 2017 through January 2018, 97.9% of RMO shares ordered and 98.5% of RMO shares executed were RMO Type 1 orders, while the remainder were RMO Type 2 orders. Type 1 orders had an aggregated fill rate of 19.2%, while Type 2 orders had a fill rate of 4.1% in this timeframe.

Of the RMO Type 1 executions, 94.9% of shares were executed against RPI liquidity and 5.1% against other non-RPI price-improving hidden liquidity. Of the RMO Type 2 executions, 23.7% of shares were executed against RPI liquidity, 14% against other non-RPI price-improving hidden liquidity, and 62.3% against other liquidity on the BX book. None of the Type 2 orders entered included routing instructions to allow for executions away from BX.

The Exchange believes that the Program through retail order segmentation does create greater retail order flow competition and thereby increases the amount of this flow to BX. This helps to ensure that retail investors benefit from the price improvement that liquidity providers are willing to provide. The Program promotes competition for retail order flow by allowing Exchange members to submit RPI Orders to interact with Retail Orders. Such competition promotes efficiency by facilitating the price discovery process and generating additional investor interest in trading securities, thereby promoting capital formation.

The Program also promotes competition for retail order flow among execution venues, and this benefits retail investors by creating additional price improvement opportunities for marketable retail order flow, most of which is currently executed in the OTC markets without ever reaching a public exchange. The Exchange believes that it has achieved its goal of attracting retail order flow to BX, and has resulted in a significant price improvement to retail investors through a competitive pricing process. The data also demonstrates that the Program has continued to grow over time and the Exchange has not detected any negative impact to market quality.

6. Overall Success in Achieving Intended Benefits

The Program has successfully demonstrated the effectiveness of a transparent, on-exchange retail order price improvement functionality, and while small relative to total consolidated volume, has succeeded in achieving its goals of attracting retail order flow and providing those orders with price improvement totaling tens of thousands of dollars each month.

The Program provides additional competition to the handling of retail orders. The additional opportunity for meaningful price improvement provides pressure on other more established venues to increase the price improvement that they provide. By doing this, the Program has a greater positive effect than the market share would directly indicate.

7. Can the Program Be Improved

The Program provides a transparent, well-regulated, and competitive venue for retail orders to receive substantial price improvement. The size of the Program is somewhat limited by the rules that prevent BX from matching features offered by non-exchange trading venues. Nonetheless, the Exchange believes the Program is a success and it will continue to look for ways to further innovate and improve the Program. The Exchange believes that making the pilot permanent is appropriate and through this filing seeks to make permanent the current operation of the Program.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[25] in general, and with Section 6(b)(5) of the Act,[26] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that making the pilot Program permanent is consistent with these principles because the Program is reasonably designed to attract retail order flow to the exchange environment, while helping to ensure that retail investors benefit from the better price that liquidity providers are willing to give their orders. During the pilot period, BX has provided data and analysis to the Commission, and this data and analysis, as well as the further analysis in this filing, shows that the Program has operated as intended and is consistent with the Act.

Additionally, the Exchange believes the proposed rule change is designed to facilitate transactions in securities and to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system because the competition promoted by the Program facilitates the price discovery process and potentially generate additional investor interest in trading securities. Making the pilot Program permanent will allow the Exchange to continue to provide the Program's benefits to retail investors on a permanent basis and maintain the improvements to public price discovery and the broader market structure. The data provided by BX to the SEC staff demonstrates that the Program provided tangible price improvement and transparency to retail investors through a competitive pricing process.

As described below in BX's statement regarding the burden on competition, the Exchange also believes that it is subject to significant competitive forces. For all of these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. BX believes that making the Program permanent would continue to enhance competition for retail order flow among execution venues and contribute to the public price discovery process.

The Exchange believes that the data supplied to the Commission and experience gained over the life of the pilot have demonstrated that the Program creates price improvement opportunities for retail orders that are equal to what would be provided under OTC internalization arrangements, thereby benefiting retail investors and increasing competition between execution venues. BX also believes that making the Program permanent will promote competition between execution venues operating their own retail liquidity programs. Such competition will lead to innovation within the market, thereby increasing the quality of the national market system.

Additionally, the Exchange notes that it operates in a highly competitive market in which market participants can easily direct their orders to competing venues, including off-exchange venues. In such an environment, the Exchange must continually review, and consider adjusting the services it offers and the requirements, it imposes to remain competitive with other U.S. equity exchanges.

