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FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Regulation CC; Docket No. R–1620; RIN 7100 AF–14]

Availability of Funds and Collection of Checks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is publishing a final rule that amends Subpart C of Regulation CC to address situations where there is a dispute as to whether a check has been altered or was issued with an unauthorized signature, and the original paper check is not available for inspection. This rule adopts a presumption of alteration for disputes between banks over whether a substitute check or electronic check contains an alteration or is derived from an original check that was issued with an unauthorized signature of the drawer.

DATES: Effective January 1, 2019.

FOR FURTHER INFORMATION CONTACT: Clinton N. Chen, Senior Attorney (202–452–3952), Legal Division; or Ian C.B. Spear, Manager (202–452–3959), Division of Reserve Bank Operations and Payment Systems; for users of Telecommunication Devices for the Deaf (TDD) only, contact 202–263–4869; Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

Congress enacted the Expedited Funds Availability Act of 1987 (EFA Act) to provide prompt funds availability for deposits in transaction accounts and to foster improvements in the check collection and return processes. Section 609(c) authorizes the Board to regulate any aspect of the payment system and any related function of the payment system with respect to checks in order to carry out the provisions of the EFA Act.[1]

Regulation CC implements the EFA Act. Subpart C of Regulation CC implements the EFA Act's provisions regarding forward collection and return of checks.

II. Summary of UCC and Current Regulation CC

Under the Uniform Commercial Code (UCC), an alteration is a change to the terms of a check that is made after the check is issued that modifies an obligation of a party by, for example, changing the payee's name or the amount of the check.[2] By contrast, a forgery is a check on which the signature of the drawer (*i.e.,* the account-holder at the paying bank) was made without authorization at the time of the check's issuance.[3] In general, under UCC 4–401, the paying bank may charge the drawer's account only for checks that are properly payable.[4] Neither altered checks nor forged checks are properly payable. In the case of an altered check under the UCC, the banks that received the check during forward collection, including the paying bank, have warranty claims against the banks that transferred the check (*e.g.,* a collecting bank or the depositary bank). In the case of a forged check, however, the UCC places the responsibility on the paying bank for identifying the forgery.[5] Therefore, the depositary bank typically bears the loss related to an altered check, whereas the paying bank bears the loss related to a forged check.

These provisions of the UCC reflect the long-standing rule set forth in *Price* v. *Neal* that the paying bank must bear the loss when a check it pays is not properly payable by virtue of the fact that the drawer did not authorize the item.[6] The *Price* v. *Neal* rule reflects the assumption that the paying bank, rather than the depositary bank, is in the best position to judge whether the drawer's signature on a check is the authorized signature of the account-holder. By contrast, the depositary bank is arguably in a better position than the paying bank to inspect the check at the time of deposit and detect an alteration to the face of the check, to determine that the amount of the check is unusual for the depositary bank's customer, or to otherwise take responsibility for the items it accepts for deposit.

Regulation CC does not currently address whether a check should be presumed to be altered or forged in cases of doubt. For example, an unauthorized payee name could result from an alteration of the original check that the drawer issued, or from the creation of a forged check bearing the unauthorized payee name and an unauthorized/forged drawer's signature. Courts have reached opposite conclusions as to whether a paid, but fraudulent, check should be presumed to be altered or forged in the absence of evidence (such as the original check).[7] Since the time of these decisions, the check collection system has become virtually all-electronic, and the number of instances in which the original paper check is available for inspection in such cases will be quite low.[8] Unlike the 2006 court cases, where the paying bank received and destroyed the original check, in today's check environment the original check is typically truncated by

[1] EFA Act section 609(c)(1) states that in order to carry out the provisions of this chapter, the Board of Governors of the Federal Reserve System shall have the responsibility to regulate—(A) any aspect of the payment system, including the receipt, payment, collection, or clearing of checks; and (B) any related function of the payment system with respect to checks. See, 12 U.S.C. 4008(c)(1).

[2] UCC 3–407. The UCC is a body of laws approved by the American Law Institute and the Uniform Law Commission, which has been enacted by state legislatures on a generally uniform basis. Article 3 addresses negotiable instruments, while Article 4 addresses bank deposits and collections.

[3] The term ''forgery'' is not defined in the UCC. However, the term ''unauthorized signature'' is defined as ''a signature made without actual, implied, or apparent authority'' and ''includes a forgery.'' UCC 1–201(41).

[4] The term ''bank'' as used in this notice and in Regulation CC (12 CFR 229.2(e)) includes a commercial bank, savings bank, savings and loan association, credit union, and a U.S. agency or branch of a foreign bank.

[5] The presenting bank warrants to the paying bank only that it has no knowledge of an unauthorized drawer's signature. *See* UCC 3–417(a)(3) and 4–208(a)(3).

[6] *Price* v. *Neal,* 97 Eng. Rep. 871 (K.B. 1762).

[7] *See, e.g., Chevy Chase Bank* v. *Wachovia Bank, N.A.,* 208 Fed. App'x. 232, 235 (4th Cir. 2006) and *Wachovia Bank, N.A.* v. *Foster Bancshares, Inc.,* 457 F.3d 619 (7th Cir. 2006).

[8] For example, by the beginning of 2017 the Federal Reserve Banks received over 99.99 percent of checks electronically from 99.06 percent of routing numbers and presented over 99.99 percent of checks electronically to over 99.76 percent of routing numbers. As of the same time, the Federal Reserve Banks received 99.63 percent of returned checks electronically from over 99.37 percent of routing numbers and delivered 99.41 percent of returned checks electronically to 92.84 percent of routing numbers.

the depositary bank or a collecting bank before it reaches the paying bank.

III. Summary of Proposal and Comments

A. Summary of Proposal

On June 2, 2017, the Board published a notice of proposed rulemaking intended to clarify the burden of proof in situations where there is a dispute as to whether the check has been altered or is a forgery, and the original paper check is not available for inspection.[9] The Board proposed to adopt a presumption of alteration with respect to any dispute arising under Federal or State law as to whether the dollar amount or the payee on a substitute check or electronic check has been altered or whether the substitute check or electronic check is derived from an original check that is a forgery. Under the proposed rule, the presumption of alteration may be overcome by a preponderance of evidence that the substitute check or electronic check accurately represents the dollar amount and payee as authorized by the drawer, or that the substitute check or electronic check is derived from an original check that is a forgery. In the proposed rule, the presumption of alteration shall cease to apply if the original check is made available for examination by all parties involved in the dispute. The Board requested comment on whether the presumption should apply to a claim that the date was altered. The Board also requested comment on whether the presumption should apply if the bank claiming the presumption received and destroyed the original check.

B. Summary of General Comments

The Board received eleven responses to its proposal from a variety of commenters, including financial institutions, trade associations, and clearinghouses. Ten commenters, including a comment letter submitted by a group of institutions and trade associations (''group letter''), generally supported the Board's proposal to adopt a presumption of alteration. Commenters supported the presumption of alteration because it aligned Regulation CC with current practices and created a uniform rule. One commenter stated that the proposed presumption was not necessary because the difference between alteration and forgery are well-known in the industry and the use of an evidentiary presumption may require institutions to unnecessarily increase the expense to store documents. Detailed comments are discussed in the description of the final rule below.

C. Consultation With Other Agencies

As directed by section 609(e) of the EFA Act, the Board consulted with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board during the rulemaking process.[10]

IV. Summary of Final Rule

The Board has considered all comments received and has adopted a presumption of alteration. The Board has made certain modifications to the proposed presumption in light of comments received, as discussed below.

Altered Date. The Board's proposed presumption covered alterations to the dollar amount and payee. The Board requested comment on whether the presumption of alteration should apply to a claim that the date was altered. Six commenters, including the group letter, supported applying the presumption to claims that the date was altered and one commenter requested the Board investigate whether applying the presumption to such claims would promote greater certainty in the check collection process. Two commenters, including the group letter, noted that a claim that the date was altered may be alleged (1) where the date of a post-dated check is altered to make the check currently payable, and as a result, the paying bank pays the check when presented and incurs a loss to its customer which would not have resulted had the paying bank paid the check upon or following the date on the check was issued by the customer; and (2) where the date is altered to a more recent date in order to convey holder-in-due-course status on the depositor or to otherwise avoid a ''stale-date'' rejection by the paying bank. Three commenters suggested that the Board align the definition of ''alteration'' with the definition in the UCC, which would include alteration of the date field.[11] One Federal Reserve Bank commenter stated that fraud could be committed by altering a number of fields, including name of payee, amount, date, check number, routing number, payee's indorsement, etc., and that the Board should address the entire scope of the legal uncertainty by using the UCC definition of alteration.

Based on the comments received, the Board has modified the presumption in the final rule so that the term ''alteration'' is used as defined in the UCC. The Board believes that aligning the presumption with the UCC's definition of ''alteration'' appropriately expands the scope of the presumption to cover instances of fraud beyond changes to the dollar amount or payee. The Board notes in the commentary that terms that are not defined in section 229.2, such as ''alteration,'' have the meanings set forth in the UCC and provides examples of alterations.

Bank that received and destroyed the original check. The presumption in the proposed rule would apply to disputes involving a substitute check or an electronic check, and thus the presumption could not be asserted by a bank that received the original check. The Board requested comment on whether the presumption should apply if the bank claiming the presumption received and destroyed the original check.

Six commenters, including the group letter, stated that the presumption should not apply to paying banks that received and destroyed the original check. These commenters noted that it is rare for a paying bank to receive an original check. A paying bank may receive the original check from the depositary bank via direct presentment if it is a very high dollar check or if the depositary bank has concerns with certain aspects of the check, such as unclear terms or a smudged signature. A paying bank may also request and receive the original check after receiving presentment of an electronic check due to a dispute about the check image. These commenters stated that receipt of an original check by a paying bank puts the paying bank on notice about the possible importance of the original check, and the paying bank should not have the benefit of the presumption of alteration if it receives the original check.

Commenters were split on whether the presumption should apply to a bank, other than the paying bank, if it received and destroyed the original check. The group letter stated that the presumption

[9] In response to a 2011 proposed rulemaking, two commenters requested that the Board address the uncertainty caused by the divergent appellate court decisions, even though the Board did not raise the issue. 76 FR 16862 (March 25, 2011). The Board described these comments in greater detail as part of its 2014 Regulation CC proposal and requested comment on whether it should adopt a presumption of alteration. 79 FR 6673, 6703 (Feb. 4, 2014). Based on its analysis of the comments received in the 2014, the Board requested comment on proposed regulatory text and commentary on June 2, 2017. 82 FR 25539 (June 2, 2017).

[10] 12 U.S.C. 4008(e).

[11] Under the UCC, alteration means (i) an unauthorized change in an instrument that purports to modify in any respect the obligation of a party, or (ii) an unauthorized addition of words or numbers or other change to an incomplete instrument relating to the obligation of a party. UCC section 3–407.

should apply in these cases because it would promote check truncation by not creating a legal disincentive to the destruction of checks by such banks. Three commenters stated that the presumption should not apply to any bank that received and destroyed the original check because a bank should not benefit from a presumption against another party when it had in its possession potential evidence to resolve a dispute regarding alteration or forgery.

In the final rule, the presumption of alteration applies to a dispute between banks where an electronic check or a substitute check was transferred between those banks. The presumption applies in such a dispute regardless of where in the chain, or by whom, the original check was truncated. However, as noted in the commentary, the presumption does not apply to a dispute between banks where the original check was transferred between those banks, even if that check is subsequently truncated and destroyed. The Board believes that the final rule addresses the concerns raised by the commenters who argued that the presumption of alteration should not apply if the paying bank received the original check. As a presumption of alteration generally favors the paying bank (the depositary bank is generally liable for alterations), the commenters' concern was that the application of the presumption should not incentivize a paying bank to destroy the original check after being put on notice of potentially high-risk items by receiving the original check. When a paying bank receives presentment of the original check, the presumption of alteration would not apply, as the presumption applies only to disputes concerning substitute checks or electronic checks. In another example noted by commenters, a paying bank may request and receive the original check after receiving presentment of an electronic check due to a dispute about the check image. In that scenario, the presumption of alteration would not apply pursuant to § 229.38(i)(3), which states that the presumption no longer applies if the original check is made available for examination by all parties involved in the dispute.

The Board does not believe that limiting the application of the presumption to the transfer of electronic checks or substitute checks will create a material incentive for depositary banks or collecting banks to bypass the check imaging process and send forward a substantial number of original checks merely to preserve the presumption of alteration. As the commenters noted, the expense of handling checks physically would likely be merited only in rare cases where a bank had substantial concerns about certain aspects of the check.

Rebutting the presumption and effect of producing the original check. One Federal Reserve Bank commenter suggested that the Board allow the presumption to be overcome only by the production of the original check, and not by proving by a preponderance of the evidence that the check was not altered or was forged. The commenter stated that a stronger evidentiary presumption in favor of alteration would be more efficient, as parties may continue to expend resources litigating the issue of whether an item is an alteration or forgery. Two commenters requested that the Board specify who would have the authority to determine whether evidence satisfied a preponderance of evidence burden. One commenter requested that the Board provide additional clarity as to what type of evidence would be adequate to overcome the presumption of alteration. Two commenters suggested that the Board set a time limitation in which a financial institution could request the original check in cases of doubt, such as ten business days. Additionally, one commenter requested that the Board allow a scanned image of the original check in lieu of the original to avoid the presumption of alteration.

In proposing the presumption of alteration, the Board did not intend to eliminate the opportunity for banks to provide additional evidence and engage in further litigation. The presumption was intended to create a uniform starting point that recognized the operational realities of check fraud in the absence of evidence. The comments requesting that the Board specify who can make the determination, what types of evidence would be adequate for overcoming the presumption of alteration, and the time limitation within which the original check must be provided would be matters for the court or other dispute resolution process and are outside of the scope of this final rule. A scanned image of the original check would generally provide no better evidentiary value than a substitute check or an electronic check, and thus the final rule does not permit such an image to overcome the presumption of alteration. Accordingly, the Board has adopted provisions on the rebuttal of the presumption in § 229.38(i)(2) substantially as proposed.

Use of term ''forgery.'' One Federal Reserve Bank commenter suggested that the Board use the phrase ''issued without the account holder's authorization'' instead of the term ''forgery.'' The Federal Reserve Bank commenter stated that under the UCC, the payor bank is generally liable for paying a check if the issuance of the check was not authorized by the accountholder, whether there is a forged drawer's signature on the check or not.

In the Board's final rule, the Board has adopted this suggestion. The presumption will apply to disputes as to whether a substitute check or electronic check contains an alteration or is derived from an original check that was issued with an unauthorized signature of the drawer. The Board believes that adopting the phrase ''issued with an unauthorized signature of the drawer'' appropriately covers the entire scope of the payer bank's liability for paying an item that is not properly payable because the accountholder has not authorized the issuance of the item. As stated in relation to ''alteration,'' the Board notes in the commentary that terms that are not defined in § 229.2, such as ''unauthorized signature,'' have the meanings set forth in the UCC and provides examples of unauthorized signatures.

Other topics. The Board also received comments on a variety of other topics. Two commenters, including the group letter, suggested that the Board clarify that the presumption also applies to alteration of the electronic image and not just the original check. The group letter also requested that the Board clarify that the parties should have the ability to vary the presumption to the maximum extent permitted under § 229.37. In the final rule, the Board has clarified in the commentary that the alteration claim may be related to the original check or the electronic or substitute check. The Board also included in the commentary a sentence stating that the presumption of alteration may be varied by agreement to the extent permitted under § 229.37.

One commenter requested that the Board ensure that the presumption can be applied only in disputes between banks, and not disputes between banks and customers. In the final rule, the Board has specified in § 229.38(i)(1) that the presumption applies to disputes between banks.

The group letter requested that the Board clarify that the presumption applies to disputes where the loss allocation rules for bank and non-bank parties are established under private contract or by laws other than Regulation CC and the UCC, such as private presentment arrangements or Federal regulations that apply to Treasury checks. As stated earlier, the intent behind the presumption of alteration is to create a uniform starting point in the absence of evidence under

Federal and State laws. As stated above, the final rule does not prevent banks from varying the presumption of alteration by agreement to the extent permitted under § 229.37. However, the Board did not intend to override any other Federal statute or regulation, such as U.S. Treasury rules governing Treasury checks, to the extent that they already address the issue that the presumption is intended to address. In the final rule, the Board has indicated that the presumption applies in the absence of any Federal statute or regulation to the contrary.

One commenter requested that the Board require banks that receive original checks to preserve them for a set period of time. A retention requirement for physical checks would impose a record-keeping and storage burden for banks. The Board believes a more appropriate approach is for the rule to establish responsibilities with respect to the handling of checks and for banks to determine their own physical check retention policies based on their assessment of risk.

IV. Competitive Impact Analysis

The Board conducts a competitive impact analysis when it considers an operational or legal change, if that change would have a direct and material adverse effect on the ability of other service providers to compete with the Federal Reserve in providing similar services due to legal differences or due to the Federal Reserve's dominant market position deriving from such legal differences. All operational or legal changes having a substantial effect on payments-system participants will be subject to a competitive-impact analysis, even if competitive effects are not apparent on the face of the proposal. If such legal differences exist, the Board will assess whether the same objectives could be achieved by a modified proposal with lesser competitive impact or, if not, whether the benefits of the proposal (such as contributing to payments-system efficiency or integrity or other Board objectives) outweigh the materially adverse effect on competition.[12]

The Board does not believe that the amendments to Regulation CC will have a direct and material adverse effect on the ability of other service providers to compete effectively with the Reserve Banks in providing similar services due to legal differences. The amendments would apply to the Reserve Banks and private-sector service providers alike and would not affect the competitive position of private-sector banks vis-à-vis the Reserve Banks.

V. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3506; 5 CFR part 1320 Appendix A.1), the Board may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a valid Office of Management and Budget (OMB) control number. The Board reviewed the final rule under the authority delegated to the Board by the OMB and determined that it contains no collections of information under the PRA.[13] Accordingly, there is no paperwork burden associated with the rule.

VI. Regulatory Flexibility Act

An initial regulatory flexibility analysis (IRFA) was included in the proposal in accordance with section 3(a) of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.* (RFA). In the IRFA, the Board requested comment on the effect of the proposed rule on small entities and on any significant alternatives that would reduce the regulatory burden on small entities. The Board did not receive any comments. The RFA requires an agency to prepare a final regulatory flexibility analysis (FRFA) unless the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. In accordance with section 3(a) of the RFA, the Board has reviewed the final regulation. Based on its analysis, and for the reasons stated below, the Board certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The final rule will apply to all depository institutions regardless of their size.[14] Pursuant to regulations issued by the Small Business Administration (13 CFR 121.201), a ''small banking organization'' includes a depository institution with $550 million or less in total assets. Based on 2017 call report data, there are 9,631 depository institutions that have total domestic assets of $550 million or less and thus are considered small entities for purposes of the RFA. The presumption of alteration shifts the burden to the bank that warrants that a check has not been altered, which could be a depositary bank or collecting bank. In order to overcome the presumption of alteration, a depositary bank or collecting bank must prove by a preponderance of evidence either the substitute check or electronic check does not contain an alteration, or that the substitute check or electronic check is derived from an original check that was issued with an unauthorized signature of the drawer. Under the final rule, the presumption of alteration shall cease to apply if the original check is made available for examination by all parties involved in the dispute. Furthermore, the presumption of alteration will not apply if the paying bank received the original check from which the substitute check or electronic check was derived.

A depositary bank or collecting bank that destroys all original checks after truncation may incur additional risk, as it may not be able to overcome the presumption of alteration. The Board expects the additional risk to be minimal. According to Federal Reserve data, only 0.015% of forward items collected through the Reserve Banks were returned due to a claim of alteration or forgery in March 2018. The Board expects depositary banks and collecting banks to weigh the costs and benefits of destroying or retaining original checks, such as for large dollar amounts, so that the presumption of alteration will not apply. In their roles as paying banks, however, those same banks could benefit from the presumption. Additionally, a depositary bank that permits remote deposit capture may also incur additional risk, as it may not be able to obtain the original check to overcome the presumption of alteration. The Board expects depositary banks to examine their protocols for remote deposit capture, such as limiting the amount of money that may be deposited remotely. The Board expects that depository institutions will benefit from a uniform rule when there is an absence of evidence over whether a check has been altered or forged and may have reduced litigation and dispute resolution costs. The Board does not expect the rule to have a significant economic impact on a substantial number of small entities.

List of Subjects in 12 CFR Part 229

Banks, Banking, Federal Reserve System, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, the Board to amends 12 CFR part 229 as follows:

[12] Federal Reserve Regulatory Service, 7–145.2. *See, https://www.federalreserve.gov/publications/reginfo.htm.*

[13] *See* 44 U.S.C. 3502(3).

[14] The rule would not impose costs on any small entities other than depository institutions.

PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (REGULATION CC)

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 12 U.S.C. 4001–4010, 12 U.S.C. 5001–5018.

Subpart C—Collection of Checks

■ 2. In § 229.38, paragraph (i) is added to read as follows:

§ 229.38 Liability.

* * * * *

(i) *Presumption of Alteration*—(1) *Presumption.* Subject to paragraphs (i)(2) and (3) of this section and in the absence of a Federal statute or regulation to the contrary, the presumption in this paragraph applies with respect to any dispute between banks arising under Federal or State law as to whether a substitute check or electronic check transferred between those banks contains an alteration or is derived from an original check that was issued with an unauthorized signature of the drawer. When such a dispute arises, there is a rebuttable presumption that the substitute check or electronic check contains an alteration.

(2) *Rebuttal of presumption.* The presumption of alteration may be overcome by proving by a preponderance of evidence that either the substitute check or electronic check does not contain an alteration, or that the substitute check or electronic check is derived from an original check that was issued with an unauthorized signature of the drawer.

(3) *Effect of producing original check.* If the original check is made available for examination by all banks involved in the dispute, the presumption in paragraph (i)(1) of this section shall no longer apply.

■ 3. In appendix E, section XXIV, add reserved paragraphs E through H and paragraph I to read as follows:

Appendix E to Part 229—Commentary

* * * * *

XXIV. Section 229.38 Liability

* * * * *

E through H [Reserved]

I. 229.38(i) Presumption of Alteration

1. This paragraph applies to disputes between banks where one bank has sent an electronic check or a substitute check for collection to the other bank. The presumption of alteration does not apply to a dispute between banks where one bank sent the original check to the other bank, even if that check is subsequently truncated and destroyed. The presumption of alteration applies with respect to claims that the original check or to the electronic check or substitute check was altered or contained an unauthorized signature.

2. The presumption of alteration applies when the original check is unavailable for review by the banks in context of the dispute. If the original check is produced, through discovery or other means, and is made available for examination by all the parties, the presumption no longer applies.

3. This paragraph does not alter the transfer and presentment warranties under the UCC that allocate liability among the parties to a check transaction with respect to an item that has been altered or that was issued with an unauthorized signature of the drawer. The UCC or other applicable check law continues to apply with respect to other rights, duties, and obligations related to altered or unauthorized checks. In addition, the presumption does not apply if it is contrary to another Federal statute or regulation, such as the U.S. Treasury's rules regarding U.S. Treasury checks. The presumption of alteration may be varied by agreement to the extent permitted under § 229.37.

4. As stated in § 229.2, terms that are not defined in that section have the meanings set forth in the Uniform Commercial Code. ''Alteration'' is defined in UCC 3–407 and includes both (i) an unauthorized change in a check that purports to modify in any respect the obligation of a party, and (ii) an unauthorized addition of words or numbers or other change to an incomplete check relating to the obligation of a party. Alterations could include, for example, an unauthorized change to a payee name or a change to the date on a post-dated check that purports to make the check currently payable. ''Unauthorized signature'' is defined in UCC 1–201 and further discussed in UCC 3–403. An unauthorized signature could include a forgery as well as a signature made without actual or apparent authority.

* * * * *

By order of the Board of Governors of the Federal Reserve System, September 11, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–20029 Filed 9–14–18; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0479; Product Identifier 2016–NE–23–AD; Amendment 39–19369; AD 2018–17–15]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. Turboprop and Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2018–02–14 for certain Honeywell International Inc. (Honeywell) TPE331 turboprop and TSE331 turboshaft engines. AD 2018–02–14 required inspection of the affected combustion chamber case assembly, replacement of those assemblies found cracked, and removal of affected assemblies on certain TPE331 and TSE331 engines. This AD retains the inspection and replacement requirements in AD 2018–02–04; revises the Applicability to add the TPE331–12 engine model and the related inspection action, correct references to certain engine models; and revises compliance to allow certain weld repair procedures. This AD was prompted by comments to revise the applicability and required actions of AD 2018–02–14 to include the TPE331–12B engine model, correct certain TPE engine model typographical errors, and to allow certain weld repair procedures. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 22, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 22, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of February 28, 2018 (83 FR 3263, January 24, 2018).