For the reasons described above, BX believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2018–025 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–BX–2018–025. 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 offices of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2018–025, and should be submitted on or before August 16, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Brent J. Fields,

Secretary.

[FR Doc. 2018–15942 Filed 7–25–18; 8:45 am]

BILLING CODE 8011–01–P

[25] 15 U.S.C. 78f.

[26] 15 U.S.C. 78f(b)(5).

[27] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before September 24, 2018.

ADDRESSES: Send all comments to Edsel Brown, Deputy Director, Office of Innovation and Technology, Small Business Administration, 409 3rd Street, Suite 6300, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Edsel Brown, Deputy Director, Office of Innovation and Technology, *edsel.brown@sba.gov,* 202–205–7343, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: The Small Business Act, as amended by the Small Business Innovation Research (SBIR) and Small Business Technology Transfer Program (STTR) Reauthorization Act of 2011, requires SBA to collect regarding the SBIR and STTR awards made by the federal agencies that participate in those programs. SBA is required to maintain this information in searchable electronic databases and also to report the information to Congress annually.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) SBIR.gov Business Intelligent Database System formerly known as the Tech-Net Database.

Description of Respondents: SBA to collect regarding the registration of firms in the SBIR.gov database system, SBIR and STTR awards made by the federal agencies, and company updates of company commercialization information.

Form Number: N/A.

Total Estimated Annual Responses (Registrations): 8,200.

Total Estimated Annual Hour Burden: 1,367.

Curtis Rich,

Management Analyst.

[FR Doc. 2018–15966 Filed 7–25–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA) which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public of that submission.

DATES: Submit comments on or before August 27, 2018.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: Small Business Administration (SBA) Forms 856 and 856A are used by SBA examiners as part of their examination of licensed small business investment companies (SBICs). This information collection obtains representations from an SBIC's management regarding certain obligations, transactions and relationships of the SBIC and helps SBA to evaluate the SBIC's financial condition and compliance with applicable laws and regulations.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collections

Title: Disclosures Statement Leveraged Licenses; Disclosure Non-leveraged Licensees.

Description of Respondents: SBA Examiners.

Form Numbers: SBA Forms 856 and 856A.

Estimated Annual Respondents: 271.

Estimated Annual Responses: 271.

Estimated Annual Hour Burden: 254.

Curtis Rich,

Management Analyst.

[FR Doc. 2018–15954 Filed 7–25–18; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2018–0040]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes extensions and revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, *Attn:* Desk Officer for SSA,

Fax: 202–395–6974, *Email address: OIRA_Submission@omb.eop.gov*

(SSA) Social Security Administration, OLCA, *Attn:* Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, *Fax:* 410–966–2830, *Email address: OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2018–0040].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than September 24, 2018. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Credit Card Payment Form—0960–0648. SSA uses Form SSA–1414 to process: (1) Credit card payments from former employees and vendors with outstanding debts to the agency; (2) advance payments for reimbursable agreements; and (3) credit card payments for all Freedom of Information Act (FOIA) requests requiring payment. The respondents are former employees and vendors who have outstanding debts to the agency; entities who have reimbursable agreements with SSA; and individuals who request information through FOIA.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1414	6,000	1	2	200

2. Promoting Readiness of Minors in SSI (PROMISE) Evaluation—0960–0799.

Background

The Promoting Readiness of Minors in SSI (PROMISE) demonstration pursues positive outcomes for children with disabilities who receive Supplemental Security Income (SSI) and their families by reducing dependency on SSI. The Department of Education (ED) awarded six cooperative agreements to states to improve the provision and coordination of services and support for children with disabilities who receive SSI and their families to achieve improved education and employment outcomes. ED awarded PROMISE funds to five single-state projects, and to one six-state consortium.[1] With support from ED, the Department of Labor (DOL), and the Department of Health and Human Services (HHS), SSA is evaluating the six PROMISE projects. SSA contracted with Mathematica Policy Research to conduct the evaluation.

Under PROMISE, targeted outcomes for youth include an enhanced sense of self-determination; achievement of secondary and post-secondary educational credentials; an attainment of early work experiences culminating with competitive employment in an integrated setting; and long-term reduction in reliance on SSI. Outcomes of interest for families include heightened expectations for and support of the long-term self-sufficiency of their youth; parent or guardian attainment of education and training credentials; and increases in earnings and total income. To achieve these outcomes, we expect the PROMISE projects to make better use of existing resources by improving service coordination among multiple state and local agencies and programs.

ED, SSA, DOL, and HHS intend the PROMISE projects to address key limitations in the existing service system for youth with disabilities. By intervening early in the lives of these young people, at ages 14–16, the projects engage the youth and their families well before critical decisions regarding the age 18 redetermination are upon them. We expect the required partnerships among the various state and Federal agencies that serve youth with disabilities to result in improved integration of services and fewer dropped handoffs as youth move from one agency to another. By requiring the programs to engage and serve families and provide youth with paid work experiences, the initiative is mandating the adoption of critical best practices in promoting the independence of youth with disabilities.

Project Description

SSA is requesting clearance for the collection of data needed to implement and evaluate PROMISE. The evaluation provides empirical evidence on the impact of the intervention for youth and their families in several critical areas, including: (1) Improved educational attainment; (2) increased employment skills, experience, and earnings; and (3) long-term reduction in use of public benefits. We base the PROMISE evaluation on a rigorous design that entails the random assignment of approximately 2,000 youth in each of the six projects to treatment or control groups (12,000 total). The PROMISE projects provide enhanced services for youth in the treatment groups; whereas youth in the control groups are eligible only for those services already available in their communities independent of the interventions.

The evaluation assesses the effect of PROMISE services on educational attainment, employment, earnings, and reduced receipt of disability payments. The three components of this evaluation include:

- *The process analysis,* which documents program models, assesses the relationships among the partner organizations, documents whether the grantees implemented the programs as planned, identifies features of the programs that may account for their impacts on youth and families, and identifies lessons for future programs with similar objectives.
- *The impact analysis,* which determines whether youth and families in the treatment groups receive more services than their counterparts in the control groups. It also determines whether treatment group members have better results than control group members with respect to the targeted outcomes noted above.
- *The cost-benefit analysis,* which assesses whether the benefits of PROMISE, including increases in employment and reductions in benefit receipt, are large enough to justify its costs. We conduct this assessment from a range of perspectives, including those of the participants, state and Federal governments, SSA, and society as a whole.

SSA planned several data collection efforts for the evaluation. These include: (1) Follow-up interviews with youth and their parent or guardian 18 months and 5 years (60 months) after enrollment; (2) phone and in-person interviews with local program administrators, program supervisors, and service delivery staff at two points in time over the course of the

[1] The six-state consortium project goes by the name Achieving Success by Promoting Readiness for Education and Employment (ASPIRE) rather than by PROMISE.

demonstration; (3) two rounds of focus groups with participating youth in the treatment group; (4) two rounds of focus groups with parents or guardians of participating youth; (5) staff activity logs which provide data on aspects of service delivery; and (6) collection of administrative data.

At this time, SSA requests clearance for the 5-year (60-month) survey interviews. The respondents are the youth and their parents participating in the PROMISE demonstration.

Type of Request: Revision to an OMB-approved information collection.

Time Burden on Respondents

2019—60-MONTH SURVEY INTERVIEWS

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Parent Interview—telephone (using electronic assisted capturing)	1,095	1	32	584
Youth Interview—telephone (using electronic assisted capturing)	1,110	1	38	703
Parent Interview—Self-Administered Questionnaire	22	1	18	7
Youth Interview—Self-Administered Questionnaire	23	1	18	7
Totals	2,250			1,301

2020—60-MONTH SURVEY INTERVIEWS

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Parent Interview—telephone (using electronic assisted capturing)	5,127	1	32	2,734
Youth Interview—telephone (using electronic assisted capturing)	5,169	1	38	3,274
Parent Interview—Self-Administered Questionnaire	105	1	18	32
Youth Interview—Self-Administered Questionnaire	105	1	18	32
Totals	10,506			6,072

2021—60-MONTH SURVEY INTERVIEWS

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Parent Interview—telephone (using electronic assisted capturing)	2,656	1	32	1,417
Youth Interview—telephone (using electronic assisted capturing)	2,671	1	38	1,692
Parent Interview—Self-Administered Questionnaire	54	1	18	16
Youth Interview—Self-Administered Questionnaire	55	1	18	17
Totals	5,436			3,142