ADDRESSES: For service information identified in this final rule, contact Honeywell International Inc., 111 S 34th Street, Phoenix, AZ, 85034–2802; phone: 800–601–3099; website: *https://myaerospace.honeywell.com/wps/portal.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. 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–2018–0479.

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–2018–0479; 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 Document Operations, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Blvd., Lakewood, CA, 90712–4137; phone: 562–627–5246; fax: 562–627–5210; email: *joseph.costa@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2018–02–14, Amendment 39–19167 (83 FR 3263, January 24, 2018), (''AD 2018–02–14''). AD 2018–02–14 applied to certain Honeywell TPE331 turboprop and TSE331 turboshaft engines. The NPRM published in the **Federal Register** on June 25, 2018 (83 FR 29479). The NPRM was prompted by comments to revise the applicability and required actions of AD 2018–02–14 to include the TPE331–12B engine model, correct certain TPE engine model typographical errors, and to allow certain weld repair procedures. The NPRM proposed to continue to require the inspection and replacement of the affected combustion chamber case assembly on certain TPE331 and TSE331 engines. The NPRM also proposed to revise the Applicability to include the TPE331–12B engine model and the related inspection action, correct references to the TPE331–43–A, –43–BL, –47–A, –55–B, and –61–A engine models, and to allow weld repair procedures to the applicable combustion chamber case assemblies provided those procedures are approved by the Manager, Los Angeles ACO Branch. 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 AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Honeywell Service Bulletin (SB) TPE331–72–2178, Revision 0, dated May 3, 2011 and Honeywell SB TPE331–72–2179, Revision 0, dated May 3, 2011. Honeywell SB TPE331–72–2178, Revision 0, describes procedures for inspection and removal of the affected combustion chamber case assemblies installed on all affected engines except for the TPE331–12B engine model. Honeywell SB TPE331–72–2179, Revision 0, describes procedures for inspection and removal of the affected combustion chamber case assemblies installed on the TPE331–12B engine model. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

We reviewed Honeywell SBs TPE331–72–2228, Revision 0, dated June 12, 2014; TPE331–72–2230, Revision 0, dated June 19, 2014; TPE331–72–2218, Revision 2, dated February 18, 2017; TPE331–72–2244, Revision 2, dated March 20 2017; TPE331–72–2235, Revision 2, dated February 18, 2017; TPE331–72–2281, Revision 0, dated July 22, 2016; TPE331–72–2294, Revision 0, dated December 22, 2016; TPE331–72–2231, Revision 1, dated August 1, 2017; and TSE331–72–2245, Revision 0, dated November 11, 2016. These SBs provide guidance on replacement of the affected combustion chamber case assemblies.

Costs of Compliance

We estimate that this AD affects 5,644 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
On-wing inspection	1 work-hour × $85 per hour = $85	$0	$85 per inspection	$479,740 per inspection cycle.

We estimate the following costs to do any necessary replacements that would be required based on the results of the inspection. We estimate that 158 engines will need this replacement during the first year of inspection.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of the combustion chamber case assembly	1 work-hour × $85 per hour = $85	$15,000	$15,085

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2018–02–14, Amendment 39–19167 (83 FR 3263, January 24, 2018), and adding the following new AD:

2018–17–15 Honeywell International Inc. (Type Certificate previously held by AlliedSignal Inc., Garrett Engine Division; Garrett Turbine Engine Company; and AiResearch Manufacturing Company of Arizona): Amendment 39–19369; Docket No. FAA–2018–0479; Product Identifier 2016–NE–23–AD.

(a) Effective Date

This AD is effective October 22, 2018.

(b) Affected ADs

This AD replaces AD 2018–02–14, Amendment 39–19167 (83 FR 3263, January 24, 2018).

(c) Applicability

This AD applies to Honeywell International Inc. (Honeywell) TPE331–1, –2, –2UA, –3U, –3UW, –5, –5A, –5AB, –5B, –6, –6A, –8, –10, –10AV, –10GP, –10GT, –10N, –10P, –10R, –10T, –10U, –10UA, –10UF, –10UG, –10UGR, –10UR, and –11U, –12B, –12JR, –12UA, –12UAR, –12UHR, –25AA, –25AB, –25DA, –25DB, –25FA, –43–A, –43–B, –47–A, –55–B, and –61–A turboprop engine models, including those engine models with a -L stamped after the model number (for example, –43–BL); and TSE331–3U turboshaft engine models with combustion chamber case assemblies, part numbers (P/Ns) 869728–x, 893973–x, 3101668–x, and 3102613–x, where ''x'' denotes any dash number, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7240, Turbine Engine Combustion Section.

(e) Unsafe Condition

This AD was prompted by reports that combustion chamber case assemblies have cracked and ruptured. We are issuing this AD to prevent failure of the combustion chamber case assembly. The unsafe condition, if not addressed, could result in failure of the combustion chamber case assembly, in-flight shutdown, and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For all affected engines:

(i) Inspect all accessible areas of the combustion chamber case assembly, focusing on the weld joints, before accumulating 450 hours time in service (TIS) since last fuel nozzle inspection or within 50 hours TIS after the effective date of this AD, whichever occurs later.

(ii) Perform the inspection in accordance with the Accomplishment Instructions, paragraphs 3.B.(1) through 3.B.(2), in Honeywell Service Bulletin (SB) TPE331–72–2178, Revision 0, dated May 3, 2011, or SB TPE331–72–2179, Revision 0, dated May 3, 2011, as applicable to the affected engine model.

(iii) Thereafter, repeat this inspection during scheduled fuel nozzle inspections at intervals not to exceed 450 hours TIS since the last fuel nozzle inspection.

(2) For TPE331–3U, –3UW, –5, –5A, –5AB, –5B, –6, and –6A engine models with combustion chamber case assemblies, P/Ns 869728–1, 869728–3, or 893973–5, installed, and without the one-piece bleed pad with P3 boss; and for TPE331–1, –2, and –2UA engine models modified by National Flight Services, Inc., supplemental type certificate (STC) SE383CH, remove the combustion chamber case assembly from service at the next removal of the combustion chamber case assembly from the engine, not to exceed 3,700 hours TIS since last hot section inspection.

(3) After the effective date of this AD, do not weld repair the applicable combustion chamber case assemblies unless the weld repair procedures are approved by the Manager, Los Angeles ACO Branch, and that approval specifically refers to this AD.

(h) Definition

(1) TPE331 engines modified by STC SE383CH may be defined as the ''Super 1'' and ''Super 2'' for the compressor modification of the TPE331–1 and the TPE331–2, –2U, and –2UA engine models, respectively.

(2) Figures 1 and 2 to paragraph (h) of this AD illustrate the appearance of combustion chamber case assembly, P/N 893973–5, without and with, respectively, the one-piece bleed pad with the P3 boss.

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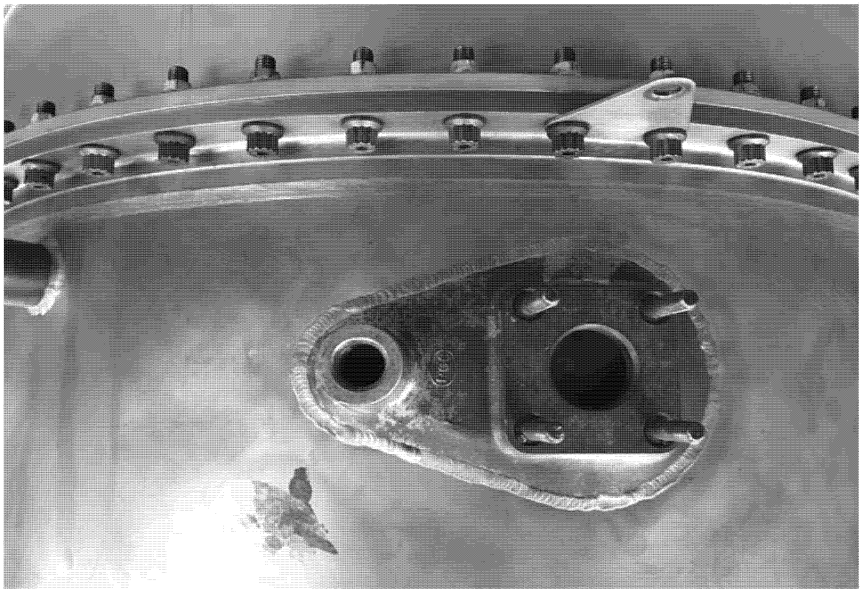
Figure 1 to Paragraph (h) of this AD. Combustion Chamber Case Assembly Without the One-Piece Bleed Pad with P3 Boss

Figure 2 to Paragraph (h) of this AD. Combustion Chamber Case Assembly with One-Piece Bleed Pad with P3 Boss



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(i) Installation Prohibition

After the effective date of this AD, do not install a combustion chamber case assembly, P/N 869728–1, 869728–3, or 893973–5, in TPE331–3U, –3UW, –5, –5A, –5AB, –5B, –6, and –6A engine models or in TPE331–1, –2, and –2UA engine models modified by National Flight Services, Inc., STC SE383CH, unless the combustion chamber case assembly has a one-piece bleed pad with P3 boss.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

For more information about this AD, contact Joseph Costa, Aerospace Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Blvd., Lakewood, CA, 90712–4137; phone: 562–627–5246; fax: 562–627–5210; email: *joseph.costa@faa.gov*.

(l) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on October 22, 2018.

(i) Honeywell International Inc. (Honeywell) Service Bulletin (SB) TPE331–72–2179, Revision 0, dated May 3, 2011.

(ii) Reserved.

(4) The following service information was approved for IBR on February 28, 2018 (83 FR 3263, January 24, 2018).

(i) Honeywell SB TPE331–72–2178, Revision 0, dated May 3, 2011.

(ii) Reserved.

(5) For service information identified in this AD, contact Honeywell International Inc., 111 S 34th Street, Phoenix, AZ 85034–2802; phone: 800–601–3099; website: *https://myaerospace.honeywell.com/wps/portal.*

(6) You may view this service information at FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

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

Issued in Burlington, Massachusetts, on September 5, 2018.

Robert J. Ganley,

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

[FR Doc. 2018–20142 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0552; Product Identifier 2018–NM–049–AD; Amendment 39–19402; AD 2018–19–02]

RIN 2120–AA64

Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A. (CASA)) Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Defense and Space S.A. Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, and C–212–DF airplanes. This AD was prompted by reports of failures of the rudder pedal control system support. This AD requires repetitive detailed visual inspections of the rudder pedal control system support box and shaft and applicable corrective actions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 22, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 22, 2018.

ADDRESSES: For service information identified in this final rule, contact Airbus Defense and Space, Services/Engineering support, Avenida de Aragón 404, 28022 Madrid, Spain; phone: +34 91 585 55 84; fax: +34 91 585 31 27; email: *MTA.TechnicalService@military.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0552.

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–2018–0552; 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: Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3220.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Defense and Space S.A. Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, and C–212–DF airplanes. The NPRM published in the **Federal Register** on June 25, 2018 (83 FR 29476). The NPRM was prompted by reports of failures of the rudder pedal control system support. The NPRM proposed to require repetitive detailed visual inspections of the rudder pedal control system support box and shaft and applicable corrective actions.

We are issuing this AD to address failure of the rudder pedal control system, which could result in reduced controllability of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0051, dated March 2, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Defense and Space S.A. Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, and C–212–DF airplanes. The MCAI states:

> Failures were reported of the rudder pedal control system support on CASA C–212 aeroplanes. Subsequent investigation revealed that the welding area of the affected support structure had broken.
>
> This condition, if not corrected, could lead to failure of the rudder [pedal] control system, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, EADS–CASA issued the SB [EADS–CASA Service Bulletin SB–212–27–0057, dated May 21, 2014] to provide modification instructions and EASA issued AD 2017–0036 [which corresponds to FAA AD 2017–19–08, Amendment 39–19038 (82 FR 43835, September 20 2017) (''AD 2017–19–08'')] to require that modification [of the rudder pedal adjustment system]. During accomplishment of that modification, several operators reported difficulties or impossibility to follow the accomplishment instruction. Consequently, EASA and Airbus D&S [Defense and Space S.A.] reviewed the difficulty reports and decided that the modification instructions have to be improved.
>
> Pending the improvement of the instructions of the SB [EADS–CASA Service Bulletin SB–212–27–0057, dated May 21, 2014] and in order to reduce the risk of failure of the [rudder] pedal adjustment system to an acceptable level, Airbus D&S issued the inspection AOT [Airbus Alert Operators Transmission AOT–C212–27–0002, dated February 28, 2018] to provide instructions to repetitively inspect the affected parts [rudder pedal support box Part Number (P/N) 212–46195.1 and shaft P/N 212–46120–20].
>
> For the reasons described above, this [EASA] AD cancels the requirements of EASA AD 2017–0036, which is superseded, and requires repetitive [detailed visual] inspections of the rudder pedal adjustment system [rudder pedal support box P/N 212–46195.1 and shaft P/N 212–46120–20] and, depending on findings, accomplishment of applicable corrective action(s).
>
> This [EASA] AD is considered to be an interim action and further [EASA] AD action may follow.

Corrective actions include obtaining corrective actions approved by the

Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus Defense and Space S.A.'s EASA Design Organization Approval (DOA); and accomplishing the corrective actions within the compliance time specified therein. You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0552.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Airbus Defense and Space S.A. has issued Airbus Alert Operators Transmission AOT–C212–27–0002, dated February 28, 2018. This service information describes procedures for repetitive detailed visual inspections of the rudder pedal control system support box and shaft. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 36 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 8 work-hours × $85 per hour = Up to $680	$0	Up to $680	Up to $24,480.

We have received no definitive data that would enable us to provide cost estimates for the on-condition repair specified in this AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–19–02 Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A. (CASA)): Amendment 39–19402; Docket No. FAA–2018–0552; Product Identifier 2018–NM–049–AD.

(a) Effective Date

This AD is effective October 22, 2018.

(b) Affected ADs

This AD affects AD 2017–19–08, Amendment 39–19038 (82 FR 43835, September 20 2017) (''AD 2017–19–08'').

(c) Applicability

This AD applies to Airbus Defense and Space S.A. Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, and C–212–DF airplanes; manufacturer serial numbers 009, 034, 039, 089, 092, 119, 125, 133, 138, 149, 150, 154, 159, 161, 162, 164, 165, 167 through 169 inclusive, 171, 172, 174, 175, 178, 180, 181, 190, 192, 193, 195, 209 through 212 inclusive, 214 through 216 inclusive, 219 through 222 inclusive, 224 through 227 inclusive, 229, 235, 236, 238, 240, 242, 247 through 257 inclusive, 261 through 263 inclusive, 265, 272 through 282 inclusive, 286, 287, 289 through 292 inclusive, 294, 308, 311, 320, 322 through 324 inclusive, 328, 332, 336, 343, 347 through 349 inclusive, 356, 359, 363, 371, 379, 393, 397,

398, 405, 410, 411, 413, 465, 470, 472, 474, 475, 478, and 480 through 482 inclusive; certificated in any category; except airplanes modified in accordance with the Accomplishment Instructions of EADS–CASA Service Bulletin SB–212–27–0057, dated May 21, 2014.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by reports of failures of the rudder pedal control system support. We are issuing this AD to address failure of the rudder pedal control system, which could result in reduced controllability of the airplane.

(f) Compliance

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

(g) Definitions

(1) For the purposes of this AD, an affected part is defined as a rudder pedal support box having Part Number (P/N) 212–46195.1 and shaft P/N 212–46120–20.

(2) For the purposes of this AD, a discrepancy or defect of the rudder pedal support box P/N 212–46195.1 is defined as any crack or deformation on any welded area.

(3) For the purposes of this AD, a discrepancy or defect of the shaft P/N 212–46120–20 is defined as any crack or deformation.

(h) Repetitive Detailed Visual Inspections

Within 3 months or during the next scheduled A-check maintenance, whichever occurs first after the effective date of this AD, and thereafter, at intervals not to exceed 150 flight hours, do a detailed visual inspection of each affected part in accordance with the instructions of Airbus Alert Operators Transmission AOT–C212–27–0002, dated February 28, 2018.

(i) Corrective Action for Any Discrepancy or Defect

If any discrepancy or defect is detected during any inspection required by paragraph (h) of this AD: Before further flight, obtain corrective actions approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus Defense and Space S.A.'s EASA Design Organization Approval (DOA); and accomplish the corrective actions within the compliance time specified therein. If approved by the DOA, the approval must include the DOA-authorized signature. Accomplishment of a repair, as required by this paragraph, does not constitute terminating action for the repetitive inspections required by paragraph (h) of this AD.

(j) Parts Installation Limitation

As of the effective date of this AD, an affected part may be installed on any airplane provided that it is a new part or that, before installation, the visual inspection required by paragraph (h) of this AD has been accomplished on that part and the part passed the inspection (no discrepancy or defect detected), as required by paragraph (h) of this AD.

(k) Terminating Action for AD 2017–19–08

Accomplishing the actions required by this AD terminates all of the requirements of AD 2017–19–08.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0051, dated March 2, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0552.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3220.

(n) Material Incorporated by Reference

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

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

(i) Airbus Alert Operators Transmission AOT–C212–27–0002, dated February 28, 2018.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus Defense and Space, Services/Engineering support, Avenida de Aragón 404, 28022 Madrid, Spain; phone: +34 91 585 55 84; fax: +34 91 585 31 27; email: *MTA.TechnicalService@military.airbus.com.*

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

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

Issued in Des Moines, Washington, on August 30, 2018.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–19756 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0448; Product Identifier 2017–NM–129–AD; Amendment 39–19403; AD 2018–19–03]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. This AD was prompted by a report of cracks, in various directions, in the lower portion of a main landing gear (MLG) piston. This AD requires a detailed visual inspection of the MLG, and replacement if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 22, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 22, 2018.

ADDRESSES: For service information identified in this final rule, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; phone: +31 (0)88–6280–350; fax: +31 (0)88–6280–111; email: *technicalservices@fokker.com;* internet: *http://www.myfokkerfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200

South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0448.

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–2018–0448; 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: Tom Rodriquez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax 206–231–3226.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. The NPRM published in the **Federal Register** on May 25, 2018 (83 FR 24233). The NPRM was prompted by a report of cracks, in various directions, in the lower portion of a MLG piston. The NPRM proposed to require a detailed visual inspection of the MLG, and replacement if necessary.

We are issuing this AD to address cracks in the lower portion of the MLG, which could lead to MLG failure during the landing roll-out, and possibly result in damage to the airplane and injury to occupants.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0163, dated September 4, 2017; corrected September 5, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. The MCAI states:

> An occurrence was reported where, during a walk around check, a number of cracks, in various directions, were discovered in the lower portion of a MLG piston, Part Number (P/N) 41141–5. No technical investigation results are available as yet, but based on a previous event, as a result of which EASA issued AD 2009–0221R1, later superseded by [EASA] AD 2011–0159, stress corrosion is suspected to have caused these cracks.
>
> This condition, if not detected and corrected, could lead to MLG failure during the landing roll-out, possibly resulting in damage to the aeroplane and injury to occupants.
>
> To address this potential unsafe condition, Fokker Services published Service Bulletin (SB) SBF100–32–169 to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires a one-time detailed visual inspection (DVI) of the MLG pistons for cracks and, depending on findings, replacement.
>
> This [EASA] AD also requires the reporting of inspection results to Fokker Services.
>
> This [EASA] AD has been republished to correct wrong P/N references in paragraphs (1) and (4).
>
> This [EASA] AD is considered an interim measure and further [EASA] AD action may follow.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0448.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Fokker Services B.V. has issued Fokker Service Bulletin SBF100–32–169, dated August 23, 2017. The service information describes procedures for a detailed visual inspection of the MLG, and replacement if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 5 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
Detailed visual inspection	3 work-hours × $85 per hour = $255	$0	$255	$1,275
Reporting	1 work-hour × $85 per hour = $85	0	85	425

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
MLG Replacement	12 work-hours × $85 per hour = $1,020	$95,000	$96,020

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW, Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–19–03 Fokker Services B.V.: Amendment 39–19403; Docket No. FAA–2018–0448; Product Identifier 2017–NM–129–AD.

(a) Effective Date

This AD is effective October 22, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes, certificated in any category, all manufacturer serial numbers, if equipped with Goodrich main landing gear (MLG).

(d) Subject

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

(e) Reason

This AD was prompted by a report of cracks, in various directions, in the lower portion of a MLG piston. We are issuing this AD to detect and correct cracks in the lower portion of the MLG, which could lead to MLG failure during the landing roll-out, and possibly result in damage to the airplane and injury to occupants.

(f) Compliance

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

(g) One-Time Detailed Visual Inspection

Within 30 days after the effective date of this AD, do a detailed visual inspection of each MLG piston part number (P/N) 41141–5, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–169, dated August 23, 2017.

(h) Corrective Actions

If any crack is found, during any inspection required by paragraph (g) of this AD, before further flight, replace the MLG piston with a serviceable piston (*i.e.,* a new piston, a piston that has not accumulated any flight cycles since overhaul, or a piston that has been inspected as required by paragraph (g) of this AD and has no cracks), in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–169, dated August 23, 2017.

(i) Reporting

(1) Submit a report of the findings (both positive and negative) of the inspection required by paragraph (g) of this AD to Fokker Services B.V., Technical Services, fax: +31 (0)25–2627–211; email: *technicalservices@fokker.com,* at the applicable time specified in paragraph (i)(1)(i) or (i)(1)(ii) of this AD. The report must include the information specified in the questionnaire of Fokker Service Bulletin SBF100–32–169, dated August 23, 2017.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(2) Although Fokker Service Bulletin SBF100–32–169, dated August 23, 2017, specifies to submit certain information to Goodrich, this AD does not include that requirement.

(j) Parts Installation Limitations

As of the effective date of this AD, it is allowed to install a MLG piston P/N 41141–5, or a replacement MLG with a MLG piston P/N 41141–5, on any airplane, provided the MLG piston is new, or has not accumulated any flight cycles since overhaul, or has been inspected as required by paragraph (g) of this AD and has no cracks.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District

Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (l)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0163, dated September 4, 2017; corrected September 5, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0448.

(2) For more information about this AD, contact Tom Rodriquez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax 206–231–3226.

(m) Material Incorporated by Reference

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

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

(i) Fokker Service Bulletin SBF100–32–169, dated August 23, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; phone: +31 (0)88–6280–350; fax: +31 (0)88–6280–111; email: *technicalservices@fokker.com;* internet: *http://www.myfokkerfleet.com.*

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

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

Issued in Des Moines, Washington, on August 30, 2018.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–19754 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0384; Product Identifier 2017–SW–061–AD; Amendment 39–19401; AD 2018–19–01]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters Model AS–365N2, AS 365 N3, EC 155B, EC155B1, SA–365N1, and SA–366G1 helicopters. This AD requires repetitive inspections of the aft fuselage outer skin. This AD was prompted by several reports of aft fuselage outer skin disbonding. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective October 22, 2018.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of October 22, 2018.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0384.

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–2018–0384; 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 AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street 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: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On May 9, 2018, at 83 FR 21194, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Model AS–365N2, AS 365 N3, EC 155B, EC155B1, SA–365N1, and SA–366G1 helicopters.

The NPRM proposed to require a repetitive tap inspection of the aft fuselage outer skin for disbonding. Depending on the inspection results, the NPRM proposed to require reducing the compliance time interval of the tap inspections or repairing or replacing the panel to terminate the shorter compliance time interval. The NPRM also proposed to require a repetitive cleaning of the aft fuselage outer skin to visually inspect for distortion, wrinkling, and corrosion. Depending on the visual inspection results, the NPRM proposed to require an additional tap inspection of the area. The proposed

requirements were intended to detect disbonding of the aft fuselage outer skin, which could result in loss of aft fuselage structural integrity and subsequent loss of control of the helicopter.

The NPRM was prompted by AD No. 2017–0165, dated September 5, 2017 (EASA AD 2017–0165), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for the Airbus Helicopters Model SA 365 N1, AS 365 N2, AS 365 N3, SA 366 G1, EC 155 B and EC 155 B1 helicopters. EASA advises of several reports of aft fuselage (baggage compartment area) outer skin disbonding found during a 600-hour inspection. EASA advises that most of the reports of disbonding occurred on Model EC 155 helicopters and may occur in the same area on Model AS 365, SA 365, and SA 366 helicopters due to design similarity. According to EASA, the cause of the disbonding has not yet been determined and the investigation is continuing. Airbus Helicopters states possible causes that are being considered include exhaust gas heat from the exhaust pipes and environmental conditions. EASA states that this condition, if not detected and corrected, could reduce the structural integrity of the aft fuselage, possibly affecting safe flight and landing.

To address this unsafe condition, EASA AD 2017–0165 requires a repetitive tap inspection of the aft fuselage outer skin for disbonding, a repetitive visual inspection of the aft fuselage outer skin for distortion, wrinkling, and corrosion, and contacting Airbus Helicopters if there is any disbonding.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Interim Action

We consider this AD to be an interim action. If final action is later identified, we might consider further rulemaking then.