GRAND TOTALS

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Parent Interview—telephone (using electronic assisted capturing)	8,878	1	32	4,735
Youth Interview—telephone (using electronic assisted capturing)	8,950	1	38	5,669
Parent Interview—Self-Administered Questionnaire	181	1	18	55
Youth Interview—Self-Administered Questionnaire	183	1	18	56
Totals	18,192			10,515

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than August 27, 2018. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. Statement of Employer—20 CFR 404.801–404.803—0960–0030. When workers report they were paid wages but cannot provide proof of those earnings, and the wages do not appear in SSA's records of earnings, SSA uses Form SSA–7011–F4 to document the alleged wages. Specifically, the agency uses the form to resolve discrepancies in the individual's Social Security earnings record and to process claims for Social Security benefits. We only send Form

SSA–7011–F4 to employers if we are unable able to locate the earnings information within our own records. The respondents are employers who can verify wage allegations made by wage earners.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–7011–F4	500	1	20	167

2. Statement of Claimant or Other Person—20 CFR 404.702 & 16.570—0960–0045. SSA uses Form SSA–795 in special situations where there is no authorized form or questionnaire, yet we require a signed statement from the applicant, claimant, or other individuals who have knowledge of facts, in connection with claims for Social Security benefits or SSI. The information we request on the SSA–795 is of sufficient importance that we need both a signed statement and a penalty clause. SSA uses this information to process, in addition to claims for benefits, issues about continuing eligibility; ongoing benefit amounts; use of funds by a representative payee; fraud investigation; and a myriad of other program-related matters. The most common respondents are applicants for Social Security, SSI, or recipients of these programs. However, respondents also include friends and relatives of the involved parties; coworkers; neighbors; or anyone else in a position to provide information pertinent to the issue(s).

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–795	305,500	1	15	76,375

3. Application for a Social Security Number Card, the Social Security Number Application Process (SSNAP), and internet SSN Replacement Card (iSSNRC) Application—20 CFR 422.103–422.110—0960–0066. SSA collects information on the SS–5 (used in the United States) and SS–5–FS (used outside the United States) to issue original or replacement Social Security cards. SSA also enters the application data into the SSNAP application when issuing a card via telephone or in person. In addition, hospitals collect the same information on SSA's behalf for newborn children through the Enumeration-at-Birth process. In this process, parents of newborns provide hospital birth registration clerks with information required to register these newborns. Hospitals send this information to State Bureaus of Vital Statistics (BVS), and they send the information to SSA's National Computer Center. SSA then uploads the data to the SSA mainframe along with all other enumeration data, and we assign the newborn a Social Security number (SSN) and issue a Social Security card. Respondents can also use these modalities to request a change in their SSN records. Finally, the iSSNRC internet application collects information similar to the paper SS–5 for no-change replacement SSN cards for adult U.S. citizens. The iSSNRC modality allows certain applicants for an SSN replacement cards to complete the internet application and submit the required evidence online rather than completing a paper Form SS–5. The respondents for this collection are applicants for original and replacement Social Security cards, or individuals who wish to change information in their SSN records, who use any of the modalities described above.

Note: This is a correction notice: SSA published the incorrect burden information for this collection at 83 FR 21328, on 5/09/18. We are correcting this error here.

Type of Request: Revision of an OMB-approved information collection.

Application scenario	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Respondents who do not have to provide parents' SSNs	10,500,000	1	8.5	1,487,500
Adult U.S. Citizens requesting a replacement card with no changes through the iSSNRC modality *	480,000	1	5	40,000
Respondents whom we ask to provide parents' SSNs (when applying for original SSN cards for children under age 12)	250,000	1	9	37,500
Applicants age 12 or older who need to answer additional questions so SSA can determine whether we previously assigned an SSN	1,470,000	1	9.5	232,750
Applicants asking for a replacement SSN card beyond the new allowable limits (i.e., who must provide additional documentation to accompany the application)	4000	1	60	4000
Authorization to SSA to obtain personal information cover letter	500	1	15	125
Authorization to SSA to obtain personal information follow-up cover letter	500	1	15	125
Totals	12,705,000			1,802,000

4. Statement of Care and Responsibility for Beneficiary—20 CFR 404.2020, 404.2025, 408.620, 408.625, 416.620, & 416.625—0960–0109. SSA uses the information from Form SSA–788 to verify payee applicants' statements of concern, and to identify other potential payees. SSA is concerned with selecting the most qualified representative payee who will use Social Security benefits in the beneficiary's best interest. SSA considers factors such as the payee applicant's capacity to perform payee duties; awareness of the beneficiary's situation and needs; demonstration of past, and current concern for the beneficiary's well-being; etc. in making that determination. If the payee applicant does not have custody of the beneficiary, SSA obtains information from the custodian for evaluation against the information the applicant provides. Respondents are individuals who have custody of the beneficiary in cases where someone else filed to be the beneficiary's representative payee.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–788	130,000	1	10	21,667

5. Certificate of Election for Reduced Spouse's Benefits—20 CFR 404.421—0960–0398. SSA cannot pay reduced Social Security benefits to an already entitled spouse unless the spouse elects to receive reduced benefits and is (1) at least age 62, but under full retirement age; and (2) no longer is caring for a child. In this situation, spouses who decide to elect reduced benefits must file Form SSA–25, Certificate of Election for Reduced Spouse's Benefits. SSA uses the information to pay qualified spouses who elect to receive reduced benefits. Respondents are entitled spouses seeking reduced Social Security benefits.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–25	30,000	1	2	1,000

6. *Coverage of Employees of State and Local Governments—20 CFR 404, Subpart M—0960–0425.* The Code of Federal Regulations (CFR) at 20 CFR 404, Subpart M, prescribes the rules for States submitting reports of deposits and recordkeeping to SSA. SSA requires States (and interstate instrumentalities) to provide wage and deposit contribution information for pre-1987 periods. Not all states have completely satisfied their pending wage report and contribution liability with SSA for pre-1987 tax years. SSA needs these regulations until all pending items with all states are closed out, and to provide for collection of this information in the future, if necessary. The respondents are State and local governments or interstate instrumentalities.

Type of Request: Extension of an OMB approved information collection.

CFR citation	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
404.1204(a) & (b)	52	1	30	26
404.1215	52	1	60	52
404.1216(a) & (b)	52	1	60	52
Total	156	.....	.....	130

7. Continuation of Supplemental Security Income Payments for the Temporarily Institutionalized—Certification of Period and Need to Maintain Home—20 CFR 416.212(b)(1)—0960–0516. When SSI recipients (1) enter a public institution, or (2) enter a private medical treatment facility with Medicaid paying more than 50 percent of expenses, SSA reduces recipients' SSI payments to a nominal sum. However, if this institutionalization is temporary (defined as a maximum of three months), SSA may waive the reduction. Before SSA can waive the SSI payment reduction, the agency must receive the following documentation: (1) A physician's certification stating the SSI recipient will only be institutionalized for a maximum of three months, and (2) certification from the recipient, the recipient's family, or friends, confirming the recipient needs SSI payments to maintain the living arrangements to which the individual will return post-institutionalization. To obtain this information, SSA employees contact the recipient (or a knowledgeable source) to collect the required physician's certification and the statement of need. SSA does not require any specific format for these items, so long as we obtain the necessary attestations. The respondents are SSI recipients, their family or friends, as well as physicians or hospital staff members who treat the SSI recipient.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Physician's Certifications and Statements from Other Respondents	60,000	1	5	5,000

8. Disability Report-Adult—20 CFR 404.1512 and 416.912—0960–0579. State Disability Determination Services (DDS) use the SSA–3368 and its electronic versions to determine if adult disability applicants' impairments are severe and, if so, how the impairments affect the applicants' ability to work. This determination dictates whether the DDSs and SSA will find the applicant to be disabled and entitled to SSI payments. The respondents are applicants for Title II disability benefits or Title XVI SSI payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–3368 (Paper form)	7,571	1	90	11,357
Electronic Disability Collection System (EDCS)	2,484,231	1	90	3,726,347
i3368 (internet)	1,060,360	1	90	1,590,540
Totals	3,552,162			5,328,244