Differences Between This AD and the EASA AD

If there is disbonding within the allowable limit, the EASA AD specifies reporting the inspection results to Airbus Helicopters, whereas this AD does not. If there is disbonding that exceeds the allowable limit, the EASA AD specifies contacting Airbus Helicopters for approved skin panel repair or replacement instructions, whereas this AD requires repairing or replacing the panel instead.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Alert Service Bulletin (ASB) No. AS365–05.00.77 for Model AS365 N, N1, N2, and N3 and non-FAA-certificated Model AS365 F, Fs, Fi, K, and K2 helicopters; ASB No. SA366–05.48 for Model SA366 G1 and non-FAA-certificated Model SA366 GA helicopters; and ASB No. EC155–05A033 for Model EC155 B and B1 helicopters, all Revision 0 and all dated July 21, 2017. This service information specifies repetitive tap and visual inspections between aft fuselage outer skin frames X4630 and X6630 and defines the allowable limit of disbonding for this area. If there is distortion, wrinkling, or corrosion, this service information specifies performing a tap inspection. If there is disbonding within the allowable limit, this service information specifies reporting the inspection results to Airbus Helicopters and performing the recurring tap inspection at a shorter compliance time interval. If there is disbonding that exceeds the allowable limit, this service information specifies contacting Airbus Helicopters for repair before further flight.

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

Costs of Compliance

We estimate that this AD affects 46 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD.

Tap inspecting the aft fuselage outer skin takes about 3 work-hours for an estimated cost of $255 per helicopter and $11,730 for the U.S. fleet per inspection cycle. Visually inspecting the aft fuselage outer skin takes about 0.3 work-hour for an estimated cost of $26 per helicopter and $1,196 for the U.S. fleet per inspection cycle. Repairing a panel takes about 5 work-hours and parts cost about $500 for an estimated cost of $925. Replacing a panel takes about 10 work-hours and parts cost about $20,000 for an estimated cost of $20,850.

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 helicopters identified in this rulemaking action.

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 to the extent that it justifies making a regulatory distinction; 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.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

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):

2018–19–01 Airbus Helicopters: Amendment 39–19401; Docket No. FAA–2018–0384; Product Identifier 2017–SW–061–AD.

(a) Applicability

This AD applies to Model AS–365N2, AS 365 N3, EC 155B, EC155B1, SA–365N1, and SA–366G1 helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as disbonding of the aft fuselage outer skin. This condition could result in loss of aft fuselage structural integrity and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective October 22, 2018.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 110 hours time-in-service (TIS), tap inspect the aft fuselage outer skin for disbonding between frames X4630 and X6630 in the areas depicted in Figure 1 of Airbus Helicopters Alert Service Bulletin (ASB) No. AS365–05.00.77, ASB No. SA366–05.48, or ASB No. EC155–05A033, all Revision 0 and dated July 21, 2017 (ASB AS365–05.00.77, ASB SA366–05.48, or ASB EC155–05A033), as applicable for your model helicopter. Examples of acceptable and unacceptable disbonding areas are depicted in Figure 2 of ASB AS365–05.00.77, ASB SA366–05.48, and ASB EC155–05A033, as applicable for your model helicopter.

(i) If there is no disbonding, repeat the tap inspection at intervals not to exceed 660 hours TIS.

(ii) If there is disbonding within one square-shaped area measuring 3.94 in. x 3.94 in. (10 cm x 10 cm) that does not cross two skin panels, repeat the tap inspection at intervals not to exceed 110 hours TIS.

(iii) If there is disbonding that exceeds one square-shaped area measuring 3.94 in. x 3.94 in. (10 cm x 10 cm) or crosses two skin panels, before further flight, repair or replace the panel. Thereafter, tap inspect the panel at intervals not to exceed 660 hours TIS.

(2) Within 220 hours TIS, and thereafter at intervals not to exceed 110 hours TIS, clean the aft fuselage outer skin and using a light, visually inspect for distortion, wrinkling, and corrosion between frames X4630 and X6630 as depicted in Figure 1 of ASB AS365–05.00.77, ASB SA366–05.48, or ASB EC155–05A033, as applicable for your model helicopter. If there is any distortion, wrinkling, or corrosion, before further flight, tap inspect the area for disbonding by following the inspection instructions in paragraph (e)(1) of this AD.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2017–0165, dated September 5, 2017. You may view the EASA AD on the internet at *http://www.regulations.gov* in Docket No. FAA–2018–0384.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 5302, Rotorcraft tail boom.

(i) Material Incorporated by Reference

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

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

(i) Airbus Helicopters Alert Service Bulletin (ASB) No. AS365–05.00.77, Revision 0, dated July 21, 2017.

(ii) Airbus Helicopters ASB No. SA366–05.48, Revision 0, dated July 21, 2017.

(iii) Airbus Helicopters ASB No. EC155–05A033, Revision 0, dated July 21, 2017.

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued in Fort Worth, Texas, on September 4, 2018.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2018–19750 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0139; Airspace Docket No. 18–ACE–1]

RIN 2120–AA66

Amendment of Class E Airspace; Lyons, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** of August 1, 2018, that amends Class E airspace at Lyons-Rice County Municipal Airport, Lyons, KS. The word ''County'' was inadvertently omitted from the airport name in the Summary, History, and Rules section of the document, as well as in the header of the legal description.

DATES: Effective date 0901 UTC, November 8, 2018. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** for Docket No. FAA–2018–0139 (83 FR 37422, August 1, 2018), amending Class E airspace at Lyons-Rice County Municipal Airport, Lyons, KS. Subsequent to publication, the FAA identified a clerical error that the word ''County'' was omitted from

the airport name in the preamble, as well as in the header of the legal description. This correction changes the airport name in the Summary section, History section, and Rules section, and the legal description from Lyons-Rice Municipal Airport'' to read ''Lyons-Rice County Municipal Airport''.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of August 1, 2018 (83 FR 37422) FR Doc. 2018–16363, Amendment of Class E Airspace; Lyons, KS, is corrected as follows:

§ 71.1 [Amended]

ACE KS E5 Lyons, KS [Corrected]

On page 37422, column 2, lines 3 and 4; column 3, line 15 and 48; and on page 37423, column 1, line 60, remove ''Lyons-Rice Municipal Airport, KS'' and add in its place ''Lyons-Rice County Municipal Airport, KS''.

Issued in Fort Worth, Texas, on September 7, 2018.

Walter Tweedy,

Acting Manager, Operations Support Group, Central Service Center.

[FR Doc. 2018–19977 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. FAA–2007–29320]

Operating Limitations at John F. Kennedy International Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension to order.

SUMMARY: This action extends the Order Limiting Operations at John F. Kennedy International Airport (JFK) published on January 18, 2008, and most recently amended on June 21, 2016. The Order remains effective until October 24, 2020.

DATES: This action is effective on September 17, 2018.

ADDRESSES: Requests may be submitted by mail to Slot Administration Office, System Operations Services, AJR–0, Room 300W, 800 Independence Avenue SW, Washington, DC 20591, or by email to: *7-awa-slotadmin@faa.gov.*

FOR FURTHER INFORMATION CONTACT: For questions concerning this Order contact: Bonnie C. Dragotto, Regulations Division, FAA Office of the Chief Counsel, AGC–240, Room 916N, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–3808; email *Bonnie.Dragotto@faa.gov.*

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You may obtain an electronic copy using the internet by:

(1) Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

(2) Visiting the FAA's Regulations and Policies web page at *http://www.faa.gov/regulations_policies/;* or

(3) Accessing the Government Printing Office's web page at *http://www.gpoaccess.gov/fr/index.html.*

You also may obtain a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or docket number of this rulemaking.

Background

The FAA historically limited the number of arrivals and departures at JFK through the implementation of the High Density Rule (HDR).[1] By statute enacted in April 2000, operations were added at JFK through provisions permitting exemptions for new entrant carriers and flights to small and non-hub airports.[2] The HDR's applicability to JFK operations terminated as of January 1, 2007.[3] With the AIR–21 exemptions and the HDR phase-out, some air carriers serving JFK significantly increased their scheduled operations throughout the day and retimed existing flights. This resulted in scheduled demand in peak hours that exceeded the airport's capacity and caused significant congestion and delay. In January 2008, the FAA placed temporary limits on scheduled operations at JFK to mitigate persistent congestion and delays at the airport.[4] The FAA extended the January 18, 2008, Order placing temporary limits on scheduled operations at JFK on October 7, 2009, April 4, 2011, May 14, 2013, March 26, 2014, and May 24, 2016, as corrected June 21, 2016.[5]

Under the Order, as amended, the FAA (1) maintains the current hourly limits of 81 scheduled operations at JFK during the peak period; (2) imposes an 80 percent minimum usage requirement for Operating Authorizations (OAs) [6] with defined exceptions; (3) provides a mechanism for withdrawal of OAs for FAA operational reasons; (4) establishes procedures to allocate withdrawn, surrendered, or unallocated OAs; and (5) allows for trades and leases of OAs for consideration for the duration of the Order.

The reasons for issuing the Order have not changed appreciably since it was implemented. Demand for access to JFK remains high and the average weekday hourly flights in the busiest hours are generally at the limits under this Order. The FAA has reviewed the on-time and other performance metrics for the past two years in the peak months—May to August 2017 and 2018—and generally found continuing improvements relative to the same period in 2008. Year over year trends likewise show improved performance overall.[7] However, the FAA has determined that the operational limitations imposed by this Order remain necessary. Without the operational limitations imposed by this Order, the FAA expects severe congestion-related delays would occur at JFK and at other airports throughout the National Airspace System (NAS). The FAA will continue to monitor performance and runway capacity at JFK to determine if changes are warranted. The FAA, in coordination with the Office of the Secretary of Transportation (OST), will also continue to consider potential rulemaking to codify policies for slot-controlled airports.

Current Issues

The FAA has received specific proposals for policy changes that would necessitate amending the Orders. For example, several carriers have requested a simplified process for the administrative management of temporary slot transfers, whereby the marketing and operating carriers would not be required to formally transfer slots for operation by carriers under common marketing control and whereby the slot holder could choose whether the holder or the operator would be responsible for reporting slot usage to the FAA. The FAA is considering proposing this and other potential changes in a future action taken on the LGA and JFK Orders.

[1] 33 FR 17896 (Dec. 3, 1968). The FAA codified the rules for operating at high density traffic airports in 14 CFR part 93, subpart K. The HDR required carriers to hold a reservation, which came to be known as a ''slot,'' for each takeoff or landing under instrument flight rules at the high density traffic airports.

[2] Aviation Investment and Reform Act for the 21st Century (AIR–21), Public Law 106–181 (Apr. 5, 2000), 49 U.S.C. 41715(a)(2).

[3] *Id.*

[4] 73 FR 3510 (Jan. 18, 2008), as amended by 73 FR 8737 (Feb. 14, 2008).

[5] 74 FR 51650; 76 FR 18620; 78 FR 28276; 79 FR 16854; 81 FR 32636; and, 81 FR 40167.

[6] Also referred to herein as ''slots.''

[7] Docket No. FAA–2007–29320 includes a copy of the MITRE analysis completed for the FAA.

The FAA is also reviewing the operational performance trends at JFK, assessing runway capacity, and modeling the impact of various demand scenarios on projected delays in light of the overall improved performance previously discussed. Preliminary information indicates that operational performance continues to trend upward, particularly when compared to performance when the FAA adopted the JFK scheduling limits in 2008. However, departure performance remains a concern. There is an indication of increased runway throughput in arrival capacity, while the departure capacity has remained fairly constant. The FAA is evaluating the schedule limits and operational performance goals to determine whether additional operations may be added to the current hourly limit while still managing delays at acceptable levels and is evaluating potential environmental impacts associated with such a change. The FAA is also evaluating the impacts of ongoing construction at JFK, which is expected to continue through the summer 2019 scheduling season. The Orders expire at the end of the current summer scheduling season and carriers are already planning winter schedules. There is insufficient time to publish for comment proposed amendments, adjudicate comments, and issue a final Order before the Orders expire. The FAA has therefore determined to proceed with an extension of the Orders, without policy changes, to meet current operational needs and allow time to further develop any proposed changes to the Orders. The FAA, in coordination with OST, would publish for comment any proposed policy changes for JFK and LGA in a separate notice as soon as practicable.

Accordingly, the FAA is extending the expiration date of this Order until October 24, 2020. This expiration date coincides with the extended expiration date for the Order limiting scheduled operations at LGA, as also extended by action published in today's **Federal Register**. The FAA finds that notice and comment procedures under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest, as carriers have begun planning schedules for the winter 2018/2019 season and no significant substantive changes are included in this action. For these reasons, the FAA also finds that it is impracticable and contrary to the public interest to delay the effective date of this action under 5 U.S.C. 553(d).

The FAA has received multiple inquiries (both informal and formal) recently from carriers as well as the Port Authority of New York and New Jersey requesting information on the FAA's current process for establishing and allocating available capacity. The Order is the equivalent of limited local rules as referenced in the Worldwide Slot Guidelines (WSG) published by the International Air Transport Association and takes precedence over the WSG where there are differences. At JFK, the FAA follows the WSG in many respects such as new entrant priority [8] and consideration of schedule constraints such as terminal, gate, parking, customs and immigration, curfews, and similar operational factors.

Under current rules, the FAA uses an approach adapted from the WSG for reallocating available OAs at JFK.[9] This includes applying priorities for new entrant airlines, the retiming of historic slots, and allocation of remaining available capacity. The FAA also considers factors such as delays or operational performance in certain hours or periods when the allocation is above the limits in adjacent hours. In general, the FAA reviews retiming requests to move from less congested hours to more congested hours in a similar manner to a new request. New entrants may receive a higher priority in the case of competing requests. The FAA also maintains a waiting list of carrier requests that could not be accommodated in prior scheduling seasons, if requested by the initial submission deadline, and prioritizes such requests over requests for new slots submitted after the initial submission deadline. Carriers that obtain temporary slot swaps to meet their operational needs do not lose priority on the waiting list for permanent slot allocations. The priorities considered by the FAA under established policy and practice when allocating OAs on a permanent or temporary basis are set forth in new paragraph 11 of the Amended Order.

The Amended Order

The Order, as amended, is recited below in its entirety.

1. This Order continues the process for assigning operating authority to conduct an arrival or a departure at JFK during the affected hours to any certificated U.S. air carrier or foreign air carrier. The FAA will not assign operating authority under this Order to any person or entity other than a certificated U.S. or foreign air carrier with appropriate economic authority and FAA operating authority under 14 CFR part 121, 129, or 135. This Order applies to the following:

a. All U.S. air carriers and foreign air carriers conducting scheduled operations at JFK as of the date of this Order, any U.S. air carrier or foreign air carrier that operates under the same designator code as such a carrier, and any air carrier or foreign-flag carrier that has or enters into a codeshare agreement with such a carrier.

b. All U.S. air carriers or foreign air carriers initiating scheduled or regularly conducted commercial service to JFK while this Order is in effect.

c. The Chief Counsel of the FAA, in consultation with the Vice President, System Operations Services, is the final decision maker for determinations under this Order.

2. This Order governs scheduled arrivals and departures at JFK from 6 a.m. through 10:59 p.m., Eastern Time, Sunday through Saturday.

3. This Order takes effect on March 30, 2008, and will expire October 24, 2020.

4. Under the authority provided to the Secretary of Transportation and the FAA Administrator by 49 U.S.C. 40101, 40103 and 40113, we hereby order that:

a. No U.S. air carrier or foreign air carrier initiating or conducting scheduled or regularly conducted commercial service at JFK may conduct such operations without an Operating Authorization assigned by the FAA.

b. Except as otherwise authorized by the FAA based on historic precedence, scheduled U.S. air carrier and foreign air carrier arrivals and departures will not exceed 81 per hour from 6 a.m. through 10:59 p.m., Eastern Time.

c. The Administrator may change the limits if he determines that capacity exists to accommodate additional operations without a significant increase in delays.

5. For administrative tracking purposes only, the FAA will assign an identification number to each Operating Authorization.

6. A carrier holding an Operating Authorization may request the Administrator's approval to move any arrival or departure scheduled from 6 a.m. through 10:59 p.m. to another half hour within that period. Except as provided in paragraph 7, the carrier must receive the written approval of the Administrator, or his delegate, prior to conducting any adjusted arrival or departure. All requests to move an

[8] Under current policy and procedures, the FAA applies the definitions for ''new entrant'' as set forth in the WSG, which is ''an airline requesting a series of slots at an airport on any day where, if the airline's request were accepted, it would hold fewer than 5 slots at that airport on that day.

[9] In making allocation decisions, the FAA may not under its independent authority consider the markets to be served, the aircraft to be used, potential competition benefits associated with a carrier or service in particular markets, or the potential economic benefits of a particular flight.

allocated Operating Authorization must be submitted to the FAA Slot Administration Office, facsimile (202) 267–7277 or email *7-AWA-Slotadmin@faa.gov,* and must come from a designated representative of the carrier. If the FAA cannot approve a carrier's request to move a scheduled arrival or departure, the carrier may then apply for a trade in accordance with paragraph 7.

7. For the duration of this Order, a carrier may enter into a lease or trade of an Operating Authorization to another carrier for any consideration. Notice of a trade or lease under this paragraph must be submitted in writing to the FAA Slot Administration Office, facsimile (202) 267–7277 or email *7-AWA-Slotadmin@faa.gov,* and must come from a designated representative of each carrier. The FAA must confirm and approve these transactions in writing prior to the effective date of the transaction. The FAA will approve transfers between carriers under the same marketing control up to five business days after the actual operation, but only to accommodate operational disruptions that occur on the same day of the scheduled operation. The FAA's approval of a trade or lease does not constitute a commitment by the FAA to grant the associated historical rights to any operator in the event that slot controls continue at JFK after this order expires.

8. A carrier may not buy, sell, trade, or transfer an Operating Authorization, except as described in paragraph 7.

9. Historical rights to Operating Authorizations and withdrawal of those rights due to insufficient usage will be determined on a seasonal basis and in accordance with the schedule approved by the FAA prior to the commencement of the applicable season.

a. For each day of the week that the FAA has approved an operating schedule, any Operating Authorization not used at least 80% of the time over the time-frame authorized by the FAA under this paragraph will be withdrawn by the FAA for the next applicable season except:

i. The FAA will treat as used any Operating Authorization held by a carrier on Thanksgiving Day, the Friday following Thanksgiving Day, and the period from December 24 through the first Saturday in January.

ii. The Administrator of the FAA may waive the 80% usage requirement in the event of a highly unusual and unpredictable condition which is beyond the control of the carrier and which affects carrier operations for a period of five consecutive days or more.

b. Each carrier holding an Operating Authorization must forward in writing to the FAA Slot Administration Office a list of all Operating Authorizations held by the carrier along with a listing of the Operating Authorizations and:

i. The dates within each applicable season it intends to commence and complete operations.

A. For each winter scheduling season, the report must be received by the FAA no later than August 15 during the preceding summer.

B. For each summer scheduling season, the report must be received by the FAA no later than January 15 during the preceding winter.

ii. The completed operations for each day of the applicable scheduling season:

A. No later than September 1 for the summer scheduling season.

B. No later than January 15 for the winter scheduling season.

iii. The completed operations for each day of the scheduling season within 30 days after the last day of the applicable scheduling season.

10. In the event that a carrier surrenders to the FAA any Operating Authorization assigned to it under this Order or if there are unallocated Operating Authorizations, the FAA will determine whether the Operating Authorizations should be reallocated. The FAA may temporarily allocate an Operating Authorization at its discretion. Such temporary allocations will not be entitled to historical status for the next applicable scheduling season under paragraph 9.

11. The FAA considers the following factors and priorities in allocating Operating Authorizations, which the FAA has determined are available for reallocation—

a. Historical requests for allocation of an Operating Authorization in the same time;

b. New entrant status;

c. Retiming of historic Operating Authorizations;

d. Extension of a seasonal Operating Authorization to year-round service;

e. The effective period of operation;

f. The extent and regularity of intended use with priority given to year-round services;

g. The operational impacts of scheduled demand, including the hourly and half-hour demand and the mix of arrival and departure flights; and

h. Airport facility constraints.

Any carrier that is not approved for allocation of an Operating Authorization by the FAA may request it be placed on a waiting list for consideration should an Operating Authorization in the requested time become available during that scheduling season.

12. If the FAA determines that an involuntary reduction in the number of allocated Operating Authorizations is required to meet operational needs, such as reduced airport capacity, the FAA will conduct a weighted lottery to withdraw Operating Authorizations to meet a reduced hourly or half-hourly limit for scheduled operations. The FAA will provide at least 45 days' notice unless otherwise required by operational needs. Any Operating Authorization that is withdrawn or temporarily suspended will, if reallocated, be reallocated to the carrier from which it was taken, provided that the carrier continues to operate scheduled service at JFK.

13. The FAA may enforce this Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). The FAA also could file a civil action in U.S. District Court, under 49 U.S.C. 46106, 46107, seeking to enjoin any carrier from violating the terms of this Order.

14. The FAA may modify or withdraw any provision in this Order on its own or on application by any carrier for good cause shown.

Issued in Washington, DC, on September 11, 2018.

Jeffrey Planty,

Deputy Vice President, System Operations Services.

[FR Doc. 2018–20138 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Parts 295 and 298

RIN No. 2105–AD66

[Docket No. DOT–OST–2007–27057]

Increasing Charter Air Transportation Options

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The Department of Transportation (DOT or Department) is issuing a final rule to facilitate innovation and growth in the air charter industry while strengthening the legal protections provided to consumers of charter air transportation. First, this rule allows ''air charter brokers'' as principals or bona fide agents to provide single entity charter air transportation of passengers. Second, it requires air charter brokers to make certain disclosures including those responsive to a National Transportation Safety

Board (NTSB) recommendation and to make other disclosures upon request. Third, it enumerates certain practices by air charter brokers as prohibited unfair or deceptive practices or unfair methods of competition. Fourth, this rule requires air taxis and commuter air carriers that sell charter air transportation to make certain disclosures including those responsive to an NTSB recommendation and other disclosures upon request. Fifth, it enumerates certain practices by an air taxi or commuter air carrier as prohibited unfair or deceptive practices or unfair methods of competition. At the same time, the Department is not adopting a proposal to codify exemption authority allowing indirect air carriers to engage in the sale of air transportation related to air ambulance services. Nor is it adopting a proposal to codify that certain air transportation services performed under contract with the Federal Government are in common carriage.

DATES: This rule is effective February 14, 2019.

FOR FURTHER INFORMATION CONTACT: Jonathan Dols, Deputy Assistant General Counsel, Office of the Assistant General Counsel for Aviation Enforcement and Proceedings, Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202–366–9342 (phone), 202–366–7152 (fax), *jonathan.dols@dot.gov.* You may also contact Lisa Swafford-Brooks, Chief, Aviation Licensing and Compliance Branch, Office of the Assistant General Counsel for Aviation Enforcement and Proceedings, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202–366–9342 (phone), 202–366–7152 (fax), *lisa.swaffordbrooks@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

On September 30, 2013, the Department published a notice of proposed rulemaking (NPRM) in the **Federal Register**, 78 FR 59880, in which it addressed the following areas: (1) An NTSB recommendation for air taxis and commuter air carriers to make certain disclosures and a prohibition on certain practices by air taxis and commuter air carriers; (2) the creation of a new class of indirect air carrier, a requirement for these entities to make certain disclosures, and a prohibition on certain practices by these entities; (3) the authority of indirect air carriers to engage in sale of air transportation related to air ambulance services; and (4) a clarification regarding air services performed under contract with the Federal Government.

The Department's proposal to act in response to the NTSB recommendation built upon an advance notice of proposed rulemaking (ANPRM) published in the **Federal Register** on January 26, 2007, 72 FR 3773. The Department received 23 comments in response to the ANPRM, which were summarized in the NPRM.

The Department received 21 comments in response to the NPRM, including one comment representing the views of multiple entities. Of these, 18 comments were from members of the industry, including direct and indirect air carriers, as well as associations representing both direct and indirect air carriers and other aviation businesses. Specifically, these comments represented the views of the Air Charter Association, the Air Medical Operators Association, Air Methods, the Association of Air Medical Services, Blue Feather Charter, Chapman Freeborn, Corporate Flight Management, CSI Aviation, Flex Jet, Flight Options, Jet Logistics, Jet Solutions, the National Air Carrier Association, the National Air Transportation Association (NATA), the National Business Aviation Association (NBAA), Premier Aviation Charter, Public Charters Inc., Sentient Jet, Sentient Jet Charter, and Ultimate Jetcharters. One comment was from Consumers Union, a consumer rights organization; one comment was from the American Society of Travel Agents (ASTA), an association representing travel agents; and another comment was made anonymously. Three comments addressed the NTSB recommendation, 17 addressed the creation of a new class of indirect air carrier, six addressed air ambulance services, and one addressed air services performed under contract with the Federal Government.