9. Request for Internet Services and 800# Automated Telephone Services Knowledge-Based Authentication (RISA–KBA)—20 CFR 401.45—0960–0596. The Request for Internet Services and 800# Automated Telephone Services (RISA) Knowledge-Based Authentication (KBA) is one of the authentication methods SSA uses to allow individuals access to their personal information through our internet and Automated Telephone Services. SSA asks individuals and third parties who seek personal information from SSA records, or who register to participate in SSA's online business services, to provide certain identifying information. As an extra measure of protection, SSA asks requestors who use the internet and telephone services to provide additional identifying information unique to those individuals so SSA can authenticate their identities before releasing personal information. The respondents are current beneficiaries who are requesting personal information from SSA, and individuals and third parties who are registering for SSA's online business services.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Internet Requestors	2,903,902	1	2.5	120,996
Telephone Requestors	9,795,655	1	4	653,044
* Change of Address (on hold)	1			1
* Screen Splash (on hold)	1			1
Totals	12,699,559			774,042

* One-hour placeholder burdens; Screen Splash and Change of Address applications are on hold.

10. Representative Payment Policies Regulation—20 CFR 404.2011, 404.2025, 416.611, and 416.625—0960–0679. Per 20 CFR 404.2011 and 20 CFR 416.611, if SSA determines it may cause substantial harm for Title II or Title XVI recipients to receive their payments directly, recipients may dispute that decision. To do so, recipients provide SSA with information the agency uses to reevaluate its determination. In addition, our regulations state that after SSA selects a representative payee to receive benefits on a recipient's behalf, the payees provide SSA with information on their continuing relationship and responsibility for the recipients, and explain how they use the recipients' payments. Sections 20 CFR 404.2025 and 20 CFR 416.625 provide a process to follow up with the representative payee to verify payee performance. The respondents are Title II and Title XVI recipients, and their representative payees.

Type of Request: Extension of an OMB-approved information collection.

CFR citation	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
404.2011(a)(1); 416.611(a)(1)	250	1	15	63
404.2025; 416.625	3,000	1	6	300

CFR citation	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Totals	3,250			363

11. Function Report Adult—20 CFR 404.1512 & 416.912—0960–0681. Individuals receiving or applying for Social Security disability insurance (SSDI) or SSI must provide medical evidence and other proof SSA requires to prove their disability. SSA staff, and, on our behalf, DDS employees, collect the information via paper Form SSA–3373–BK, or through an in-person or telephone interview for cases where we need information about a claimant's activities and abilities to evaluate the claimant's disability. We use the information to document how claimants' disabilities affect their ability to function, and to determine eligibility, or continued eligibility, for SSI and SSDI claims. The respondents are Title II and Title XVI applicants (or current recipients undergoing redeterminations) for disability payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–3373–BK	1,734,635	1	61	1,763,546

12. Request for Business Entity Taxpayer Information—0960–0731. SSA requires Law firms or other business entities to complete Form SSA–1694, Request for Business Entity Taxpayer Information, if they wish to serve as appointed representatives and receive direct payment of fees from SSA. SSA uses the information to issue a Form 1099–MISC. SSA also uses the information to allow business entities to designate individuals to serve as entity administrators authorized to perform certain administrative duties on their behalf, such as providing bank account information, maintaining entity information, and updating individual affiliations. Respondents are law firms or other business entities with attorneys or other qualified individuals as partners or employees who represent claimants before SSA.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1694—Paper Version	750	1	10	125
SSA–1694—Business Services Online Submission	150	1	10	25
Totals	900			150

13. Authorization for the Social Security Administration to Obtain Personal Information—20 CFR 404.704; 404.820–404.823; 404.1926; 416.203; and 418.3001—0960–0801. SSA uses Form SSA–8510 to contact a public or private custodian of records on behalf of an applicant or recipient of an SSA program to request evidence information, which may support a benefit application or payment continuation. We ask for evidence information such as the following:

- Age requirements (*e.g.,* birth certificate, court documents)
- Insured status (*e.g.,* earnings, employer verification)
- Marriage or divorce information
- Pension offsets
- Wages verification
- Annuities
- Property information
- Benefit verification from a State agency or third party
- Immigration status (rare instances)
- Income verification from public agencies or private individuals
- Unemployment benefits
- Insurance policies

If the custodian requires a signed authorization from the individual(s) whose information SSA requests, SSA may provide the custodian with a copy of the SSA–8510. Once the respondent completes the SSA–8510, either using the paper form, or using the Personal Information Authorization web page version, SSA uses the form as the authorization to obtain personal information regarding the respondent from third parties until the authorizing person (respondent) revokes the permission of its usage. The collection is voluntary; however, failure to verify the individuals' eligibility can prevent SSA from making an accurate and timely decision for their benefits. The respondents are individuals who may file for, or currently receive, Social Security benefits, SSI payments, or Medicare Part D subsidies.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of Respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
Paper SSA–8510 for Medicare Subsidy Quality Review	3,500	1	5	292

Modality of completion	Number of Respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
Paper SSA–8510 for general evidence purposes	19,800	1	5	1,650
Personal Information Authorization web page	140,145	1	5	11, 679
Totals	163,445	.....	.....	13,621

Dated: July 20, 2018.