In general, almost all commenters supported the proposals regarding the NTSB recommendation, the creation of a new class of indirect air carrier, and codifying the exemption authority for air ambulance services. These comments also provided suggested changes to the Department's proposals. The one comment regarding air services performed under contract with the Federal Government objected to the Department's proposal on that topic in its entirety. The section-by-section analysis will describe each provision of the final rule and respond to the comments received.

Comments and Responses

1. New Class of Indirect Air Carrier

A. Recognition of an ''Air Charter Broker'' Class of Indirect Air Carrier (14 CFR 295.1, 295.3, 295.5, 295.7, 295.10, 295.12)

The NPRM: In the NPRM, the Department proposed to recognize a class of indirect air carrier to be named ''air charter brokers'' that are permitted as principals in their own right to engage in single entity charter air transportation aboard large and small aircraft pursuant to exemptions from certain provisions of Subtitle VII of Title 49 of the United States Code. The Department proposed allowing this class of indirect air carrier to self-identify, rather than establish a formal licensing or registration scheme. The Department solicited comment on the establishment of such a scheme, particularly whether one should apply to non-U.S. citizen air charter brokers. In addition, the Department sought comment on whether ''single entity charter'' should include individuals who self-aggregate to form a single entity charter and whether including self-aggregated groups in this definition would require a change to the definition of a single entity charter in 14 CFR 212.2.

Comments: The comments received by DOT demonstrated general support for the recognition of a new class of indirect air carrier. There was some support for expanding the definition of ''air charter broker'' to include ''bona fide agents.'' NBAA noted that charter customers using the services of an air charter broker acting as an agent were no less deserving of consumer protections than customers of air charter brokers acting as indirect air carriers. Further, NATA encouraged the Department to harmonize the regulatory language regarding disclosures required by air taxi operators/commuter air carriers and by air charter brokers.

Support for a registration scheme, on the other hand was mixed. Entities that favored the creation of a registry commented that self-identification might not adequately protect consumers because unscrupulous air charter brokers could easily change names, that a registry could be used to ensure minimum standards among air charter brokers (*e.g.,* a certain level of insurance or bonding), and that a registry would provide consumers and DOT with contact information for and basic information about the regulated entities. Some commenters stated that such a registry would be inexpensive to maintain, while others stated it would

be costly to maintain. Of the comments in favor of the establishment of a registration scheme, some favored requiring only U.S.-citizen air charter brokers to register, others favored requiring only foreign-citizen air charter brokers to register, and still others favored requiring all air charter brokers to register.

The Department received over a half-dozen comments regarding the proposed definition of ''single entity charter,'' all but one of which supported the inclusion of individuals who self-aggregate to form a single entity. NBAA proposed making clear that this class of indirect air carrier does not include ''fractional ownership program managers'' and ''in-house corporate travel departments,'' and proposed definitions of those two terms. The Air Charter Association of North America expressed concern that the proposed definition was overly broad and undermined consumer protections, including those found in DOT's rule governing public charters, 14 CFR part 380.

DOT Response: The Department is finalizing its proposed rule to recognize an ''air charter broker'' class of indirect air carrier. Because many commenters raised a valid point that charter customers deserve the same consumer protections whether they use air charter brokers who are acting as indirect air carriers or as bona fide agents, the Department has decided to widen its definition of air charter broker to include bona fide agents and, further, to define that term by regulation. Based on the multiple comments received, this is a natural outgrowth of the NPRM. The Department is also harmonizing, to the extent practicable, the regulatory language regarding disclosures required by air taxi operators/commuter air carriers and by air charter brokers.

The Department has decided not to create a registry of air charter brokers, either U.S. or non-U.S. citizens. After thoroughly reviewing the arguments raised in favor of and in opposition to such a registry, DOT has determined that at this time the potential benefits are ill-defined. The Department may revisit this issue in the future should the need become apparent. The Department notes, however, that this rulemaking does not preclude voluntary registration or ''certification'' through third parties. For example, air charter brokers may determine that voluntary membership in an association or organization provides the same benefits cited in the comments favoring the creation of a DOT-run registry.

Finally, recognizing the support of most commenters to including self-aggregated individuals within the definition of ''single entity charter,'' DOT adopts its proposed definition, but limits the ability of individuals to form self-aggregated groups only to flights to be operated using small aircraft. Thus, there is no need to change the definition of single entity charter in 14 CFR 212.2, since that part is not applicable to any flights performed by a commuter air carrier, air taxi operator, or certificated air carrier operating ''small aircraft'' under Part 298. Further, it acknowledges concerns, including those of the Air Charter Association of North America that the definition as proposed in the NPRM unnecessarily broadens the definition of a single entity charter and could undermine the consumer protections in the Department's rule governing public charters, 14 CFR part 380. In addition, the Department is making a non-substantive change by removing the word ''passenger'' from its ''air charter broker'' definition so that it references ''single entity charter,'' a term defined by regulation, rather than ''single entity passenger charter.'' The Department has decided not to accept NBAA's proposals regarding ''fractional ownership membership program managers'' and ''in-house corporate travel departments'' because those two entities do not provide common carriage air transportation and are therefore already excluded from the scope of this rule.

B. Disclosures (14 CFR 295.20, 295.23, 295.24, 295.26)

The NPRM: In the NPRM, the Department proposed to require that an air charter broker disclose clearly and conspicuously in any solicitation materials its status and the fact that it is not a direct air carrier and will use an authorized direct air carrier to provide the transportation it offers. The Department also proposed requiring written disclosure of (1) the corporate name of the direct air carrier in operational control of the aircraft and any other names in which the carrier holds itself out to the public (as recommended by the NTSB); (2) the capacity in which the air charter broker is acting; (3) the existence of any corporate or business relationships with a particular direct air carrier; (4) the aircraft type; (5) the total cost of air transportation paid to the air charter broker; (6) the existence of any other amount charged by third parties for which the charterer will be responsible for paying directly; and (7) the existence or absence of liability insurance held by the air charter broker covering the charterer and passengers and property on the charter flight, and the monetary limits of such insurance. Further, the Department sought public comment on whether any additional disclosures should be required.

Under the proposed rule, any required disclosure must be made within a ''reasonable'' time, defined as enough time for the charterer to make an informed decision as to whether to accept the change. Failure to provide notice within a ''reasonable'' time would entitle the consumer the option of receiving a full refund. The Department sought comment on whether to provide a specific time frame for the disclosures and whether to require some sort of confirmation of receipt of the disclosures. In addition, DOT solicited comment on whether the refund requirements of 14 CFR part 374 should apply to air charter brokers.

Comments: The comments received in response to the disclosure proposals ran the gamut, with some support for and some objection to each of the seven proposed disclosures. When expressing support for a disclosure, commenters generally cited a consumer need to possess that information. When expressing opposition to a disclosure, commenters generally asserted that consumers would not benefit from that information. In particular, many commenters noted that consumers need not learn the identity of the aircraft's owner so long as they know the name of the direct air carrier. In addition, some commenters stated that because most customers of air charter brokers are sophisticated consumers with significant bargaining power, the proposed disclosures would be better handled through a negotiated contract. In response to the disclosure of insurance (or lack thereof), several commenters suggested that DOT not only require disclosure, but require that air charter brokers maintain a certain level of insurance. Finally, NATA requested that the Department clarify the meaning of ''any corporate or business relationship between the air charter broker and the direct air carrier.'' The NBAA further requested that the disclosure of such relationships be limited to those ''which may have a substantial bearing upon the air charter broker's selection of a direct air carrier.'' Finally, Chapman Freeborn Airchartering questioned at what level of detail any required itemization must be made.

Both industry and ASTA provided comments against establishing a fixed time in which air charter brokers must disclose any changes in the air transportation arrangements. These comments explained that it would be an unworkable requirement, as some

changes could be very last-minute and thus too late to comply with the prescribed time frame while others could become known far in advance thus rendering the time frame unnecessarily restrictive.

Most commenters expressed opposition to requiring that air charter brokers obtain some form of confirmation of the receipt of any changes to the required disclosures. These commenters stated that obtaining confirmation would not be practicable, as some consumers may simply decline to confirm receipt, and would create an undue burden for air charter brokers forced to obtain one.

Comments regarding DOT's proposal to subject air charter brokers to the refund requirements of 14 CFR part 374 indicated general disapproval. Most commenters wanted parties to negotiate refund provisions in the original contract. These commenters noted that customers of air charter brokers are sophisticated parties with significant bargaining power, that Part 374 may prove unworkable in the air charter broker context, and that DOT should not substitute its judgment for that of individuals in the marketplace. Several suggested that DOT could require refund provisions be disclosed in the original contract rather than impose Part 374 by default. The minority of commenters who expressed support for this portion of the NPRM stated that consumers of air charter broker services deserve the same protections as consumers of other forms of air transportation.

DOT Response: Of the seven proposed disclosures, the Department is requiring three and making three others required upon request. Having considered the comments both for and against the proposal, the Department believes that on the whole consumers, regardless of sophistication level, would benefit from an increased amount of information. The Department is not requiring that the type of the aircraft be disclosed since it believes that information is already a part of most charter negotiations. The Department is clarifying what type of ''corporate or business relationship between the air charter broker and the direct air carrier'' must be disclosed upon request by adding the example of a pre-existing contract between the two entities. Further, the Department is adopting in part NBAA's suggestion that this definition be further refined by adding language that the relationship must have a ''bearing'' on the transaction. Finally, the Department is changing the language of the disclosure upon request relating to costs to make clear that detailed itemization is not required.

The Department is not requiring that air charter brokers maintain a certain level of insurance. The Department is aware that most air charter brokers already maintain a certain level of insurance as a good business practice. Establishing a minimum level of insurance would therefore not add additional protection for consumer funds.

The Department agrees with industry and ASTA that regulating the time frame in which disclosures must be made is impracticable, for the reasons provided by those commenters. Therefore, the Department adopts the ''within a reasonable time after such information becomes available'' standard as proposed in the NPRM. The Department has clarified in the final rule that it is within a reasonable time of becoming available ''to the air charter broker.'' A ''reasonable'' time would be enough time for the charterer to make an informed decision as to whether he or she wants to accept the additional information or the change. For example, should the direct air carrier to operate the flight change one week prior to the flight date, the Department would find it ''reasonable'' for notice to be given within 24 hours after such information becomes available to the air charter broker. On the other hand, the Department would not find it ''reasonable'' for notice to be given two hours before departure in such a circumstance, since that would not give the charterer time to make an informed decision as to whether to accept the change. At that point, the charterer would already likely be fully prepared for the flight and may in fact already be en route to the airport.

Having reviewed the public comments, the Department has decided not to add a requirement that air charter brokers obtain written confirmation that the required disclosures were made or that charterers received notice of any changes to the information that must be disclosed or of any information that was not known at the time the contract was entered. The Department appreciates the burden such a requirement would place on air charter brokers and that some consumers may simply ignore requests for confirmation. Furthermore, such a requirement is likely not necessary since, as several commenters noted, the original signed contract may serve as confirmation that the air charter broker made, and that the consumer received, the required disclosures. The Department notes, however, that air charter brokers are free to obtain such confirmations as a method of guarding against claims that they did not make the disclosures.

The Department has considered the arguments against applying the refund requirements of 14 CFR part 374 to air charter brokers. The Department nevertheless believes that these requirements are not overly burdensome on air charter brokers, as their crux is establishing a time frame in which refunds should be processed, and provide consumers with useful protections. The Department believes that these are important consumer protections. As such, the Department is adopting the proposed rule on refunds.

C. Enumerated Unfair and Deceptive Practices (14 CFR 295.22 and 295.50)

The NPRM: In the NPRM, the Department proposed to enumerate ten prohibited unfair and deceptive practices and unfair methods of competition by air charter brokers. First, air charter brokers may not misrepresent themselves as direct air carriers. Second, air charter brokers must not use their names and slogans in connection with the name of the direct air carrier in such a manner that may confuse consumers as to the status of the air charter broker. Third, air charter brokers must not misrepresent the service, type of aircraft, or itinerary. Fourth, air charter brokers must not misrepresent the qualifications of pilots or the safety record and certification of pilots, aircraft, and air carriers. Fifth, air charter brokers must not make misrepresentations regarding insurance. Sixth, air charter brokers must not misrepresent the cost of the air transportation. Seventh, air charter brokers must not misrepresent membership in or involvement with organizations that audit air charter brokers or direct air carriers. Eighth, air charter brokers must not represent that they possess a contract with a direct air carrier until they have received a binding commitment from the direct air carrier. Ninth, air charter brokers must not sell or contract for air transportation that they know cannot be legally performed by the entity that is to operate the air transportation. Tenth, air charter brokers must not misrepresent the requirements that must be met by charterers to qualify for charter flights. The Department solicited comments on which, if any, of these should be enumerated in the final rule. In addition, the Department asked the public to comment on a potential record-keeping requirement to ensure compliance with the proposed regulations.

Comments: Members of the public expressed widely divergent views on

what practices, if any, should be enumerated as unfair and deceptive. Two commenters stated that DOT should enumerate only one unfair and deceptive practice and unfair method of competition: That air charter brokers must not misrepresent themselves as direct air carriers. A third commenter expressed a view along these lines, noting that DOT should merely continue its existing enforcement policy of finding an unfair or deceptive practice or unfair method of competition when an air charter broker misrepresents itself as a direct air carrier. A fourth mirrored these comments but also supported enumerating as unfair or deceptive the practice of telling consumers that the broker maintains a certain level of insurance that it does not, in fact, maintain. Three commenters supported all the proposed enumerated unfair and deceptive practices. Another commenter opposed this portion of the proposal in its entirety. In addition, FlexJet asked that the Department clarify that it is not unfair or deceptive to advertise a price that changes due to circumstances beyond the air charter broker's control.

The Department received input regarding a record retention requirement. CSI Aviation expressed support for a requirement, noting that pursuant to Internal Revenue Service requirements, records are maintained for seven years following the date of transportation. NATA proposed a two-year retention requirement. The Air Charter Association voiced support for a retention requirement without proposing a time-frame.

DOT Response: The Department is making changes to its proposed rule to harmonize language where appropriate with the text of the section enumerating prohibited unfair and deceptive practices by air taxis/commuter air carriers, 14 CFR 298.90. The significant amount of enforcement activity in this area has led the Department to find such enumeration necessary. In fact, the Department believes that codifying certain actions as unfair or deceptive will lower the amount of enforcement action necessary, as all air charter brokers will be fully aware of what behavior is prohibited. In turn, this will level the playing field for those air charter brokers that do not misrepresent themselves or any part of their services. In response to FlexJet's query, the Department notes that the final rule requires that an air charter broker have a binding contract with a direct air carrier or direct foreign air carrier before representing such to the public. As a result, the largest portion of the charter transportation cost should already be established at the point where FlexJet's question arises. The final rule already provides air charter brokers with flexibility in quoting total costs and DOT does not believe greater flexibility is needed, despite FlexJet's request.

The Department is choosing at this time not to require a specific record retention period, but may revisit this issue if it becomes clear that efforts to enforce this part are impeded by a lack of such a period, air charter brokers are evading their disclosure obligations to charterers, or charterers are otherwise being harmed.

2. Air Taxis and Commuter Air Carriers

A. Disclosures (14 CFR 298.80)

The NPRM: In the NPRM, the Department proposed to amend 14 CFR part 298 to prohibit air taxis and commuter air carriers from soliciting or executing contracts for single entity charter air transportation to be performed by another carrier without first providing clear and conspicuous written disclosure to the person or entity that contracts for that air transportation of: (1) The corporate name of the direct air carrier in operational control of the aircraft and any other names in which the carrier holds itself out to the public (as recommended by the NTSB) (2) the capacity in which the air taxi is acting in contracting for the air transportation; (3) the existence of any corporate or pre-existing business relationship with the direct air carrier that will be in operational control of the aircraft; (4) the make and model of the aircraft to be used; (5) the total cost of the air transportation, including carrier- and government-imposed fees and taxes; and (6) the existence of any fees and their amounts, if known, charged by third parties for which the charterer will be responsible for paying directly. In addition, should the operating carrier change, the Department proposed requiring that written notice be provided to the charter customer when the change becomes known. Should reasonable notice not be given, the Department proposed that the charter customer be entitled to a full refund. The Department sought comment on whether it should set a specific timeframe for such notice and whether it should require carriers to obtain confirmation of receipt of that notice and, if so, what type of confirmation.

Comments: Of the three comments on this topic, those from NATA and NBAA generally supported the Department's proposed disclosure requirements, albeit with some changes and clarifications. For example, both sought clarification of what type of ''corporate or business relationship'' must be disclosed and NBAA sought clarification on whether the parties could agree in writing to forgo certain disclosures. Furthermore, NATA suggested that the Department harmonize the disclosure requirements imposed on air taxi operators/commuter air carriers and on air charter brokers.

NATA also commented that the Department should refine the requirement that air taxi operators and commuter air carriers disclose the total cost. As proposed, the regulation indicates that government-imposed taxes and fees must be disclosed only as they apply to the total cost of air transportation but not as they apply to any fees (*e.g.,* landing fees and fuel) charged by third parties for which the charterer will be responsible for paying directly. In addition, NATA suggested that the Department change its ''make and model'' references to ''type of aircraft'' in order to use an industry standard term.

Neither association advocated for a specified time frame in which disclosures must be made, noting that the fact-specific situations require a flexible ''reasonable time'' standard like that originally proposed by the Department. Moreover, neither advocated for a regulation requiring the confirmation of the receipt of the proposed disclosures.

On the other hand, the comment filed jointly by Corporate Flight Management, Public Charters Inc., and Ultimate Jetcharters opposed all the Department's proposed disclosure requirements. They asserted that the Department failed to provide evidence of objectionable practices by air taxis and commuter air carriers that would provide a rationale for the proposed rule, noting that the NTSB had advocated only the limited disclosure of the name of the operating carrier and the type of aircraft. In the absence of a demonstrated need for greater regulation, the commenters suggested that DOT allow market forces to work, particularly in this situation, where DOT has acknowledged that the consumers are sophisticated entities. Moreover, they asserted that the Department could rely on its existing enforcement mechanisms should problems arise.

DOT Response: The Department is amending 14 CFR part 298 to require air taxis and commuter air carriers to make three disclosures and to make three more upon request. The Department appreciates the comments it received and has incorporated the suggestions of NATA and NBAA into the final rule. First, the Department harmonizes the regulatory language regarding

disclosures applicable to air taxi operators/commuter air carriers in 14 CFR 298.80 with those applicable to air charter brokers in 14 CFR 295.24. The Department clarifies what type of ''corporate or business relationship between the air taxi operator or commuter air carrier and the direct air carrier'' must be disclosed upon request. The Department adopts in part NBAA's suggestion that the definition of a corporate or business relationship be further refined by adding language that the relationship must have a ''bearing'' on the transaction. The Department disagrees with NBAA's suggestion that the rule indicate that parties may agree in writing to forgo certain disclosures because allowing parties to contract away these protections would severely limit the benefits of the rule.

In addition, based on NATA's suggestion, DOT is adding language to 14 CFR 298.80(a)(5) to clarify that air taxi operators and commuter air carriers must disclose upon request any government-imposed taxes and fees levied on expenses collected by third parties (*e.g.,* landing fees and fuel) and paid directly by the charterer. Further, the Department is not requiring the type of aircraft to be disclosed since it believes that information is already a part of most charter negotiations.

The Department appreciates the positive feedback received regarding its ''reasonable time'' standard for making the required disclosures and, having received no alternative suggestions, adopts that standard. As the comments noted, because each situation is fact-specific, it would be difficult to enact a workable specific time frame for disclosures. The Department clarifies in the final rule that it is within a reasonable time of becoming available ''to the air or commuter air carrier.'' For this same reason, the Department clarifies in the final rule that in an exigent circumstance particular to a passenger the required disclosures do not have to be made prior to the start of the air transportation. In addition, the Department is not adding a requirement that air taxi operators and commuter air carriers obtain written confirmation that the required disclosures were made and that charterers received notice of any changes to the information that must be disclosed or of any information that was not known at the time the contract was entered. The Department notes, however, that air taxi operators and commuter air carriers are free to obtain such confirmations as a method of guarding against claims that they did not make the disclosures.

The Department thoroughly considered the comments of Corporate Flight Management, Public Charters Inc., and Ultimate Jetcharters. Nevertheless, DOT agrees with NTSB that disclosures are necessary to enhance consumer protection in charter air transportation. Furthermore, DOT also believes that there are significant benefits regarding additional disclosures to charterers when weighing their air transportation options to know the capacity in which the air taxi or commuter air carrier is acting in contracting for the air transportation, the existence of any corporate or business relationship between the air taxi or commuter air carrier and the direct air carrier that will be in operational control of the flight that bears on the selection of the direct air carrier, the type of aircraft to be used for the flight, the total cost of the air transportation, and the existence of any fees and their amounts that are collected by third parties that the charterer will be responsible for paying directly. The Department firmly believes that within this regulatory framework, the market will continue to work, allowing parties to freely contract with each other. In fact, these required disclosures, many of which are already made as good business practices and/or customer service gestures, will provide a more level playing field for all air taxis and commuter air carriers, thus contributing to the correction of any existing market failures.

B. Enumerated Unfair and Deceptive Practices (14 CFR 298.90)

The NPRM: The NPRM proposed to prohibit certain practices as unfair or deceptive or unfair methods of competition by air taxis and commuter air carriers. Specifically, these misrepresentations involved the entity in operational control of the aircraft, the quality of the aircraft involved, the schedule and itinerary, the insurance carried, the fares or charges levied, the presence of a contract for a specific air carrier or aircraft, and the legal impossibility of completing the specific flight.

Comments: Only the NATA and NBAA comments addressed the Department's proposal to enumerate for air taxis and commuter air carriers certain unfair and deceptive practices and unfair methods of competition. Both associations supported the proposal in its entirety.

DOT Response: The Department is adopting the proposed 14 CFR 298.100 and codifying it as 14 CFR 298.90. However, the Department is making changes to its proposed rule to harmonize language where appropriate with the text of the section enumerating prohibited unfair or deceptive practices by air charter brokers, 14 CFR 295.50. This includes enumerating misrepresentations as to the qualifications and the safety records of pilots, aircraft, and air carriers; membership in, involvement with, and standards set by auditing organizations; the requirements that charterers must meet to qualify for charter flights; and the use of names, trade names or slogans. The Department already considers such misrepresentations by air carriers, including air taxis and commuter air carriers, to be prohibited under 49 U.S.C. 41712. The Department believes that codifying these and other actions as unfair or deceptive will forestall enforcement action as all air taxis and commuter air carriers will be fully aware of what behavior is prohibited. In addition, the second and third enumerated unfair or deceptive practices contained significant overlap. Thus, these subsections are changed in the final rule so that each is a distinct unfair or deceptive practice or unfair method of competition.

3. Air Ambulance Services

The NPRM: Since 1983, the Department has authorized entities that arrange air ambulance services as indirect air carriers to engage in the sale of air transportation through a blanket exemption granted by the CAB in Order 81–1–36, 99 C.A.B. 801 (1983). In the NPRM, the Department proposed to codify that exemption. In addition, based upon the number of enforcement actions taken for violations of this exemption authority, as well as the licensing requirements of 49 U.S.C. 41101 and the statutory prohibition on unfair and deceptive practices and unfair methods of competition, 49 U.S.C 41712, the Department proposed in the NPRM to apply to indirect air carrier air ambulances the same enumerated prohibited practices proposed for air charter brokers in § 295.50, but not to apply to indirect air carrier air ambulances the disclosure requirements applicable to air charter brokers. DOT invited comments on this proposal in general, as well as comments regarding whether any of the specific provisions in section 295.24 should apply to indirect air carrier air ambulances.

Comments: All commenters expressed general support for the codification of the Department's long-standing exemption. Air Methods addressed the application of the enumerated prohibited practices in 295.50 to indirect air carrier air ambulances by proposing that an indirect air medical program name or logo on an aircraft not be considered misleading, so long as the

name of the direct air carrier is displayed in accordance with 14 CFR 119.9(b). Many commenters expressed opposition to applying to air ambulance services the disclosure requirements applied to air charter brokers. Among the reasons given for excluding air ambulance services from these requirements, commenters cited a lack of passenger need and the possible delayed provision of care that could result. The Air Charter Association and the Association of Air Medical Services, on the other hand, disagreed and instead commented that air ambulances should be subjected to the same disclosure requirements as air charter brokers. Moreover, the latter group commented that it would be beneficial for air charter brokers to disclose their medical training level to consumers so that those consumers can better judge the broker's ability to determine the appropriateness of various aspects of flight, *e.g.,* aircraft type, medical staffing, pressurization, etc.