Naomi Sipple,

Reports Clearance Officer,

Social Security Administration.

[FR Doc. 2018–15939 Filed 7–25–18; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 10480]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Corot: Women'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Corot: Women,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the National Gallery of Art, Washington, District of Columbia, from on or about September 9, 2018, until on or about December 31, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–16007 Filed 7–25–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 10470]

30-Day Notice of Proposed Information Collection: Application for Immigrant Visa and Alien Registration

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to August 27, 2018.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application for Immigrant Visa and Alien Registration.
- *OMB Control Number:* 1405–0015.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Visa Office (CA/VO/L/R).
- *Form Number:* DS–230.
- *Respondents:* Applicants for Cuban Family Reunification Parole or Immigrant Visas that are not able to use the DS–260, where authorized by the Department.
- *Estimated Number of Respondents:* 20,000.
- *Estimated Number of Responses:* 20,000.
- *Average Time per Response:* 125 minutes.
- *Total Estimated Burden Time:* 41,667 annual hours.
- *Frequency:* Once per application.
- *Obligation to respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Application for Immigrant Visa and Alien Registration (DS–230) is used to collect biographical information from individuals seeking for Cuban Family Reunification Parole. While this discretionary parole authority is exercised by the Department of Homeland Security, an applicant must demonstrate that he or she is eligible for an immigrant visa. In rare circumstances, an applicant for an immigrant visa may complete the DS–230 in lieu of the online version of the application (DS–260, OMB Control Number 1405–0185). The consular

officer uses the information collected to elicit information necessary to determine an applicant's immigrant visa eligibility.

Methodology

Applicants will complete the DS–230 and submit it to a consular post. A consular officer will review the application to determine whether the applicant is eligible for an immigrant visa.

Morgan Andrew Parker,

Acting Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2018–15957 Filed 7–25–18; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 10467]

30-Day Notice of Proposed Information Collection: Electronic Choice of Address and Agent

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to August 27, 2018.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Electronic Choice of Address and Agent.
- *OMB Control Number:* 1405–0186.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* CA/VO/L/R.
- *Form Number:* DS–261.
- *Respondents:* Beneficiaries of approved immigrant visa petitions.
- *Estimated Number of Respondents:* 300,000.
- *Estimated Number of Responses:* 300,000.
- *Average Time per Response:* 10 minutes.
- *Total Estimated Burden Time:* 50,000 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The DS–261 allows the beneficiary of an approved and current immigrant visa petition to provide the Department with his or her current address, which will be used for communications with the beneficiary. The DS–261 also allows the beneficiary to appoint an agent to receive mailings from the National Visa Center (NVC) and assist in the filing of various application forms and/or paying the required fees. The beneficiary is not required to appoint an agent but must provide current contact information. All cases will be held at NVC until the DS–261 is electronically submitted to the Department.

Methodology

Applicants will complete the form online and submit it electronically to the Department.

Morgan Andrew Parker,

Acting Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2018–15956 Filed 7–25–18; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT–OST–2018–0044]

Notice of Proposed Agency Information Collection Activities; Agency Request To Modify Existing Information Collections: Railroad Rehabilitation and Improvement Financing (RRIF) and Transportation Infrastructure Financing and Innovation Act (TIFIA) Credit Programs

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published May 21, 2018, and the comment period ended July 20, 2018. One comment unrelated to the ICR was submitted into the docket.

DATES: Written comments should be submitted by August 27, 2018.

ADDRESSES: Written comments should be submitted to the attention of the DOT/OST Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503 or by email at *OIRA_submission@omb.eop.gov* with the associated OMB Control Number 2105–0569.

FOR FURTHER INFORMATION CONTACT: Kylie Cannon at *Kylie.Cannon@dot.gov* or (202) 366–2731; or the Build America Bureau at *BuildAmerica@dot.gov* or (202) 366–2300.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2105–0569.