DOT Response: The Department appreciates the general support expressed for the codification of its long-standing exemption, but chooses not to do so at this time. The Department will be studying this area further, including reviewing air ambulance complaints to determine what, if any, disclosure or other consumer protection requirements are appropriate in this area for direct and indirect air carrier air ambulances. Our decision here does not in any way alter the authority for entities that arrange air ambulance services as indirect air carriers to engage in the sale of air transportation under the blanket exemption granted by the CAB in Order 81–1–36, 99 C.A.B. 801 (1983).

4. Air Services Provided Under Contract With the Federal Government

The NPRM: The Department proposed to codify the longstanding view of its Office of Aviation Enforcement and Proceedings that contracts with the Federal Government arranged under a GSA Schedule are in fact in common carriage and subject to DOT jurisdiction.

Comments: CSI Aviation (CSI), the sole commenter on this portion of the NPRM, disagreed with the Department's proposal in its entirety. CSI stated that DOT failed to explain why air charter brokers operating under a GSA Schedule required economic authority from the Department. To the contrary, CSI argued that air transportation services conducted pursuant to the GSA Schedules were not common carriage but were, in fact, private carriage. In addition, CSI commented that because the GSA Schedules are governed by the Federal Acquisition Regulations, CSI (and similarly situated parties) are already subject to a consumer protection regime far more comprehensive that the regime proposed by DOT. For example, the Federal Acquisition Regulations subject violators to liquidated damages, nonpayment, and even criminal prosecution. Moreover, CSI asserted that the DOT proposal would interfere with GSA's contracting practices.

DOT Response: The Department is deferring action on this proposal as it is not clear that additional action is necessary. First, the dearth of feedback on this portion of the NPRM makes it more difficult for the Department to consider the various viewpoints of all stakeholders; the views of the only stakeholder to comment had previously been made clear in Federal court. Second, the paucity of feedback received from stakeholders in the years following the litigation that prompted the proposed codification indicates that the existing consumer protection regime may suffice at this time as asserted by CSI. Third, by having only imperfect information available to it, the Department risks taking action that may have unintended consequences. The Department stresses, however, that it may revisit this issue in the future. It may, for example, receive more input from stakeholders or see that changes in Federal Government procurement practices and rules have changed the level of protection afforded consumers.

Regulatory Analyses and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This proposed rule is not a significant regulatory action under section 3(f) of E.O. 12866 (58 FR 51735, October 4, 1993), Regulatory Planning and Review, as supplemented by E.O. 13563 (76 FR 3821, January 21, 2011), Improving Regulation and Regulatory Review. Accordingly, the Office of Management and Budget (OMB) has not reviewed it under that Order. It is also not significant within the meaning of DOT regulatory policies and procedures (DOT Order 2100.5 dated May 22, 1980; 44 FR 11034 (February 26, 1979)).

The final rule is in part an enabling regulatory action, which would eliminate existing regulatory barriers by recognizing air charter brokers as a new class of indirect air carrier, and would allow air charter brokers as principals to provide single entity charter air transportation of passengers. By removing current regulatory barriers to the sale of single entity charters by air charter brokers, the rule is expected to result in a reduction in the opportunity costs currently incurred by those air charter brokers that would prefer to act as a principal, thereby resulting in a cost savings for these air charter brokers. The magnitude of these potential costs savings cannot be estimated, in part because under the rule the decision by an air charter broker to act as a principal rather than as an agent is discretionary. Therefore, the number of air charter brokers affected by the enabling aspects of rule and that may experience a cost savings cannot be estimated.

The final rule establishes requirements for actions and disclosures to be made by air charter brokers that result in more accurate and transparent information about brokered air transportation transactions being present in the marketplace for charterers. This includes disclosures that are to be made by air taxi operators that may be selling air charter flights that are operated by some other direct air carrier. The total annual costs of the information disclosure provisions of the final rule are estimated to range from $1.3 million to $2.7 million, with a mid-range estimate of $2.0 million expressed in 2017 dollars.

The Department believes that the final rule will result in benefits from the information disclosure requirements and from the enumeration of prohibitions on specific types of unfair or deceptive practices by air charter brokers, air taxis, and commuter air carriers. These benefits cannot be quantified however.

Additional details regarding the cost savings, costs, and benefits of the final rule can be found in the Regulatory Impact Analysis (RIA) for the final rule which is available in the Docket for this rulemaking.[1]

B. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs)

This rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.*) requires Federal agencies to consider the effects of their regulatory actions on small businesses and other small entities, and to minimize any significant economic impact. When an agency issues a rulemaking proposal, the RFA requires

[1] U.S. Department of Transportation (DOT), Office of the Secretary (OST). ''Increasing Charter Air Transportation Options. Final Rule. Regulatory Impact Analysis (RIA).'' June 2018. Available in Docket DOT–OST–2007–27057 at *https://www.regulations.gov.*

the agency to ''prepare and make available for public comment an initial regulatory flexibility analysis'' which will ''describe the impact of the proposed rule on small entities'' (5 U.S.C. 603(a)). Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

In the NPRM (78 FR 59880), in lieu of preparing an Initial Regulatory Flexibility Analysis under section 603(a) of the RFA to assess the impact of the rule, the Department performed a certification analysis under section 605(b) of the RFA and certified that the rule will not have a significant economic impact on a substantial number of small entities.[2] [3] No comments were received regarding this certification or on the threshold economic analysis and its underlying assumptions that were presented in the NPRM.

The threshold economic analysis that was performed for the certification of the proposed rule under section 605(b) of the RFA determined that although a substantial number of air charter brokers would likely be considered small entities that would be affected by the rule, the economic impact on these small entities would not constitute a significant economic impact on these small entities relative to either gross revenues or profit. The primary changes made to the final rule from the proposed rule include the elimination of provisions that in the proposed rule would have applied to air ambulance services, and to certain air transportation services performed under contract to the Federal government. The elimination of these provisions does not substantively alter the economic analysis and certification of the rule under the RFA as compared to that performed for at the proposed rule stage, other than to remove one class of regulated entity, air ambulance services, that under the final rule are no longer affected and would no longer be subject to disclosure requirements or other provisions. The remaining provisions of the final rule still affect the same classes of regulated entities including air charter brokers, air taxis, and commuter air carriers, and affect these entities in essentially the same manner and to the same extent in terms of the costs and benefits of the rule.

Accordingly, the Secretary of Transportation certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

D. Executive Order 13132 (Federalism)

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This final rule does not include any provision that: (1) Has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibility among the various levels of government; (2) imposes substantial direct compliance costs on State and local governments; or (3) preempts State law. States are already preempted from regulating in this area by the Airline Deregulation Act, 49 U.S.C. 41713. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

E. Executive Order 13084

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 (''Consultation and Coordination with Indian Tribal Governments''). Because this final rule does not significantly or uniquely affect the communities of the Indian Tribal governments or impose substantial direct compliance costs on them, the funding and consultation requirements of Executive Order 13084 do not apply.

F. Paperwork Reduction Act

This rule adopts new information collection requirements subject to the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 49 U.S.C. 3501 *et seq.*). (PRA) The Department will publish a separate notice in the **Federal Register** inviting the Office of Management and Budget (OMB), the general public, and other Federal agencies to comment on the new and revised information collection requirements contained in this document. As prescribed by the PRA, the requirements will not go into effect until OMB has approved them and the Department has published a notice announcing the effective date of the information collection requirements.

G. Unfunded Mandates Reform Act

The Department has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rule.

H. National Environmental Policy Act

The DOT has analyzed the environmental impacts of this action pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and has determined that it is categorically excluded pursuant to DOT Order 5610.1C, Procedures for Considering Environmental Impacts (44 FR 56420, Oct. 1, 1979). Categorical exclusions are actions identified in an agency's NEPA implementing procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). See 40 CFR 1508.4. In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* Paragraph 3.c.5 of DOT Order 5610.1C incorporates by reference the categorical exclusions for all DOT Operating Administrations. This action is covered by the categorical exclusion listed in the Federal Highway Administration's implementing procedures, ''[p]romulgation of rules, regulations, and directives.'' 23 CFR 771.117(c)(20). The purpose of this rulemaking is to eliminate a regulatory barrier to the sale of charter air transportation while providing consumers with information to make informed purchasing decisions. The agency does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

Issued this 20th day of August 2018, in Washington, DC, under authority delegated in 49 CFR 1.27(n).

Steven G. Bradbury,

General Counsel.

For the reasons set forth above, 14 CFR chapter II is amended as follows:

■ 1. Add Part 295 to read as follows:

PART 295—AIR CHARTER BROKERS

Subpart A—General

Sec.

Subpart B—Exemption Authority

[2] U.S. Department of Transportation (DOT), Office of the Secretary (OST). ''Enhanced Consumer Protections for Charter Air Transportation. Notice of Proposed Rulemaking.'' 78 FR 59880. September 30, 2013. Available at: *https://www.gpo.gov/fdsys/pkg/FR-2013-09-30/pdf/2013-23142.pdf* (accessed May 21, 2018).

[3] Regulatory Impact Analysis for Enhanced Consumer Protections for Charter Air Transportation. Notice of Proposed Rulemaking. Available at: *https://www.regulations.gov/contentStreamer?documentId=DOT-OST-2007-27057-0028&attachmentNumber=1&contentType=pdf* (accessed May 21, 2018).

Authority: 49 U.S.C. Chapters 401, 411, 413, and 417.

Subpart A—General

§ 295.1 Purpose.

Air charter brokers, defined as an indirect air carrier, foreign indirect air carrier or a bona fide agent, provide indirect air transportation of passengers on single entity charters aboard large and small aircraft. This part grants exemptions to such air charter brokers from certain provisions of Subtitle VII of Title 49 of the United States Code (Transportation), and establishes rules, including consumer protection provisions, for the provision of such air transportation by air charter brokers.

§ 295.3 Applicability.

This part applies to any person or entity acting as an air charter broker as defined in this part with respect to single entity charter air transportation that the air charter broker, as an indirect air carrier, foreign indirect air carrier, or a *bona fide agent,* holds out, sells or undertakes to arrange aboard large and small aircraft.

§ 295.5 Definitions.

For the purposes of this part:

(a) *Air transportation* means interstate or foreign air transportation, as defined in 49 U.S.C. 40102(a)(5), 40102(a)(23), and 40102(a)(25).

(b) *Air charter broker* means a person or entity that, as an indirect air carrier, foreign indirect air carrier, or a *bona fide agent,* holds out, sells, or arranges single entity charter air transportation using a direct air carrier.

(c) *Bona fide agent* means a person or entity that acts as an agent on behalf of a single entity charterer seeking air transportation or a direct air carrier seeking to provide single entity charter air transportation, when such charterer or direct air carrier, as principal, has appointed or authorized such agent to act on the principal's behalf.

(d) *Charterer* means the person or entity that contracts with an air charter broker, direct air carrier, or foreign direct air carrier, for the transportation of the passengers flown on a charter flight.

(e) *Charter air transportation* means charter flights in air transportation authorized under Part A of Subtitle VII of Title 49 of the United States Code.

(f) *Direct air carrier and foreign direct air carrier* mean a U.S. or foreign air carrier that provides or offers to provide air transportation and that has control over the operational functions performed in providing that transportation.

(g) *Indirect air carrier and foreign indirect air carrier* mean a person or entity that, as a principal, holds out, sells, or arranges air transportation and separately contracts with direct air carriers and/or foreign direct air carriers.

(h) *Single entity charter* means a charter for the entire capacity of the aircraft, the cost of which is borne by the charterer and not directly or indirectly by individual passengers, except when individual passengers self-aggregate to form a single entity for flights to be operated using small aircraft.

(i) *Statute* means Subtitle VII of Title 49 of the United States Code (Transportation).

(j) *Large aircraft* means any aircraft originally designed to have a maximum passenger capacity of more than 60 seats or a maximum payload capacity of more than 18,000 pounds.

(k) *Small aircraft* means any aircraft originally designed to have a maximum passenger capacity of 60 seats or fewer or a maximum payload capacity of 18,000 pounds or less.

§ 295.7 Agency relationships.

An air charter broker acting as an indirect air carrier or foreign indirect air carrier may choose to act as a bona fide agent in individual cases where a charterer, direct air carrier, or foreign direct air carrier has expressly authorized such agency relationship.

Subpart B—Exemption Authority

§ 295.10 Grant of economic authority; exemption from the statute.

To the extent necessary to permit air charter brokers, acting as indirect air carriers or foreign indirect air carriers, to hold out, sell, and undertake to arrange single entity charter air transportation, such air charter brokers are exempted from the following provisions of Subtitle VII of Title 49 of the United States Code, except for the provisions noted, only if and so long as they comply with the provisions and the conditions imposed by this part: 49 U.S.C. 41101–41113, 49 U.S.C. 41301–41313, and 49 U.S.C. 41501–41511. Air charter brokers are not exempt from the following provision: 49 U.S.C. 41310 (nondiscrimination) with respect to foreign air transportation.

§ 295.12 Suspension or revocation of exemption authority.

The Department reserves the power to alter, suspend, or revoke the exemption authority of any air charter broker acting as an indirect air carrier, without a hearing, if it finds that such action is in the public interest or is otherwise necessary to protect the traveling public.

Subpart C—Consumer Protection

§ 295.20 Use of duly authorized direct air carriers.

Air charter brokers are not authorized under this part to hold out, sell, or otherwise arrange charter air transportation to be operated by a person or entity that does not hold the requisite form of economic authority from the Department and appropriate safety authority from the Federal Aviation Administration and, if applicable, a foreign safety authority. Air charter brokers are not authorized under this part to hold out, sell, or arrange air transportation to be performed by a direct air carrier or direct foreign air carrier that the direct carrier is not authorized in its own right to hold out, sell, or operate. Only direct air carriers that are citizens of the United States as defined in 49 U.S.C. 40102(a)(15) may provide direct air transportation operations in interstate or intrastate air transportation.

§ 295.22 Prohibited unfair or deceptive practices or unfair methods of competition.

An air charter broker shall not engage in any unfair or deceptive practice or unfair method of competition.

§ 295.23 Advertising.

(a) All solicitation materials and advertisements, including internet web pages, published or caused to be published by air charter brokers shall clearly and conspicuously state that the air charter broker is an air charter broker, and that it is not a direct air carrier or a direct foreign air carrier in operational control of aircraft, and that the air service advertised shall be provided by a properly licensed direct air carrier or direct foreign air carrier.

(b) Air charter brokers may display their name and logo on aircraft provided the name of the direct air carrier is displayed prominently and clearly on the aircraft and consumers are not otherwise misled into thinking that the

air charter broker is a direct air carrier or direct foreign air carrier.

§ 295.24 Disclosures.

(a) Before entering a contract for a specific flight or series of flights with charterers, air charter brokers must disclose to the charterer the information in paragraphs (a)(1),(2), and (6) of this section. Before entering a contract for a specific flight or series of flights with charterers, air charter brokers must, upon request of the charterer, disclose to the charterer the information in paragraphs (a)(3), (4), and (5) of this section. The six disclosures may be accomplished through electronic transmissions.

(1) The corporate name of the direct air carrier or direct foreign air carrier in operational control of the aircraft on which the air transportation is to be performed and any other names in which that direct carrier holds itself out to the public.

(2) The capacity in which the air charter broker is acting in contracting for the air transportation, *i.e.,* as an indirect air carrier, indirect foreign air carrier, as an agent of the charterer, or as an agent of the direct air carrier or direct foreign air carrier that will be in operational control of the flight.

(3) If the air charter broker is acting as the agent of the charterer, the air charter broker must disclose the existence of any corporate or business relationship, including a preexisting contract, between the air charter broker and the direct air carrier or direct foreign air carrier that will be in operational control of the flight that may have a bearing on the air charter broker's selection of the direct carrier that will be in operational control of the flight.

(4) The total cost of the air transportation paid by the charterer to or through the air charter broker, including any air charter broker or carrier-imposed fees or government-imposed taxes and fees. Specific individual fees, taxes, or costs may, but are not required to be itemized.

(5) The existence of any fees and their amounts collected by third-parties, if known (or a good faith estimate if not known), including fuel, landing fees, and aircraft parking or hangar fees, for which the charterer will be responsible for paying directly.

(6) The existence or absence of liability insurance held by the air charter broker covering the charterer and passengers and property on the charter flight, and the monetary limits of any such insurance.

(b) If any of the information in paragraph (a) of this section that is required to be disclosed to the charterer or requested by the charterer to be disclosed is not known at the time the contract is entered into or changes thereafter, air charter brokers must provide the information to the charterer within a reasonable time after such information becomes available to the air charter broker, such that the charterer has enough time to make an informed decision as to whether to accept the additional information or accept the change.

(c) If the information in paragraph (a) of this section that is required to be disclosed to the charterer or requested by the charterer to be disclosed is not provided to the charterer within a reasonable time after such information becomes available to the air charter broker, air charter brokers must provide the charterer with the opportunity to cancel the contract for charter air transportation, including any services in connection with such contract, and receive a full refund of any monies paid for the charter air transportation and services.

(d) In all circumstances, air charter brokers must disclose prior to the start of the air transportation the information in paragraph (a) of this section that is required to be disclosed or that the charterer has requested to be disclosed.

(e) If the information in paragraph (a) of this section that is required to be disclosed to the charterer or requested by the charterer to be disclosed changes after the air transportation covered by the contract has begun, air charter brokers must provide information regarding any such changes to the charterer within a reasonable time after such information becomes available to the air charter broker.

(f) If the changes in information described in paragraph (e) of this section are not provided to the charterer within a reasonable time after becoming available to the air charter broker, air charter brokers must provide the charterer with the opportunity to cancel the remaining portion of the contract for charter air transportation, including any services paid in connection with such contract, and receive a full refund of any monies paid for the charter air transportation and services not yet provided.

§ 295.26 Refunds.

Air charter brokers must make prompt refunds of all monies paid for charter air transportation when such transportation cannot be performed or when such refunds are otherwise due, as required by 14 CFR 374.3 and 12 CFR part 226 for credit card purchases, and within 20 days after receiving a complete refund request for cash and check purchases.

Subpart D—Violations

§ 295.50 Enumerated unfair or deceptive practices or unfair methods of competition.

(a) Violations of this Part shall be considered to constitute unfair or deceptive practices or unfair methods of competition in violation of 49 U.S.C. 41712.

(b) In addition to paragraph (a) of this section, the following enumerated practices, among others, by an air charter broker are unfair or deceptive practices or unfair methods of competition in violation of 49 U.S.C. 41712:

(1) Misrepresentations that may induce members of the public to reasonably believe that the air charter broker is a direct air carrier or direct foreign air carrier when that is not the case.

(2) Misrepresentations as to the quality or kind of service or type of aircraft.

(3) Misrepresentations as to the time of departure or arrival, points served, route to be flown, stops to be made, or total trip-time from point of departure to destination.

(4) Misrepresentations as to the qualifications of pilots or safety record or certification of pilots, aircraft, or air carriers.

(5) Misrepresentations that passengers are directly insured when they are not so insured. For example, where the only insurance in force is that protecting the direct air carrier or air charter broker in event of liability.

(6) Misrepresentations as to fares or charges for air transportation or services in connection therewith.

(7) Misrepresentations as to membership in or involvement with an organization that audits air charter brokers, direct air carriers, or direct foreign air carriers, or that the air charter broker or any direct carriers to be used for a particular flight meets a standard set by an auditing organization.

(8) Representing that a contract for a specified direct air carrier, direct foreign air carrier, aircraft, flight, or time has been arranged without a binding commitment with a direct air carrier or direct foreign air carrier for the furnishing of such transportation as represented.

(9) Selling or contracting for air transportation while knowing or having reason to know or believe that such air transportation cannot be legally performed by the direct air carrier or foreign direct air carrier that is to perform the air transportation.

(10) Misrepresentations as to the requirements that must be met by charterers to qualify for charter flights.

(11) Using or displaying or permitting or suffering to be used or displayed the name, trade name, slogan or any abbreviation thereof, of the air charter broker in advertisements, on or in places of business, or on or in aircraft or any other place in connection with the name of an air carrier or foreign air carrier or with services in connection with air transportation, in such manner that it may mislead or confuse potential consumers with respect to the status of the air charter broker.

§ 295.52 Enforcement.

In case of any violation of any of the provisions of the Statute, or of this part, or any other rule, regulation, or order issued under the Statute, the violator may be subject to a proceeding under 49 U.S.C. 46101 before the Department, or 49 U.S.C. 46106–46108 before a U.S. District Court, as the case may be, to compel compliance. The violator may also be subject to civil penalties under the provisions of 49 U.S.C. 46301, or other lawful sanctions, including revocation of the exemption authority granted in this part. In the case of a willful violation, the violator may be subject to criminal penalties under the provisions of 49 U.S.C. 46316.

PART 298—EXEMPTIONS FOR AIR TAXI AND COMMUTER AIR CARRIER OPERATIONS

■ 2. The authority citation for Part 298 is revised to read as follows:

Authority: 49 U.S.C. 329 and chapters 401, 411, and 417.

■ 3. Revise § 298.80 to read as follows:

§ 298.80 Disclosures.

(a) Before entering a contract for a specific flight or series of flights with charterers, air taxi operators and commuter air carriers must disclose to the charterer the information in paragraphs (a)(1) and (2) of this section. Before entering a contract for a specific flight or series of flights with charterers, air taxi operators and commuter air carriers must, upon request of the charterer, disclose to the charterer the information in paragraphs (a)(3), (4), and (5) of this section. The disclosures may be accomplished through electronic transmissions.

(1) That the flight will be performed by another direct air carrier or direct foreign air carrier if that is the case. The corporate name of the direct air carrier or direct foreign air carrier in operational control of the aircraft on which the air transportation is to be performed and any other names in which that direct carrier holds itself out to the public.

(2) If the flight is to be performed by another direct air carrier or direct foreign air carrier, the capacity in which the air taxi operator or commuter air carrier is acting in contracting for the air transportation, *i.e.,* as a principal, as an agent of the charterer, or as an agent of the direct air carrier that will be in operational control of the flight.

(3) If the flight is to be performed by another direct air carrier or foreign direct air carrier and the air taxi operator or commuter air carrier is acting as the agent of the charterer, the air taxi operator or commuter air carrier must disclose the existence of any corporate or business relationship, including a preexisting contract, between the air taxi operator or commuter air carrier and the direct carrier that will be in operational control of the flight that may have a bearing on the air taxi operator's or commuter air carrier's selection of the direct carrier that will be in operational control of the flight.

(4) The total cost of the air transportation paid by the charterer to or through the air taxi operator or commuter air carrier, including any carrier-imposed fees or government-imposed taxes and fees. Specific individual fees, taxes, or costs may, but are not required to be itemized.

(5) The existence of any fees and their amounts collected by third parties, if known (or a good faith estimate if not known), including fuel, landing fees, and aircraft parking or hangar fees for which the charterer will be responsible for paying directly.

(b) If any of the information in paragraph (a) of this section that is required to be disclosed to the charterer or requested by the charterer to be disclosed is not known at the time the contract is entered into or changes thereafter, air taxi operators and commuter air carriers must provide the information to the charterer within a reasonable time after such information becomes available to the air taxi operator or commuter air carrier, such that the charterer has enough time to make an informed decision as to whether to accept the additional information or accept the change.

(c) If the information in paragraph (a) of this section that is required to be disclosed to the charterer or requested by the charterer to be disclosed is not provided to the charterer within a reasonable time after such information becomes available to the air taxi operator or commuter air carrier, air taxi operators and commuter air carriers must provide the charterer with the opportunity to cancel the contract for air transportation, including any services in connection with such contract, and receive a full refund of any monies paid for the charter air transportation and services.

(d) Except in exigent circumstances particular to a passenger, air taxi operators and commuter air carriers must disclose prior to the start of the air transportation the information in paragraph (a) of this section that is required or requested to be disclosed.

(e) If the information in paragraph (a) of this section that is required to be disclosed to the charterer or requested by the charterer to be disclosed changes after the air transportation covered by the contract has begun, air taxi operators and commuter air carriers must provide information regarding any such changes to the charterer within a reasonable time after such information becomes available to the air taxi operator or commuter air carrier.

(f) If the changes in information described in paragraph (e) of this section are not provided to the charterer within a reasonable time after becoming available to the air taxi operator or commuter air carrier, air taxi operators and commuter air carriers must provide the charterer with the opportunity to cancel the remaining portion of the contract for charter air transportation, including any services paid for in connection with such contract, and receive a full refund of any monies paid for the charter air transportation and services not yet provided.

■ 4. Add Subpart I, consisting of §§ 298.90 and 298.92, to read as follows:

Subpart I—Violations

§ 298.90 Prohibited unfair or deceptive practices or unfair methods of competition.

(a) Violations of this Part shall be considered to constitute unfair or deceptive practices or unfair methods of competition in violation of 49 U.S.C. 41712.

(b) In addition to paragraph (a) of this section, the following enumerated practices, among others, by an air taxi operator or commuter air carrier are unfair or deceptive practices or unfair methods of competition in violation of 49 U.S.C. 41712:

(1) Misrepresentations that may induce members of the public to reasonably believe that the air taxi operator or commuter air carrier will be, or is, in operational control of a flight when that is not the case.

(2) Misrepresentations as to the quality or kind of service or type of aircraft.

(3) Misrepresentations as to the time of departure or arrival, points served, route to be flown, stops to be made, or total trip-time from point of departure to destination.

(4) Misrepresentations as to the qualifications of pilots or safety record or certification of pilots, aircraft, or air carriers.

(5) Misrepresentations that passengers are directly insured when they are not so insured. For example, where the only insurance in force is that protecting the air taxi operator or commuter air carrier in the event of liability.

(6) Misrepresentations as to fares or charges for air transportation or services in connection therewith.

(7) Misrepresentations as to membership in or involvement with an organization that audits direct air carriers or that the direct air carrier to be used for a flight meets a standard set by an auditing organization.

(8) Representing that a contract for a specified direct air carrier, aircraft, flight, or time has been arranged without a binding commitment with a direct air carrier for the furnishing of such transportation as represented.

(9) Selling or contracting for air transportation while knowing or having reason to know or believe that such air transportation cannot be legally performed by the direct air carrier or foreign direct air carrier that is to perform the air transportation.

(10) Misrepresentations as to the requirements that must be met by charterers in order to qualify for charter flights.

(11) Using or displaying or permitting or suffering to be used or displayed the name, tradename, slogan or any abbreviation thereof, of an air charter broker in advertisements, on or in places of business, or on or in aircraft or any other place in connection with the name of the air taxi or commuter air carrier in such manner that it may mislead or confuse potential consumers with respect to the status of the air charter broker.

§ 298.92 Enforcement.

In case of any violation of the provisions of the Statute, or this part, or any other rule, regulation, or order issued under the Statute, the violator may be subject to a proceeding pursuant to section 46101 of the Statute before the Department, or sections 46106 through 46108 of the Statute before a U.S. District Court, as the case may be, to compel compliance therewith; or to civil penalties pursuant to the provisions of section 46301 of the Statute; or, in the case of a willful violation, to criminal penalties pursuant to the provisions of section 46316 of the Statute; or other lawful sanctions including revocation of operating authority.

[FR Doc. 2018–18345 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 117 and 507

[Docket No. FDA–2016–D–1164]

Determination of Status as a Qualified Facility Under the Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human and Animal Food Rules; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA, we, or Agency) is announcing the availability of a final guidance for industry entitled ''Determination of Status as a Qualified Facility Under Part 117: Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food and Part 507: Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals; Guidance for Industry.'' This guidance explains our current thinking on how to determine whether a facility is a ''qualified facility'' that is subject to modified requirements under our rule entitled ''Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food'' (the Preventive Controls for Human Food Rule) or under our rule entitled ''Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals'' (the Preventive Controls for Animal Food Rule). This guidance also explains our current thinking on how a facility would submit Form FDA 3942a, attesting to its status as a qualified facility under the Preventive Controls for Human Food Rule and how a business would submit Form FDA 3942b, attesting to its status as a qualified facility under the Preventive Controls for Animal Food Rule.

DATES: The announcement of the guidance is published in the **Federal Register** on September 17, 2018.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–D–1164 for ''Determination of Status as a Qualified Facility Under Part 117: Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food and Part 507: Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals; Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff

office between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the draft guidance to the Office of Food Safety (HFS–300), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: *For questions relating to the guidance as it applies to human food:* Jenny Scott, Center for Food Safety and Applied Nutrition (HFS–300), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2166.

For questions relating to the guidance as it applies to animal food: Jeanette Murphy, Center for Veterinary Medicine (HFV–200), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–6246.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a guidance for industry entitled ''Determination of Status as a Qualified Facility Under Part 117: Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food and Part 507: Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals; Guidance for Industry.'' We are issuing this guidance consistent with our good guidance practices regulation (21 CFR 10.115). This guidance represents the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

In the **Federal Register** of May 16, 2016 (81 FR 30219), we made available a draft guidance for industry entitled ''Qualified Facility Attestation Using Form FDA 3942a (for Human Food) or Form FDA 3942b (for Animal Food)'' and gave interested parties an opportunity to submit comments by November 14, 2016, for us to consider before beginning work on the final version of the guidance. We received a couple of comments on the draft guidance and have modified the final guidance where appropriate. Changes to the guidance include: (1) Clarification regarding recordkeeping and FDA review of records, (2) clarification regarding how a facility can meet the definition of a ''very small business,'' (3) addition of new examples of calculations, and (4) explanation of a simpler method for determining whether a facility's 3-year average of food sales and food market value is below the inflation adjusted threshold for a ''very small business.'' In addition, editorial changes were made to improve clarity. The guidance announced in this notice finalizes the draft guidance dated May 16, 2016.

II. Paperwork Reduction Act of 1995

This guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 117.201 and 507.7 have been approved under 0910–0854.

The guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in part 117 have been approved under OMB control number 0910–0751. The collections of information in part 507 have been approved under OMB control number 0910–0789.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/FoodGuidances* or *https://www.regulations.gov.* Use the FDA website listed in the previous sentence to find the most current version of the guidance.

IV. References

The following references are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. FDA 2016: Qualified Facility Attestation Using Form FDA 3942a (for Human Food) or Form FDA 3942b (for Animal Food): Instructions for Submitting Your Attestation. Accessible at: *https://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/default.htm.*
2. FDA 2017: Form FDA 3942a. Accessible at: *https://www.fda.gov/AboutFDA/ReportsManualsForms/Forms/ListFormsAlphabetically/default.htm.*
3. FDA 2017: Form FDA 3942b. Accessible at: *https://www.fda.gov/AboutFDA/ReportsManualsForms/Forms/ListFormsAlphabetically/default.htm.*

Dated: September 11, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–20109 Filed 9–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0761]

Drawbridge Operation Regulation; James River, Isle of Wight and Newport News, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the US 17/US 258/SR 32/James River Bridge, which carries US 17, US 258, and SR 32, across the James River, mile 5.0, between Isle of Wight and Newport News, VA. The deviation is necessary to facilitate bridge maintenance. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: The deviation is effective from 7 a.m. on September 26, 2018, through 12:01 a.m. on September 28, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0761 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

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

SUPPLEMENTARY INFORMATION: The Virginia Department of Transportation, owner and operator of the U.S. 17/U.S. 258/SR 32/James River Bridge which carries U.S. 17, U.S. 258, SR 32, across the James River, mile 5.0, between Isle of Wight and Newport News, VA, has requested a temporary deviation from the current operating schedule to facilitate replacement of a rotary cam limit switch in the span drive system of the vertical lift span of the drawbridge. The bridge has a vertical clearance of 60 feet above mean high water in the closed position and 145 feet above mean high water in the open position.

The current operating schedule is set out in 33 CFR 117.5. Under this temporary deviation, the bridge will be in the closed-to-navigation position from 7 a.m. on September 26, 2018, through 12:01 a.m. on September 28, 2018.

The James River is used by a variety of vessels including deep draft ocean-going vessels, U.S. government and public vessels, small commercial vessels, tug and barge traffic, and recreational vessels. The Coast Guard has carefully coordinated the restrictions with waterway users in publishing this temporary deviation.

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

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

Dated: September 11, 2018.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2018–20067 Filed 9–14–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0542; FRL–9983–75—Region 4]

Air Plan Approval; Tennessee: Knox County NSR Reform

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of several Tennessee State Implementation Plan (SIP) revisions submitted by the Tennessee Department of Environment & Conservation (TDEC), on behalf of Knox County's Air Quality Management Division, through letters dated March 7, 2017, and April 17, 2017. The SIP revisions modify the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) regulations in the Knox County portion of the Tennessee SIP to address changes to the federal new source review (NSR) regulations in recent years for the implementation of the national ambient air quality standards (NAAQS). Additionally, the SIP revisions include updates to Knox County's minor source permitting regulations. This action is being approved pursuant to the Clean Air Act (CAA or Act).

DATES: This rule will be effective October 17, 2018.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2017–0542. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information 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 electronically through *www.regulations.gov* or in hard copy at the 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. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Andres Febres of the 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) 562–8966. Mr. Febres can also be reached via electronic mail at *febres-martinez.andres@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is EPA taking?

EPA is finalizing approval of changes to the Knox County portion of the Tennessee SIP regarding PSD and NNSR permitting, as well as updates to minor NSR, submitted by TDEC on behalf of Knox County's Air Quality Management Division.

On March 7, 2017, Tennessee submitted two SIP revisions updating Knox County's Air Quality Management Regulations, Section 41.0 entitled ''Regulations for the Review of New Sources,'' and Section 45.0 entitled ''Prevention of Significant Deterioration.'' [1] On April 17, 2017, Tennessee submitted two additional SIP revisions, including additional changes to Section 41, and updates to Section 25.0 entitled ''Permits.'' [2] These SIP revisions are meant to address changes to the federal NSR regulations, as

[1] EPA notes that the Agency may not have received the submittal on this date, which is the date of the State submittal's cover letter.

[2] EPA notes that the Agency may not have received the submittal on this date, which is the date of the State submittal's cover letter.

promulgated by EPA in various rules. EPA is finalizing approval of the aforementioned SIP submittals in their entirety. Additional detail on these submittals, as well as the analysis of the changes and our rationale for approving them is presented in EPA's June 20, 2018, proposed rulemaking. *See* 83 FR 28568.

II. Background

Tennessee's March 7, 2017, SIP revisions make changes to Knox County's Air Quality Regulations, Section 41.0—''Regulations for the Review of New Sources'' and Section 45.0—''Prevention of Significant Deterioration'' to address changes to the federal NSR regulations, as promulgated by EPA in the 2002 NSR Reform Rules, and subsequent changes in other relevant rulemakings.

As part of the changes to Section 41 and Section 45, Knox County adopted all the necessary provisions of the federal NNSR rules (found in 40 CFR 51.165) and the federal PSD rules (found in 40 CFR 51.166) to make them consistent with, and in some cases more stringent than, the federal rules. These changes included the adoption of several definitions in the federal PSD and NNSR rules, such as the definition of ''regulated NSR pollutant,'' as well as provisions regarding major NSR applicability procedures, actual-to-projected-actual applicability tests, plantwide applicability limits (PALs), and recordkeeping. Additionally, in the changes included in the March 7, 2017, SIP submittal, Knox County adopted the provisions of EPA's Ozone Phase 2 Rule.

The April 17, 2017, SIP revision included two changes to the Knox County portion of the Tennessee SIP, one making additional changes to Section 41, and another updating Section 25.0—''Permits.'' The revisions to Section 41 include additional changes to address several updates to the federal PSD rules regarding the $PM_{2.5}$ NAAQS. As part of the revisions to Section 25, Knox County amends subsections 25.1—''Construction Permit,'' and 25.3—''Operating Permit,'' to included changes to its NSR construction and operating permit regulations, as well as its minor NSR program.

As mentioned above, EPA published a notice of proposed rulemaking on June 20, 2018 (83 FR 28568), proposing to approve the changes from Tennessee's March 7, 2017, and April 17, 2017, SIP revisions. The proposed rulemaking contains more detailed information regarding the Tennessee SIP revisions being approved and explains the rationale for this action. Comments on the proposed rulemaking were due on or before July 20, 2018. EPA received no relevant comments.

III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Knox County's Air Quality Management Regulations, Section 25.1—''Construction Permit,'' which is state effective January 18, 2017; Section 25.3—''Operating Permits,'' which is state effective January 18, 2017; [3] Section 41.0—''Regulations for the Review of New Sources,'' which is state effective January 18, 2017; and Section 45.0—''Prevention of Significant Deterioration,'' which is state effective July 20, 2016. These revisions amend Knox County's NSR rules to address several changes to the federal NSR regulations, as promulgated by EPA in the 2002 NSR Reform Rules and subsequent actions. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[4]

IV. Final Action

EPA is finalizing approval of the revisions presented in Tennessee's March 7, 2017, and April 17, 2017, SIP submittals consisting of changes to Knox County's Air Quality Management Regulations, Section 41.0 entitled ''Regulations for the Review of New Sources,'' Section 45.0 entitled ''Prevention of Significant Deterioration,'' and Section 25.0 entitled ''Permits.''

V. Statutory and Executive Order Reviews

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

- Are 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);
- Are not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Do 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

[3] EPA is also reformatting the identification of the SIP-approved portions of Section 25.0—''Permits'' in 40 CFR 52.2220(c) for ease of reference.

[4] *See* 62 FR 27968 (May 22, 1997).

direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 16, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: September 4, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart RR—Tennessee

■ 2. Section 52.2220(c) is amended in Table 3 by:

■ a. Removing the entry for ''25.0;''

■ b. Adding the heading ''Section 25.0—Permits'' and entries for ''25.1,'' ''25.3,'' and ''25.2; 25.4; 25.5; 25.6; 25.7; 25. 10; 25.11'' in numerical order; and

■ c. Revising the entries for ''41.0'' and ''45.0''.

The additions and revisions read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

* * * * *

TABLE 3—EPA APPROVED KNOX COUNTY, REGULATIONS

State section	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Section 25.0—Permits				
25.1	Construction Permit	1/18/2017	9/17/2018, [Insert citation of publication].	
25.3	Operating Permit	1/18/2017	9/17/2018, [Insert citation of publication].	
25.2; 25.4; 25.5; 25.6; 25.7; 25.10; 25.11.	Application for Permit; Compliance Schedule; Reporting of Information; Exemptions; Payment of Fees; Permit by Rule; Limiting a Source's Potential to Emit of VOC by Recordkeeping.	3/12/2014	4/22/2016, 81 FR 23640.	
*	*	*	*	*
41.0	Regulation for the Review of New Sources	1/18/2017	9/17/2018, [Insert citation of publication].	
45.0	Prevention of Significant Deterioration	7/20/2016	9/17/2018, [Insert citation of publication].	
*	*	*	*	*

* * * * *

[FR Doc. 2018–20041 Filed 9–14–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2018–0008; FRL–9982–61—Region 5]

Air Plan Approval; Wisconsin; Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a January 4, 2018, request by the Wisconsin Department of Natural Resources (Wisconsin) to revise its state implementation plan (SIP) for fine particulate matter ($PM_{2.5}$). Wisconsin updated its ambient air quality standards for $PM_{2.5}$ to be consistent with EPA's 2012 revision to the $PM_{2.5}$ national ambient air quality standards (NAAQS). Wisconsin also revised its incorporation by reference rule to update references to the EPA monitoring methods.

DATES: This final rule is effective on October 17, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2018–0008. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Matt Rau, Environmental Engineer, at (312) 886–6524 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6524, *rau.matthew@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 15, 2013, EPA revised the primary (protective of human health) annual $PM_{2.5}$ NAAQS to a level of 12.0 micrograms per cubic meter ($\mu g/m^3$). 40 CFR 50.18. EPA also retained the annual $PM_{2.5}$ secondary (protective of public welfare) NAAQS set at a level of 15.0 $\mu g/m^3$, along with the 24-hour primary and secondary NAAQS for $PM_{2.5}$ at a level of 35 $\mu g/m^3$. 40 CFR 50.13.

Wisconsin revised its ambient air quality rules in chapter NR 404 such that its $PM_{2.5}$ standards are consistent with EPA's revision. Wisconsin modified NR 404.04(9) by splitting the $PM_{2.5}$ standards into separate sections for the primary and secondary standards. Wisconsin added NR 404.04(9)(am) for the primary $PM_{2.5}$ standard and NR 404.04(9)(bm) for the secondary $PM_{2.5}$ standard. In NR 404.04(9)(am), the primary annual $PM_{2.5}$ standard was revised from 15.0 to 12.0 $\mu g/m^3$ with the 24-hour primary $PM_{2.5}$ standard remaining at 35 $\mu g/m^3$. Wisconsin retained the current secondary standard, 15.0 $\mu g/m^3$ annual and 35 $\mu g/m^3$ 24-hour, in the new NR 404.04(9)(bm).

Wisconsin also included monitoring method requirements in both NR 404.04(9)(am) and (bm). The ambient $PM_{2.5}$ is to be measured by the methods of 40 CFR part 50, appendices L and N, for both standards. 40 CFR part 50, appendix L, is the Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere, while 40 CFR part 50, appendix N, is the Interpretation of the NAAQS for $PM_{2.5}$.

Wisconsin also revised its incorporation by reference rules in chapter NR 484. Wisconsin altered NR 484.04(6g) and NR 484.04(6r). The State amended NR 484.04(6g) by incorporating by reference 40 CFR part 50, appendix L, Reference Method for the Determination of Particulate Matter as $PM_{2.5}$ in the Atmosphere, into NR 404.04(9). The State amended NR 484.04(6r) by incorporating by reference 40 CFR part 50, appendix N, Interpretation of the NAAQS for $PM_{2.5}$, into NR 404.04(9).

II. Public Comment

A comment period was provided in the May 25, 2018, proposed rule (83 FR 24257). The comment period closed on June 25, 2018. One anonymous comment was received that is irrelevant to the scope of this rulemaking and therefore, need not be addressed.

III. What action is EPA taking?

EPA is approving revisions to NR 404.04(9), NR 484.04(6g), and NR 484.04(6r), as submitted on January 4, 2018. The revisions to the ambient air quality standards and the incorporation by reference rules make Wisconsin's standards consistent with 2012 $PM_{2.5}$ NAAQS.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Wisconsin Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov,* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air 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 Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

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

Under section 307(b)(1) of the 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 November 16, 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* Clean Air Act section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: August 8, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart YY—Wisconsin

■ 2. Section 52.2570 is amended by revising paragraphs (c)(121) introductory text and (c)(121)(i)(B), adding paragraph (c)(121)(i)(C), revising paragraph (c)(121)(ii)(B), and adding paragraph (c)(121)(ii)(C) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(121) On September 11, 2009, the Wisconsin Department of Natural Resources (WDNR) submitted a State Implementation Plan (SIP) revision request. The State's ambient air quality standards were revised by adding fine particulate matter, $PM_{2.5}$, standards and revising the coarse particulate matter, PM_{10}, standards. Wisconsin added annual and 24-hour $PM_{2.5}$ standards. It also revoked the annual PM_{10} ambient air quality standard while retaining the 24-hour PM_{10} standard. On January 4, 2018, the WDNR submitted a SIP revision request updating its ambient air quality standards for fine particulate matter to be consistent with EPA's 2012 revisions to the fine particulate matter national ambient air quality standards. Wisconsin also revised its incorporation by reference rule to update references to the EPA monitoring methods.

(i) * * *

(B) NR 404.04 Ambient Air Quality Standards. NR 404.04(8) ''PM_{10}: PRIMARY AND SECONDARY STANDARDS.'' as published in the Wisconsin Administrative Register, September 2009, No. 645, effective October 1, 2009.

(C) NR 404.04 Ambient Air Quality Standards. NR 404.04(9) ''$PM_{2.5}$.'' as published in the Wisconsin Administrative Register, December 2017, No. 744, effective January 1, 2018.

(ii) * * *

(B) NR 484.04 Code of federal regulations appendices. NR 484.04(6) in Table 2, as published in the Wisconsin Administrative Register, September 2009, No. 645, effective October 1, 2009.

(C) NR 484.04 Code of federal regulations appendices. NR 484.04(6g) and NR 484.04(6r) in Table 2, as published in the Wisconsin Administrative Register, December 2017, No. 744, effective January 1, 2018.

* * * * *

[FR Doc. 2018–20038 Filed 9–14–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 228

[Docket No. FRA–2012–0101]

RIN 2130–AC41

Hours of Service Recordkeeping; Automated Recordkeeping; Correction

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Correcting amendment.

SUMMARY: On August 29, 2018, FRA published a final rule to reduce the paperwork burden associated with compliance with Federal hours of service laws and regulations. In preparing that final rule for publication, a technical error was made as described in the Supplementary Information. FRA is correcting this minor error so that the final rule clearly conforms to FRA's intent.

DATES: Effective on September 17, 2018.

FOR FURTHER INFORMATION CONTACT: Emily T. Prince, Attorney-Adviser, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202–493–6146), *emily.prince@dot.gov.*

SUPPLEMENTARY INFORMATION: In the final rule, FRA failed to include an instruction amending 49 CFR 228.201 to include new paragraph (c). *See* 83 FR 43988. Paragraph (c) was discussed in the section-by-section analysis and properly published as new rule text, but was not properly included in an amendatory instruction. This correction remedies that oversight to ensure that the codified text of the section matches the text FRA intended.

List of Subjects in 49 CFR Part 228

Administrative practice and procedures, Buildings and facilities, Hazardous materials transportation, Noise control, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

The Rule

For the reasons discussed in the preamble, FRA amends part 228 of chapter II, subtitle B of title 49, Code of Federal Regulations, as follows:

PART 228—PASSENGER TRAIN EMPLOYEE HOURS OF SERVICE; RECORDKEEPING AND REPORTING; SLEEPING QUARTERS

■ 1. The authority citation for part 228 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21101–21109; Sec. 108, Div. A, Pub. L. 110–432, 122 Stat. 4860–4866, 4893–4894; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461, note; 49 U.S.C. 103; and 49 CFR 1.89.

■ 2. In § 228.201, add new paragraph (c) to read as follows:

§ 228.201 Electronic recordkeeping system and automated recordkeeping system; general.

* * * * *

(c) If a railroad, or a contractor or subcontractor to the railroad, is no longer eligible to use an automated recordkeeping system to record data subpart B of this part requires, the entity must begin keeping manual or electronic records and must retain its automated records as required under § 228.9(c) unless the entity requests, and FRA grants, a waiver under § 211.41 of this chapter.

Juan D. Reyes III,

Chief Counsel, Federal Railroad Administration.

[FR Doc. 2018–20150 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–06–P

Proposed Rules

Federal Register
Vol. 83, No. 180
Monday, September 17, 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 Parts 430 and 431

Energy Conservation Program: Request for Information on the Emerging Smart Technology Appliance and Equipment Market

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

ACTION: Request for information (RFI).

SUMMARY: The U.S. Department of Energy (DOE) is initiating a data and information collection process through this request for information to better understand market trends and issues in the emerging market for appliances and commercial equipment that incorporate smart technology. DOE aims to gain greater perspective on the direction of the emerging smart technology market, including any energy efficiency trends or issues with respect to appliances or equipment incorporating smart technologies. DOE understands the significant investments in innovation being made with respect to such products. DOE's intent in issuing this RFI is to gather information to ensure that DOE does not inadvertently impede such innovation in fulfilling its statutory responsibilities in setting efficiency standards for covered products and equipment. DOE welcomes written comments from the public on any subject within the scope of this document, including topics not directly outlined in this RFI. DOE also welcomes comments on any additional topics that may inform DOE's overall understanding of relevant smart technology issues, including any suggestions for reducing or avoiding regulatory burdens within this context.

DATES: Written comments and information are requested and will be accepted on or before November 16, 2018.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by ''*Smart Products RFI*'', by any of the following methods:

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

2. *Email:* to *SmartProductsRFI@HQ.doe.gov.* Include ''*Smart Products RFI*'' in the subject line of the message.

3. *Postal Mail:* U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Room 6A–013, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–6803. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Room 6A–013, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–6803. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *http://www.regulations.gov.* The docket web page will contain simple instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Tiedeman, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–6111. Email: *Jennifer.Tiedeman@Hq.Doe.Gov.*

For further information on how to submit a comment or review other public comments and the docket, contact Energy Efficiency and Renewable Energy staff at (202) 586–6803 or by email: *SmartProductsRFI@HQ.doe.gov.*

SUPPLEMENTARY INFORMATION:

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I. Authority and Background

The Energy Policy and Conservation Act of 1975 (''EPCA'' or ''the Act''),[1] Public Law 94–163 (42 U.S.C. 6291–6317, as codified), among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and industrial equipment. Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency. Title III, Part C of EPCA established the Energy Conservation Program for Certain Industrial Equipment.

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of the Act include definitions (42 U.S.C. 6291; 42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6295; 42 U.S.C. 6317), test procedures (42 U.S.C. 6293; 42 U.S.C. 6314), labeling provisions (42 U.S.C. 6294; 42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6296; 42 U.S.C. 6316).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297; 42 U.S.C. 6316) DOE may, however,

[1] All references to EPCA in this document refer to the statute as amended through the EPS Improvement Act of 2017, Public Law 115–115 (January 12, 2018).

[2] For editorial reasons, upon codification in the U.S. Code, part B was redesignated part A.

grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6297(d); 42 U.S.C. 6316(b)).