Title: Letter of Interest and Application Forms for the Railroad Rehabilitation and Improvement Financing and Transportation Infrastructure Financing and Innovation Act Credit Programs.

Type of Review: Modification of existing information collections.

Abstract: The Department of Transportation (the Department) has submitted an ICR to OMB to approve modifications to two currently approved ICRs. As part of the modifications to the ICRs, one ICR will be integrated into the other ICR. The modified and integrated ICR will be used to allow entities to apply for Railroad Rehabilitation and Improvement Financing (RRIF) and

Transportation Infrastructure Financing and Innovation Act (TIFIA) credit assistance using a common set of forms, rather than having a separate set of forms for each of RRIF and TIFIA. The new, integrated forms have also been updated to reflect changes in law, streamlining of the credit programs, and efficiencies in the application process adopted by the Department. However, the general process of applying for credit assistance is not changing; applications are still accepted on a rolling basis. The ICR continues to be necessary for the Department to evaluate projects and project sponsors for credit program eligibility and creditworthiness as required by law.

Respondents: State and local governments, transit agencies, government-sponsored authorities, special authorities, special districts, ports, private railroads, and certain other private entities.

Estimated Total Annual Number of Responses: Eight (8) RRIF letters of interest (LOIs), twelve (12) TIFIA LOIs, eight (8) RRIF applications, and twelve (12) TIFIA applications.

Estimated Total Annual Burden Hours: For RRIF LOIs and applications, 960 hours; for TIFIA LOIs and applications 1,440 hours.

The estimated burdens are itemized in the following table:

A. Type of response	B. Number of responses	C. Hours per response	D. Total hours (column B × column C)
RRIF LOI	8	20	160
RRIF Application	8	100	800
TIFIA LOI	12	20	240
TIFIA Application	12	100	1200

Frequency of Collection: One time.

Comments on the following subjects: (a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, on July 23, 2018.

Jenny Barket,

Attorney Advisor.

[FR Doc. 2018–15961 Filed 7–25–18; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

United States Mint

Notification of Citizens Coinage Advisory Committee July 31, 2018, Public Meeting

SUMMARY: Pursuant to United States Code, the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for July 31, 2018.

Date: July 31, 2018.

Time: 1:00 p.m. to 3:00 p.m. EST.

Location: This meeting will occur *via teleconference.* Interested members of the public may dial in to listen to the meeting at (866) 564–9287/Access Code: 62956028.

Subject: Review and discussion of candidate designs for the 2018 $1 coin that will introduce a new series of dollar coins authorized by the American Innovation $1 Coin Act.

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and room location.

In accordance with 31 U.S.C. 5135, the CCAC:

- Advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals.
- Advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.
- Makes recommendations with respect to the mintage level for any commemorative coin recommended.

FOR FURTHER INFORMATION CONTACT: Betty Birdsong, Acting United States Mint Liaison to the CCAC; 801 9th Street NW, Washington, DC 20220; or call 202–354–7200.

Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by fax to the following number: 202–756–6525.

Authority: 31 U.S.C. 5135(b)(8)(C).

Dated: July 23, 2018.

David J. Ryder,

Director, United States Mint.

[FR Doc. 2018–15986 Filed 7–25–18; 8:45 am]

BILLING CODE P

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Federal Register

Vol. 83, No. 144

Thursday, July 26, 2018

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FEDERAL REGISTER PAGES AND DATE, JULY

CFR PARTS AFFECTED DURING JULY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

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. 446/P.L. 115–202

To extend the deadline for commencement of construction of a hydroelectric project. (July 23, 2018; 132 Stat. 1530)

H.R. 447/P.L. 115–203

To extend the deadline for commencement of construction of a hydroelectric project. (July 23, 2018; 132 Stat. 1531)

H.R. 951/P.L. 115–204

To extend the deadline for commencement of construction of a hydroelectric project. (July 23, 2018; 132 Stat. 1532)

H.R. 2122/P.L. 115–205

To reinstate and extend the deadline for commencement of construction of a hydroelectric project involving Jennings Randolph Dam. (July 23, 2018; 132 Stat. 1533)

H.R. 2292/P.L. 115–206

To extend a project of the Federal Energy Regulatory Commission involving the Cannonsville Dam. (July 23, 2018; 132 Stat. 1535)

Last List July 24, 2018

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