DOE recognizes that many manufacturers are now developing ''connected'' appliances, allowing for options such as remote control access, automatic supply replenishment, and intelligent energy consumption, as consumers increasingly demand such features. In addition to Wi-Fi connection capabilities, some manufacturers are incorporating, among other things, full-color touchscreens in various appliance models, allowing for potentially unique applications such as video and internet downloading. DOE appreciates the importance of many of these consumer-driven technological developments, while remaining cautious of energy saving design options that may compromise public safety due to associated cyber security risks. DOE is interested in better understanding the state of the market for smart products and equipment, the impact of any such smart features on the energy consumption of these models, and potential privacy and security risks these features may present. Information received will assist DOE in understanding such innovation so as to avoid inhibiting it through its standards and test procedure development processes.

II. Request for Information

DOE has identified a variety of issues on which it seeks input to aid in its understanding of the rapidly developing market for smart appliances and equipment. Specifically, DOE is requesting comment on the direction of the market for these smart models, including any relevant trends; factors driving the market, including consumer demand; any relevant market metrics; specific technologies either currently on the market or under development (if the information provided is considered proprietary, it should be clearly marked as such and submitted as specified in Section III of this document); the cyber security risks associated with these technologies; the impact, if any, of smart features on the energy efficiency or energy use of appliance or equipment models; whether, and if so, how, the energy use related to the network connectivity of such products and equipment should be measured for purposes of standards development, particularly with respect to products and equipment for which energy conservation standards have already been established under EPCA, and any concerns that manufacturers may have with respect to smart appliances or equipment within the context of DOE's regulatory program.

Additionally, DOE welcomes comments on other issues relevant to this market that may not specifically be identified in this document. In particular, DOE notes that under Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' Executive Branch agencies such as DOE are directed to manage the costs associated with the imposition of expenditures required to comply with Federal regulations. *See* 82 FR 9339 (February 3, 2017). Pursuant to that Executive Order, DOE encourages the public to provide input on measures DOE could take to lower the cost of its regulations applicable to appliances or equipment with smart features.

III. Submission of Comments

DOE invites all interested parties to submit in writing, by the date listed in the **DATES** section of this document, comments and information on matters addressed in this document and on other matters relevant to DOE's consideration of the market for ''smart'' appliances and equipment. These comments and information will aid in DOE's better understanding of issues surrounding this developing market space with respect to those models within the Department's regulatory purview.

Submitting comments via *http://www.regulations.gov.* The *http://www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names

compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: one copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) a description of the items, (2) whether and why such items are customarily treated as confidential within the industry, (3) whether the information is generally known by or available from other sources, (4) whether the information has previously been made available to others without obligation concerning its confidentiality, (5) an explanation of the competitive injury to the submitting person which would result from public disclosure, (6) when such information might lose its confidential character due to the passage of time, and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing a greater understanding of the emerging ''smart'' technology sector. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Energy Efficiency and Renewable Energy staff at (202) 586–6803 or via email at *SmartProductsRFI@HQ.doe.gov.*

Signed in Washington, DC, on September 7, 2018.

Cathy Tripodi,

Acting Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2018–20131 Filed 9–14–18; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL ELECTION COMMISSION

11 CFR Part 113

[Notice 2018–14]

Rulemaking Petition: Personal Use of Leadership PAC Funds

AGENCY: Federal Election Commission.

ACTION: Rulemaking petition: Notification of availability.

SUMMARY: On July 24, 2018, the Federal Election Commission received a Petition for Rulemaking, which asks the Commission to revise and amend the existing regulation concerning the personal use of campaign funds, to specify that that regulation applies to leadership PAC funds. The Commission seeks comments on the petition.

DATES: Comments must be submitted on or before November 16, 2018.

ADDRESSES: All comments must be in writing. Commenters are encouraged to submit comments electronically via the Commission's website at *http://sers.fec.gov/fosers/rulemaking.htm?pid=2933211,* reference REG 2018–02. Alternatively, commenters may submit comments in paper form, addressed to the Federal Election Commission, Attn.: Mr. Robert M. Knop, Assistant General Counsel, 1050 First Street NE, Washington, DC 20463.

Each commenter must provide, at a minimum, his or her first name, last name, city, and state. All properly submitted comments, including attachments, will become part of the public record, and the Commission will make comments available for public viewing on the Commission's website and in the Commission's Public Records Office. Accordingly, commenters should not provide in their comments any information that they do not wish to make public, such as a home street address, personal email address, date of birth, phone number, social security number, or driver's license number, or any information that is restricted from disclosure, such as trade secrets or commercial or financial information that is privileged or confidential.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Knop, Assistant General Counsel, or Mr. Joseph P. Wenzinger, Attorney, Office of General Counsel, 1050 First Street NE, Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On July 24, 2018, the Commission received a Petition for Rulemaking from Campaign Legal Center, Issue One, and five former United States Representatives, asking the Commission to revise and amend 11 CFR 113.1(g)—which regulates the personal use of campaign funds—to specify that that regulation applies to leadership PAC funds.

The Federal Election Campaign Act, 52 U.S.C. 30101–45 (the ''Act''), identifies six categories of permissible uses of contributions accepted by a federal candidate, and any other donations received by an individual as support for activities of the individual as a federal officeholder. 52 U.S.C. 30114(a). These permissible uses include ''any . . . lawful purpose'' that does not convert campaign funds to ''personal use.'' 52 U.S.C. 30114(a)(6), (b)(1). Commission regulations define ''personal use'' as ''any use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate's campaign or duties as a Federal officeholder.'' 11 CFR 113.1(g); *see also* 52 U.S.C. 30114(b)(2).

As defined by the Act and Commission regulations, leadership PACs are political committees directly or indirectly established, financed, maintained, or controlled by federal candidates or officeholders that are neither authorized committees of a federal candidate or officeholder nor affiliated with an authorized committee of a federal candidate or officeholder. *See* 52 U.S.C. 30104(i)(8)(B); 11 CFR 100.5(e)(6). The term ''leadership PAC'' does not include a political committee of a political party. 52 U.S.C. 30104(i)(8)(B); 11 CFR 100.5(e)(6).

The petition asks the Commission to open a rulemaking to ''clarify that the statutory prohibition'' on personal use of campaign funds applies to leadership PACs. The statutory prohibition applies, the petition argues, because a contribution to a leadership PAC qualifies under 52 U.S.C. 30114(a) as both a ''contribution accepted by a candidate,'' and a ''donation received by an individual as support for activities of the individual as a holder of Federal office.'' The petition suggests that the Commission revise 11 CFR 113.1(g) to include leadership PACs.

The Commission seeks comments on the petition. The public may inspect the petition on the Commission's website at *http://sers.fec.gov/fosers/*

showpdf.htm?docid=399206, or in the Commission's Public Records Office, 1050 First Street NE, 12th Floor, Washington, DC 20463, Monday through Friday, from 9 a.m. to 5 p.m.

The Commission will not consider the petition's merits until after the comment period closes. If the Commission decides that the petition has merit, it may begin a rulemaking proceeding. The Commission will announce any action that it takes in the **Federal Register**.

On behalf of the Commission,

Dated: September 7, 2018.

Caroline C. Hunter,

Chair, Federal Election Commission.

[FR Doc. 2018–20095 Filed 9–14–18; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1248

RIN 2590–AA94

Uniform Mortgage-Backed Security

AGENCY: Federal Housing Finance Agency.

ACTION: Proposed rule.

SUMMARY: The Federal Housing Finance Agency (FHFA or Agency) is providing notice and inviting comment on a proposed rule to improve the liquidity of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) (the Enterprises) To-Be-Announced (TBA) eligible mortgage-backed securities (MBS) by requiring the Enterprises to maintain policies that promote aligned investor cash flows both on current TBA-eligible MBS, and, upon its implementation, on the Uniform Mortgage-Backed Security (UMBS)—a common, fungible MBS that will be eligible for trading in the TBA market for fixed-rate mortgage loans backed by 1–4 unit (single-family) properties.

DATES: Written comments must be received on or before November 16, 2018.

ADDRESSES: You may submit your written comments on this proposed rule, identified by regulatory information number: RIN 2590–AA94 by any of the following methods:

- *Agency website: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the Federal eRulemaking Portal, please also send it by email to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by FHFA. Please include ''RIN 2590–AA94'' in the subject line of the message.
- *Hand Delivery/Courier:* The hand delivery address is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA94, Federal Housing Finance Agency, Constitution Center (OGC Eighth Floor), 400 7th St. SW, Washington, DC 20219. Deliver the package to the Seventh Street entrance Guard Desk, First Floor, on business days between 9:00 a.m. and 5:00 p.m.
- *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:* The mailing address for comments is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA94, Federal Housing Finance Agency, Constitution Center (OGC Eighth Floor), 400 7th St. SW, Washington, DC 20219. Please note that all mail sent to FHFA via U.S. Mail is routed through a national irradiation facility, a process that may delay delivery by approximately two weeks. For any time-sensitive correspondence, please plan accordingly.

FOR FURTHER INFORMATION CONTACT: Robert Fishman, Senior Associate Director, Division of Conservatorship, (202) 649–3527, *Robert.Fishman@fhfa.gov,* or James P. Jordan, Associate General Counsel, Office of General Counsel, (202) 649–3060, *James.Jordan@fhfa.gov*. These are not toll-free numbers. The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Comments

FHFA invites comments on all aspects of the proposed rule and will consider all comments before issuing a final rule. FHFA will post for public inspection all comments received by the deadline without change, including any personal information you provide, such as your name, address, email address, and telephone number on the FHFA website at *http://www.fhfa.gov*. In addition, copies of all comments received will be available for examination by the public through the electronic rulemaking docket for this proposed rule also located on the FHFA website.

II. Background

On October 4, 2012, FHFA published and requested public input on a white paper entitled *Building a New Infrastructure for the Secondary Mortgage Market.*[1] The white paper proposed a new securitization platform (the ''Common Securitization Platform'' or ''CSP''). The goal of the proposal was to improve housing finance while not limiting market choices or innovation. The proposal identified principles critical to the success of an efficient secondary mortgage market—including promoting liquidity, attracting private capital, benefiting borrowers, and operating flexibly and efficiently. FHFA's proposal involved the standardization of functions that are common across the industry, such as the issuance and settlement of mortgage-backed securities (MBS) and their monthly bond administration.

In response to the white paper, FHFA received input from a broad cross-section of stakeholders in the securitization process. Generally, the respondents supported the technological aspects and the proposed functions of the CSP. In October 2013, Fannie Mae and Freddie Mac formally established a joint venture to develop the CSP, using as a legal vehicle a limited liability company—Common Securitization Solutions, LLC (CSS).

On May 13, 2014, FHFA published its *2014 Strategic Plan for the Conservatorships of Fannie Mae and Freddie Mac* (*2014 Strategic Plan*). The *2014 Strategic Plan Scorecard* [2] set a goal that the Enterprises, through CSS, develop a single, common Enterprise MBS as part of the broader CSP build. FHFA had determined that a single, common Enterprise MBS would promote liquidity and improve the distribution of investment capital. FHFA concluded that by making Freddie Mac MBS fungible with Fannie Mae MBS, both the Fannie Mae and Freddie Mac MBS markets would become more and equally liquid. Reports indicated that Freddie Mac was spending as much as $400 million dollars per annum in market adjusted pricing (MAP) [3] and that Freddie Mac's MAP costs were attributable to its MBS being less liquid than Fannie Mae MBS.[4] Those amounts have

[1] *https://www.fhfa.gov/PolicyProgramsResearch/Research/PaperDocuments/FHFA_Securitization_White_Paper_N508L.pdf* (last accessed 08/17/2018).

[2] Post-conservatorship, FHFA began publishing *Scorecards,* which provide the implementation roadmap for the *Strategic Plan for the Conservatorships of Fannie Mae and Freddie Mac.* The *Scorecards* include specific objectives and timetables for the Enterprises in support of the Strategic Plan.

[3] MAP is a cash payment or discount in the contractual ongoing guarantee fee based on spreads between Fannie Mae and Freddie Mac MBS.

[4] *See e.g.,* Laurie Goodman, Lewis Ranieri, *Charting a Course to a Single Security* (September

Continued

subsequently declined, but could rise again depending on market conditions. Successful adoption of UMBS would eliminate Freddie Mac's MAP cost and facilitate more competitive pricing, which could then flow through to mortgage borrowers.

On August 12, 2014, FHFA published a request for input (*2014 RFI*) [5] on the Single Security (now known as the ''Uniform Mortgage-Backed Security'' or ''UMBS'') and invited feedback on all aspects of the proposed UMBS structure and, in particular, requested input on the following questions: 1. What key factors regarding TBA eligibility [6] status should be considered in the design of and transition to a Single Security? 2. What issues should be considered in seeking to ensure broad market liquidity for the legacy securities? 3. What operational, system, policy (*e.g.,* investment guideline), or other effects on the industry should be considered? 4. What can be done to ensure a smooth implementation of a Single Security with minimal risk of market disruption?

On October 7, 2014, under the auspices of FHFA, the Enterprises began engaging in joint discussions to define the parameters of a potential UMBS, including security features and disclosure requirements.

On May 15, 2015, FHFA issued *An Update on the Structure of the Single Security* (*May 2015 Update*),[7] which reported that respondents to the *2014 RFI* were generally supportive of the UMBS. In answer to the *2014 RFI* questions outlined above, respondents identified, as key elements to UMBS success, general alignment on Enterprise policy and practices affecting prepayment speeds, implementation steps, and the fungibility of legacy securities and UMBS. Some respondents expressed concerns about the prospects for fungibility of legacy securities and UMBS, a potential decrease in the quality of cheapest-to-deliver collateral, the potential for an increase in stipulated trades that could detract from liquidity in the TBA market, and the costs of implementation.[8]

After observation of the joint discussions between the Enterprises, careful review of the 24 letters in response to the *2014 RFI*,[9] and consideration of the respondents' recommended changes, FHFA as conservator determined that: (1) Each Enterprise would issue and guarantee first-level UMBS backed by mortgage loans that the Enterprise has acquired. The Enterprises would not cross-guarantee each other's first-level UMBS; (2) The key features of the new UMBS would be the same as those of the current Fannie Mae MBS, including a payment delay of 55 days; (3) UMBS would finance fixed-rate mortgage loans now eligible for financing through the TBA market; (4) Mortgage sellers would continue to be able to contribute mortgage loans to multiple-lender pools; (5) Each Enterprise would be able to issue second-level re-securitizations or ''Supers'' backed by UMBS or other Supers issued by either Enterprise.[10] In order for a legacy Freddie Mac Mortgage Participation Certificate (PC) to be re-securitized, the investor would have to first exchange the PC for a UMBS issued by Freddie Mac, so that the payment date of all of the securities in the collateral pool backing the re-securitization would be the same (see (8) below); (6) The loan- and security-level disclosures for UMBS would closely resemble those of Freddie Mac PCs; (7) Existing Enterprise policies and practices related to the removal of mortgage loans from securities (buyouts), which already were aligned substantially, would be generally similar and more closely aligned for purposes of the UMBS. FHFA and the Enterprises would carefully assess the potential effect on prepayment speeds of any potential changes in Enterprise programs, policies, and practices developed or considered. Maintaining the existing high degree of similarity between the prepayment speeds of the Enterprises' securities would be an important objective for FHFA; and (8) Freddie Mac would offer investors the option to exchange legacy PCs for UMBS backed by the same mortgage loans and would compensate investors with a one-time payment for the estimated cost of the change in the payment delay.

The *May 2015 Update* solicited public input on FHFA's determinations. While respondents were generally supportive of FHFA's determinations, they requested further clarification on the following items: (1) How alignment in key Enterprise policies and practices would be ensured going forward; (2) how Freddie Mac would determine the one-time payment amount associated with the change in the security payment delay from 45 days to 55 days; (3) the timing of implementation of the initiative; and, (4) how certain market risks would be addressed.[11] The proposed rule and subsequent FHFA Updates as discussed below address these items.

In July 2015, Fannie Mae, Freddie Mac, and CSS assembled a Single Security/CSP Industry Advisory Group (IAG) to provide feedback and share information with CSS and the Enterprises related to the UMBS and the development of the CSP. The group's members included representatives from the American Bankers Association, Center for Responsible Lending, Financial Services Roundtable, Fixed Income Clearing Corporation, Independent Community Bankers of America, Mortgage Bankers Association, Securities Industry and Financial Markets Association, and the Structured Finance Industry Group. Fannie Mae and Freddie Mac also initiated UMBS and CSP web pages that provide regular progress updates and allow visitors to register to submit questions.

On July 7, 2016, FHFA published *An Update on Implementation of the Single Security and the Common Securitization Platform* (*July 2016 Update*).[12] That update noted that in

3, 2014) (*https://www.urban.org/sites/default/files/publication/22916/413218-Charting-the-Course-to-a-Single-Security.PDF*).

[5] *https://www.fhfa.gov/PolicyProgramsResearch/Policy/Documents/RFI-Single-Security-FINAL-8-11-2014.pdf* (last accessed 08/17/2018).

[6] To-be-announced (TBA) eligible MBS are MBS that meet certain market criteria for fungibility, *e.g.,* they have the same maturity, coupon, face value, price, and settlement date. The specific MBS delivered to fulfill a to-be-announced trade is not designated at the time the trade is made. Rather the seller promises to deliver, on an agreed upon date, an MBS that conforms to the agreed upon criteria. Typically, the specific MBS delivered to complete the trade are announced 48 hours prior to the settlement date. The ability to forward trade the TBA-eligible MBS allows lenders to offer mortgage borrowers ''rate locks,'' *i.e.,* contract with borrowers to supply mortgage loans at a given rate, provided that the borrower settles the mortgage loan within a specified time period.

[7] *https://www.fhfa.gov/AboutUs/Reports/ReportDocuments/Single%20Security%20Update%20final.pdf* (last accessed 08/17/2018).

[8] The *May 2015 Update* provides a detailed analysis of the input received and the bases for FHFA's acceptance or rejection of recommendations beginning on p. 5. *https://www.fhfa.gov/AboutUs/Reports/ReportDocuments/Single%20Security%20Update%20final.pdf* (last accessed 08/17/2018).

[9] *https://www.fhfa.gov/AboutUs/Contact/Pages/input-submissions.aspx.* (select Single Security in pull down menu) (last accessed 08/17/2018).

[10] Hereinafter, unless otherwise noted, any reference to ''UMBS'' includes Supers.

[11] *https://www.fhfa.gov/AboutUs/Contact/Pages/input-submissions.aspx* (select Single Security Structure Update 2015 in pull down menu) (last accessed 08/17/2018). An August 21, 2015 letter from the Securities Industry and Financial Markets Association (SIFMA) suggested or requested clarity on the following: (1) Alignment of Enterprise policies, practices, prepayment speeds, and the role of FHFA in ensuring such alignment, including recommendations on specific areas for alignment; (2) a formal review and comment process for Enterprise policy and practice changes and performance monitoring by FHFA; and (3) implementation milestones and timeline. *https://www.sifma.org/wp-content/uploads/2017/05/sifma-submits-comment-to-the-fhfa-on-the-structure-of-the-single-security-update.pdf* (last accessed 08/17/2018).

[12] *https://www.fhfa.gov/AboutUs/Reports/ReportDocuments/Implementation-of-the-SS-and-the-CSP_772016.pdf* (last accessed 08/17/2018).

response to industry concerns about the potential for differences in Fannie Mae and Freddie Mac's policies to affect prepayment speeds, *FHFA's 2016 FHFA Conservatorship Scorecard* [13] established the following goals for the Enterprises: (1) Assess new or revised Enterprise programs, policies, and practices for their effect on the cash flows of MBS eligible for financing through the TBA market, *e.g.,* prepayments and the removal of delinquent mortgage loans from securities in exchange for payment of the remaining principal amount to the investor (repurchases or buy-outs); (2) Provide ongoing monitoring of loan acquisitions, security issuances, and prepayments; and (3) Provide all relevant information on a timely basis to support FHFA reviews.

On September 6, 2017, Fannie Mae and Freddie Mac published the *Single Security Initiative Market Adoption Playbook* (*Playbook*).[14] The *Playbook* provided an explanation of changes to the Enterprises' security programs associated with the Single Security Initiative. The *Playbook* provided detailed information about how the transition to UMBS and Supers would affect the day-to-day operations of key market segments. The *Playbook* also identified possible actions market participants should consider taking to ensure a smooth transition to TBA trading in the new securities and served as a tool to help market participants adapt their business policies, procedures, and processes to the UMBS and Supers prior to their implementation in 2019.

On December 4, 2017, FHFA published an *Update on the Single Security Initiative and the Common Securitization Platform* (*December 2017 Update*) [15] that focused on Enterprise and FHFA outreach to market participants to prepare for implementation. The *December 2017 Update* provided additional details on how FHFA would monitor the *ex post* alignment of Enterprise prepayment speeds, and stated that FHFA would seek general alignment on the observed prepayments associated with Enterprise UMBS at the cohort level. The *December 2017 Update* clarified that by ''general alignment,'' FHFA meant that those cash flows should be similar rather than identical; *i.e.,* sufficiently similar as to not induce UMBS investors to make stipulated trades.[16] For this purpose, FHFA would define a cohort as TBA-eligible securities with the same coupon, maturity, and issuance year.[17] FHFA announced that it would set a minimum standard to trigger a review of the differences in prepayment speeds of any given cohort.[18] In general, FHFA would investigate differences between actual Fannie Mae and Freddie Mac prepayment speeds when the divergence for a cohort exceeded a one-month conditional prepayment rate (CPR) of two percentage points.[19] For a divergence in the one-month CPR of three percentage points or more, FHFA would require that the Enterprises report the likely cause of the divergence be reported to FHFA. FHFA would base the percentage triggers on the current interest rate environment and mortgage rates, but the triggers would be subject to change.

Additionally, in response to market participants' requests for more transparency about the data FHFA monitors and FHFA's uses of that data, the *December 2017 Update* Appendix B provided samples of data, including prepayment data, that FHFA receives and reviews on a monthly basis, as well as descriptions of how FHFA uses that data.

In the first quarter of 2018, FHFA published its first *Prepayment Monitoring Report* (*PMR*).[20] Going forward, FHFA plans to continue to monitor and publish reports that include third-party data pertaining to the alignment of prepayment speeds on the Enterprises' TBA-eligible securities, including the one-month CPRs for each cohort.

In December 2017, FHFA received a second SIFMA letter, this time addressing FHFA's *December 2017 Update.* In addition to reiterating and expanding on its August 21, 2015 letter (*see supra* note 11), SIFMA recommended that FHFA adopt a regulation on how general alignment of programs, policies, and practices affecting prepayment speeds will be enforced, including thresholds for regulatory action.[21]

On March 28, 2018, FHFA announced that on June 3, 2019 the Enterprises would start issuing a new common security,[22] the UMBS, in place of their current offerings of TBA-eligible MBS.

On July 10, 2018, FHFA received further input from SIFMA (*July SIFMA letter*).[23] This proposed rule and current FHFA practices address the points in the *July SIFMA letter.* Section 1248.6(a) of the proposed rule goes beyond SIFMA's chief request, and is consistent with FHFA's *July 2016, March 2017,* and *December 2017 Updates* in that it would require FHFA to review any changes to the Enterprises' policies, procedures, or practices that are projected to affect cohort level prepayments by creating a difference of more than 2% CPR between the two Enterprises (the *July SIFMA letter* suggested a 3% threshold). SIFMA also proposed: (1) That FHFA review any Enterprise program anticipated to either increase or decrease the population of borrowers by more than 2%; (2) that FHFA give special consideration to any Enterprise program that could materially affect cheapest-to-deliver (CTD) down to the decile level; and (3) that any program that materially changes credit risk, in the short or long term, taken on by the Enterprises should also be reviewed and potential issues assessed. The proposed rule answers SIFMA's concerns in proposed § 1248.6(a)(2) which would require the Enterprises to submit, in writing, for FHFA's approval, any changes that may cause misalignment (*i.e.,* cause the same cohort's one- month CPR to diverge by

[13] *https://www.fhfa.gov/AboutUs/Reports/ReportDocuments/2016-Scorecard.pdf%20* (last accessed 08/17/2018).

[14] *https://www.fhfa.gov/PolicyProgramsResearch/Policy/Documents/Single-Security-Initiative-Market-Adoption-Playbook.pdf* (last accessed 08/17/2018).

[15] *https://www.fhfa.gov/AboutUs/Reports/ReportDocuments/Update-on-the-Single-Security-Initiative-and-the-CSP_December-2017.pdf* (last accessed 08/17/2018).

[16] In this context, a stipulated trade or ''stip'' trade is a trade in which the investor stipulates that it will accept delivery only of a security issued by one enterprise or the other, *e.g.,* a Freddie Mac UMBS. So, even if industry practice is to allow an order for a UMBS to be filled with a UMBS issued by either a Fannie Mae and Freddie Mac, the investor would demand that its order be filled only with, *e.g.,* a Freddie Mac UMBS (the investor would stipulate that it would not accept delivery of a Fannie Mae UMBS).

[17] Notwithstanding the December 2017 Update reference to ''issuance year'' FHFA has used and will continue to use the industry standard of loan-origination year.

[18] *https://www.fhfa.gov/AboutUs/Reports/ReportDocuments/SingleSecurityUpdatefinal.pdf.*

[19] CPR measures prepayments as a percentage of the current outstanding principal balance of the pool of loans backing a mortgage-backed security or cohort of those securities. As used in the *December 2017 Update* and in this proposed rule, the CPR is expressed as a compound annual rate.

[20] *See e.g., FHFA 1Q2018 Prepayment Monitoring Report, https://www.fhfa.gov/AboutUs/Reports/ReportDocuments/Prepayment-Monitoring_1Q2018.pdf* (last accessed 08/17/2018).

[21] *https://www.sifma.org/wp-content/uploads/2017/12/SIFMA-Comments-on-December-4-2017-Update-on-the-Single-Security.pdf* (last accessed 08/17/2018).

[22] ''Common security'' means a security with some common features, including: Payment delays of 55 days; pooling prefixes; mortgage coupon pooling requirements; minimum pool submission amounts; general loan requirements such as first lien position, good title, and non-delinquent status; seasoning requirements; and loan repurchase, substitution and removal guidelines.

[23] *https://www.sifma.org/wp-content/uploads/2018/07/Single-Security--Priority-Issues-to-be-resolved-before-launch.pdf* (last accessed 08/17/2018).

more than 2 percent), and specifically address in its submission to FHFA borrower impacts and the impact on CTD down to the decile level. Moreover, the proposed rule does not limit its application to just those metrics, but covers all of SIFMA's suggested measures and any other appropriate criteria, under proposed § 1248.3, which requires the Enterprises to align programs, policies, and practices to the extent that the Enterprises should reasonably foresee that changes could cause a misalignment of cash flows to investors in Enterprise TBA-eligible securities.[24] FHFA invites comment on how achievable the decile level of analysis is likely to be.

The *July SIFMA letter* also highlighted the importance of capturing the effect of different interest rate scenarios (plus or minus 100 basis point shocks, unchanged interest rates, and rates tracking the forward curve on the projection of prepayment speeds) on cash flows. FHFA has instructed each Enterprise in implementing the *2017 Scorecard* to use publicly disclosed information to develop non-public quarterly reports for FHFA that provide forward payment projections, by coupon, for the prior quarter's new issuances of both Enterprises' TBA-eligible securities. FHFA requires the reports to include: (1) Projected prepayment rates over the next six months under a range of interest rate scenarios, and (2) for the past quarter, the identification and analysis of any cohort where the prepayment projections between the Enterprises' issuances differ by a material amount. FHFA reviews these reports, but limits its application of the 2- and 3-percentage point thresholds described above by excluding cohorts with loan-origination years before 2012 or if the total original or current outstanding principal balance of the cohorts across both Enterprises is less than $10 billion.

FHFA requests public comment on whether it should continue that practice, and, if so, what metrics it should use to avoid being overly comprehensive, while focusing on cohorts that are of interest to the industry.

Another concern raised in the *July SIFMA letter* relates to the transparency of the processes for review and implementation of new or changed programs, policies, and practices at the Enterprises. Section 1248.6 of the proposed rule requires each Enterprise to establish and maintain an Enterprise-wide governance process to ensure that any proposed changes to covered programs, policies, and practices that may cause a reasonably foreseeable misalignment ''are identified, reviewed, escalated, and submitted, in writing, to FHFA for review and approval in a timely manner.'' Additionally, under current practices, most changes are announced publicly by the Enterprises either in advance of or at the time of their implementation through updates to their Seller/Servicer guides. The Enterprises provide advance notice for changes that require adjustments from other market participants. For significant changes affecting prepayment alignment, FHFA makes announcements as well. For example, in August 2017, FHFA issued a news release about modification to the Enterprises' high-LTV streamlined refinance programs.[25]

The *July SIFMA letter* also recommends that FHFA issue and publicly disclose standard reports. SIFMA suggested that the standard reports, minimally, should include typical cohort-level prepayments and loan-level characteristics. However, because cohort-level impact could be minimal due to the large size and diversification of annual coupon issuance, the *July SIFMA letter* suggests that special consideration should be paid to deviations in more narrow breakouts such as cheapest to deliver quartiles, deciles, loan balance breakouts, geographic concentrations, and otherwise. Starting in January 2018, FHFA began publishing quarterly *PMRs,* which provide detailed, cohort-level information on 30-year, fixed-rate TBA-eligible MBS issued by each Enterprise.[26] The *PMRs* also include tables showing prepayment information at the decile level for each cohort, including average loan characteristics within each decile. Section 1248.7 of the proposed rule also authorizes FHFA to ''require an Enterprise to undertake additional analysis, monitoring, or reporting to further the purposes of [the proposed rule].''

III. Purpose of the Proposed Rule

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act) requires FHFA to ensure that the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets.[27] FHFA believes that the proposed rule (described in section IV. Proposed Rule) is necessary for the successful adoption of the UMBS. FHFA also believes that the proposed rule and successful adoption of the UMBS will enhance liquidity, efficiency, and competition in the TBA-eligible MBS market.

Liquidity, Efficiency, and Competition

Liquidity

Currently, Fannie Mae has outstanding roughly $2.3 trillion in estimated tradeable TBA-eligible MBS.[28] Freddie Mac has outstanding roughly $1.3 trillion in estimated tradeable TBA-eligible MBS. FHFA believes that combining the two markets into a single UMBS market would increase the liquidity in Fannie Mae TBA-eligible MBS by adding roughly $1.3 trillion to the tradeable supply and increase the liquidity in Freddie Mac TBA-eligible MBS by adding roughly $2.3 trillion to the estimated tradeable supply. FHFA believes that this increase in estimated tradeable supply would result in better execution and help to prevent squeezes [29] in both markets. Moreover, FHFA believes that these benefits would be accentuated for lesser-traded TBA-eligible MBS (*e.g.,* currently, 30-year coupons of less than 3.0 and greater than 4.5 percent). That is, FHFA anticipates that TBA-eligible MBS with lower trading volumes would benefit most from combining the Fannie Mae and Freddie Mac markets. FHFA also believes that the benefits of increased liquidity and improved execution will flow through to borrowers.

FHFA requests comment on the possible magnitude of these effects, and the best ways to estimate them.

[24] The proposed rule refers to programs, policies, and practices that have the potential to cause a misalignment of cash flows to investors in Enterprise TBA-eligible securities as ''covered programs, policies, and practices.''

[25] *https://www.fhfa.gov/Media/PublicAffairs/Pages/FHFA-Announces-Modifications-to-High-LTV-Streamlined-Refi-Program-and-Extension-of-HARP-Thru-12-2018.aspx* (last accessed 08/17/2018).

[26] *See e.g., FHFA 1Q2018 PMR, https://www.fhfa.gov/AboutUs/Reports/ReportDocuments/Prepayment-Monitoring_1Q2018.pdf* (last accessed 08/17/2018).

[27] 12 U.S.C. 4513(a)(1)(B)(ii).

[28] ''Estimated Tradeable'' here is used to mean *all* Enterprise MBS that are 15-year, 20-year, or 30-year, and that have not been resecuritized as collateralized mortgage obligations. Industry analysts often exclude pools that are traded in the specified market and held by the Federal Reserve Bank of New York.

[29] A ''squeeze'' means a lack of supply for TBA-eligible MBS sellers to cover their trades. The TBA-eligible MBS seller may face penalties for not delivering on a TBA contract, so it may be ''squeezed'' when the deliverable supply available to cover its trade is limited, *i.e.,* the TBA-eligible MBS seller may be forced to pay a premium above what it would pay in a liquid market. The cost of that premium potentially may be passed to borrowers.

Efficiency

FHFA believes that standardizing Fannie Mae and Freddie Mac policies that affect cash flows to investors in TBA-eligible MBS will benefit market participants and homeowners in the same manner that market participants and homeowners benefit from the standardization that underlies TBA eligibility. A Federal Reserve Bank of New York publication on *TBA Trading and Liquidity in the Agency MBS Market* (FRBNY Report) argues that standardization ''simplifies the analytical and risk management challenges for participants in agency MBS markets'' and that ''rather than attempting to value each individual security participants need only to analyze the more tractable set of risks associated with the parameters of each TBA contract.'' [30] FHFA foresees this proposed rule and the UMBS having an analogous effect on investors in TBA-eligible Fannie Mae MBS and Freddie Mac PCs. By instituting regulations that further standardize those products, the proposed rule and the UMBS would reduce complexity and the cost of analytics. As stated in the FRBNY Report, standardization ''helps encourage market participation from a broader group of investors, notably foreign central banks and a variety of mutual funds and hedge funds, translating into a greater supply of capital for financing mortgages.'' The FRBNY Report estimated that, with respect to the TBA market, increased liquidity from standardization benefited borrowers 10 to 25 basis points on average in 2009 and 2010, and that the benefits of standardization would be larger during periods of greater market stress.

FHFA requests comments on the benefits of the standardization that would result from the proposed rule and UMBS.

Competition

Current State

FHFA also believes that the proposed rule and the UMBS would encourage competition between Fannie Mae and Freddie Mac. For example, The Urban Institute has argued that the UMBS would benefit consumers with lower pricing for products for which the competition between Fannie Mae and Freddie Mac is limited, like Home Affordable Refinance Program (HARP) loans.[31] The Urban Institute contends that borrowers with Freddie Mac-owned loans often pay higher rates than those with Fannie Mae-owned loans because, under programs like HARP, Freddie Mac borrowers can refinance only through Freddie Mac (*i.e.,* Freddie Mac does not have to compete with Fannie Mae for these borrowers), and, for these loans Freddie Mac does not subsidize its guarantee fees to retain business, so borrowers rather than Freddie Mac pay the illiquidity premium. The Urban Institute contends that moving to the UMBS would remove Fannie Mae's liquidity and pricing advantage, thereby boosting competition between Fannie Mae and Freddie Mac, with potential benefits to mortgage rates and the availability of mortgage credit.

FHFA requests comments on the effect of the proposed rule and UMBS on the current state of competition between Fannie Mae and Freddie Mac.

Future State

FHFA believes that this proposed rule and successful adoption of the UMBS would better enable transition to any form of future MBS market directed by Congress in potential housing finance reform legislation.[32] The UMBS would facilitate greater competition in the secondary mortgage market by enabling the entry of future market participants. The availability of the CSP and the potential for a new guarantor to trade its own UMBS in a fungible UMBS market would remove two major barriers to entry—Fannie Mae and Freddie Mac's advantages in (a) infrastructure and (b) liquidity—that would otherwise prevent a new entrant from competing in the secondary market.

FHFA requests comments on the effect of the proposed rule and UMBS on the future state of competition in the secondary mortgage market.

IV. Proposed Rule

The Enterprises have been developing the UMBS under auspices of FHFA, as their conservator. As described above, FHFA recognizes that the market participants will need to accept the fungibility of the UMBS, regardless of which Enterprise is the issuer, in order for the secondary market to realize the potential liquidity benefits.

The industry has expressed concerns that Fannie Mae and Freddie Mac UMBS may not be truly fungible because differences in Fannie Mae and Freddie Mac policies could result in materially differing cash flows (as a result of, *e.g.,* differing prepayment speeds).

FHFA has proposed this rule to ensure that Fannie Mae and Freddie Mac programs, policies, and practices that individually have a material effect on cash flows (including policies that affect prepayment speeds) are aligned and will continue to be aligned. The proposed rule defines a materially misaligned program, policy, or practice as one that causes a divergence of at least three percentage points in the one-month CPR for a cohort or divergence greater than the prevailing threshold set by FHFA per proposed § 1248.5(c).

Generally, this proposed rule would codify existing FHFA requirements (as described in section II. Background).

The fundamental mandate in the proposed rule would be that the Enterprises generally align in programs, policies, and practices that affect cash flows to TBA-eligible MBS investors. The remaining provisions of the proposed rule would establish a regime for maintaining alignment through consultation, reporting, and FHFA oversight. Proposed § 1248.8 would provide for a *de minimis* exception to eliminate unnecessary administrative burden, particularly with respect to pilot or other smaller scale programs. FHFA requests comments on the *de minimis* exception.

V. Request for Comments

FHFA requests comment on all aspects of the proposed rule, in addition to those specifically posed in the preamble.

Proposed Part 1248 would cover how FHFA oversees the alignment of cash flows for Fannie Mae and Freddie Mac TBA-eligible MBS. It would make clarifying and general updates to the UMBS regime that is currently in development,[33] but would not fundamentally change the UMBS proposal that FHFA provided notice of, solicited input upon, and received and considered written data, views, and arguments during the 60-day period following its *2014 RFI,* or the recapitulation of the proposal in the subsequent *May 2015 Update, July 2016*

[30] *https://www.newyorkfed.org/medialibrary/media/research/epr/2013/1212vick.pdf.*

[31] Laurie Goodman, Lewis Ranieri, *Charting a Course to a Single Security* (September 3, 2014) (*https://www.urban.org/sites/default/files/publication/22916/413218-Charting-the-Course-to-a-Single-Security.PDF*).

[32] Three major housing finance reform bills have proposed the continuance of the CSP and the issuance of some form of common security as a means to facilitate new market participants. *See,* Protecting American Taxpayers and Homeowners Act of 2013 (PATH Act), H.R. 2767, 113th Cong. §§ 311 and 322 (2013); Housing Finance Reform and Tax Payer Protection Act of 2013 (Corker-Warner), S. 1217, 113th Cong. §§ 232 and 223 (2013); Amendment to Housing Finance Reform and Tax Payer Protection Act of 2014 (Johnson-Crapo), S. 1217, 113th Cong. §§ 325 and 326 (2014).

[33] The ''existing UMBS regime'' refers to the UMBS characteristics upon which the Enterprises have agreed to prior to this rulemaking and the alignment requirements FHFA has imposed during the conservatorships.

Update, March 2017 Update, and *December 2017 Update* for which FHFA also solicited and carefully considered public input. FHFA is providing the public with another 60-day period following publication of the proposed rule to submit additional comments.

VI. Regulatory Impact

A. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*), FHFA may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. FHFA has reviewed this proposed rule and determined that it does not contain any new, or revise any existing, collections of information. As FHFA considers public comments and finalizes the rulemaking, the PRA determination will be evaluated.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to analyze a regulation's impact on small entities if the regulation is expected to have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). FHFA has considered the impact of this proposed rule and the General Counsel of FHFA certifies that the proposed rule, if adopted as a final rule, is not likely to have a significant economic impact on a substantial number of small entities because it applies only to the Enterprises, which are not small entities for purposes of the Regulatory Flexibility Act. Therefore, an initial regulatory flexibility analysis is not required.

VII. Statutory Authority

A. Safety and Soundness Act

The Safety and Soundness Act provides that a principal duty of the FHFA Director is ''to ensure that . . . the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets.'' [34] The Safety and Soundness Act also provides that the FHFA Director ''shall have general regulatory authority over each regulated entity and the Office of Finance, and shall exercise such general regulatory authority, including such duties and authorities set forth under 12 U.S.C. 4513, to ensure that the purposes of [the] Act, the authorizing statutes [including the Federal National Mortgage Association Charter Act (*Charter Act*); and the Federal Home Loan Mortgage Corporation Act (*Corporation Act*)], and any other applicable law are carried out.'' [35]

B. Fannie Mae Charter Act

Among other purposes, the *Charter Act* requires Fannie Mae to ''promote access to mortgage credit throughout the Nation (including central cities, rural areas, and underserved areas) by *increasing the liquidity of mortgage investments and improving the distribution of investment capital* available for residential mortgage financing.'' [36]

C. Freddie Mac Corporation Act

Similarly, the *Corporation Act* requires Freddie Mac ''to promote access to mortgage credit throughout the Nation (including central cities, rural areas, and underserved areas) by *increasing the liquidity of mortgage investments and improving the distribution of investment capital available* for residential mortgage financing.'' [37] FHFA has determined that the UMBS will enhance liquidity in national mortgage markets and that general alignment of Enterprise programs, policies, and practices that affect cash flows to TBA-eligible MBS investors is necessary for the UMBS to achieve market acceptance. Moreover, FHFA has determined that the proposed rule is authorized both under the FHFA Director's duty to ensure that the operations and activities of Fannie Mae and Freddie Mac foster liquid, efficient, competitive, and resilient national housing finance markets, and the FHFA Director's duty to ensure that Fannie Mae and Freddie Mac fulfill the purposes of the *Charter Act* and *Corporation Act,* which include increasing the liquidity of mortgage investments.

List of Subjects in 12 CFR Part 1248

Credit, Government securities, Investments, Mortgages, Recordkeeping and reporting requirements, Securities.

Authority and Issuance

Accordingly, for the reasons stated in the Preamble, FHFA proposes to amend Chapter XII of Title 12 of the Code of Federal Regulations by adding new part 1248 to subchapter C to read as follows:

PART 1248—UNIFORM MORTGAGE-BACKED SECURITIES

Secs.

Authority: 12 U.S.C. 1451, 1716, 4511, and 4526.

§ 1248.1 Definitions.

For the purposes of this part:

Align or alignment means to be sufficiently similar or sufficient similarity as to produce a conditional prepayment rate (CPR) divergence of less than two percentage points (or less than the prevailing threshold for alignment set by FHFA, per § 1248.5(c)), in the one-month CPR for a cohort.

Cohort means all TBA-eligible securities with the same coupon, maturity, and loan-origination year.

Conditional Prepayment Rate or CPR, also known as the constant prepayment rate, means the rate at which investors receive outstanding principal in advance of scheduled principal payments. This includes receipts of principal that result from borrower prepayments and for any other reason. The CPR is expressed as a compound annual rate.

Covered Programs, Policies, or Practices means management decisions or actions that have reasonably foreseeable effects on cash flows to TBA-eligible MBS investors (*e.g.,* effects that result from prepayment rates and the circumstances under which mortgage loans are removed from MBS). These include management decisions or actions about: Single-family guarantee fees; loan level price adjustments and delivery fee portions of single-family guarantee fees; eligibility standards for sellers and servicers; financial and operational standards for private mortgage insurers; streamlined modification and refinance programs; removal of mortgage loans from securities; servicer compensation; proposals that could materially change the credit risk profile of the single-family mortgages securitized by an Enterprise; selling guide requirements for documenting creditworthiness, ability to repay, and adherence to collateral standards; refinances of HARP-eligible loans; contract provisions under which certain sellers commit to sell to an Enterprise a minimum share of the mortgage loans they originate that are eligible for sale to the Enterprises; loan modification offerings; loss mitigation practices during disasters; and alternatives to repurchase for representation and warranty violations.

[34] 12 U.S.C. 4513(a)(1)(B)(ii).

[35] 12 U.S.C. 4511(b)(2).

[36] 12 U.S.C. 1716(4) (emphasis added).

[37] Section 301(b)(4) (12 U.S.C. 1451 note) (emphasis added).

Material misalignment means divergence of at least three percentage points in the one-month CPR for a cohort, or a prolonged misalignment (as determined by FHFA), or divergence greater than the prevailing threshold set by FHFA, per § 1248.5(c).

Misalign or misalignment means diverge by or a divergence of two percentage points or more (or more than the prevailing percentage threshold set by FHFA, per § 1248.5(c)), in the one-month CPR for a cohort.

Mortgage-backed security or MBS means securities collateralized by a pool or pools of single-family mortgages.

Supers means single-class re-securitizations of UMBS.

To-Be-Announced Eligible Mortgage-Backed Security (TBA-Eligible MBS) means Enterprise MBS (including Freddie Mac Participation Certificates, Giants, MBS, UMBS, and Supers; and Fannie Mae MBS, Megas, UMBS, and Supers) that meet criteria such that the market considers them sufficiently fungible to be forward traded in the TBA market.

Uniform Mortgage Backed Security or UMBS means a single-class MBS backed by fixed-rate mortgage loans on 1–4 unit (single-family) properties issued by either Enterprise which has the same characteristics (such as payment delay, pooling prefixes, and minimum pool submission amounts) regardless of which Enterprise is the issuer.

§ 1248.2 Purpose.

The purpose of this part is to:

(a) Enhance liquidity in the MBS marketplace, and to that end, enable adoption of the UMBS, by achieving sufficient similarity of cash flows on cohorts of TBA-eligible MBS such that investors will accept delivery of UMBS from either issuer in settlement of trades on the TBA market.

(b) Provide transparency and durability into the process for creating alignment.

§ 1248.3 General alignment.

Each Enterprise's covered programs, policies, and practices must align with the other Enterprise's covered programs, policies, and practices.

§ 1248.4 Enterprise consultation.

When and in the manner instructed by FHFA, the Enterprises shall consult with each other on any issues, including changes to covered programs, policies, and practices that potentially or actually cause cash flows to TBA-eligible MBS investors to misalign.

§ 1248.5 Misalignment.

(a) The Enterprises must report any misalignment to FHFA.

(b) The Enterprises must submit, in a timely manner, a written report to FHFA on any material misalignment describing, at a minimum, the likely cause of material misalignment and the Enterprises' plan to address the material misalignment.

(c) FHFA will *temporarily* adjust the percentages in the definitions of align, misalignment, and material misalignment, if FHFA determines that market conditions dictate that an adjustment is appropriate.

(1) In adjusting the percentages, FHFA will consider:

(i) The prevailing level and volatility of interest rates,

(ii) The level of credit risk embedded in the Enterprises' TBA-eligible MBS, and

(iii) Such other factors as FHFA may, in consultation with the Enterprises, determine to be appropriate to promote market confidence in the alignment of cash flows to TBA-eligible MBS investors and to foster the efficiency and liquidity of the secondary mortgage market.

(2) If adjusted percentages remain in effect for six months or more, FHFA will amend this Part's definitions by **Federal Register** Notice, with opportunity for public comment.

§ 1248.6 Covered programs, policies, and practices.

(a) *Enterprise Change Management Processes.* Each Enterprise must establish and maintain an Enterprise-wide governance process to ensure that any proposed changes to covered programs, policies, and practices that may cause misalignment are identified, reviewed, escalated, and submitted, in writing, to FHFA for review and approval in a timely manner.

(1) Submissions to FHFA must include projections for prepayment rates and for removals of delinquent loans under a range of interest rate environments and assumptions concerning borrower defaults.

(2) Submissions to FHFA must include an analysis of the impact on borrower demand and impact on the cheapest-to-deliver security down to the decile.

(3) Submissions to FHFA must include an analysis of identified risks and may include potential mitigating actions.

(b) *Enterprise Monitoring.* Any changes to covered programs, policies, and practices that an Enterprise reasonably should identify as having been a likely cause of an unanticipated divergence between Enterprises in the one month CPR of the same cohort shall be reported promptly to FHFA in writing.

(c) *FHFA Monitoring.* FHFA will monitor changes to covered programs, policies, and practices for effects on cash flows to TBA-eligible MBS investors.

§ 1248.7 Remedial actions.

(a) Based on its review of reports submitted by the Enterprises and reports issued by independent parties, FHFA may:

(1) Require an Enterprise to undertake additional analysis, monitoring, or reporting to further the purposes of this part.

(2) Require an Enterprise to change covered programs, policies, and practices that FHFA determines may conflict with the purposes of this part.

(b) To address material misalignment, FHFA may require additional and expedient Enterprise actions based on:

(1) Consultation with the Enterprises regarding the cause of the material misalignment;

(2) Review of Enterprise compliance with previously agreed upon or FHFA-required actions; and

(3) Review of the effectiveness of such actions to determine whether they are achieving the purpose of this part.

§ 1248.8 *De minimis* exception.

FHFA may exclude from the requirements of this Part, covered programs, policies, or practices that solely affect cohorts with unpaid principal balances below $5 billion.

Dated: September 11, 2018.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2018–20124 Filed 9–14–18; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0792; Product Identifier 2018–NM–090–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–100–1A10 airplanes. This proposed AD was

prompted by an incident of uncommanded nose wheel steering (NWS) in-service; subsequent investigation revealed that the steering selector valve (SSV) is susceptible to jamming in the open position due to particulate contamination of the hydraulic system. This proposed AD would require modifying the left-hand hydraulic system of the NWS control system and, for certain airplanes, torqueing the fittings on a certain tube assembly. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 1, 20181.

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

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

For service information identified in this NPRM, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2018–0792; 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 NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Darren Gassetto, Aerospace Engineer, Mechanical Systems and Admin Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0792; Product Identifier 2018–NM–090–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2018–11, dated April 5, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model BD–100–1A10 airplanes. The MCAI states:

> An incident of uncommanded nose wheel steering occurred in-service. Subsequent investigation revealed that the steering selector valve (SSV) was vulnerable to jamming in the open position due to particulate contamination of the hydraulic system. If not corrected, a jam of the SSV, following the independent failure of a second component of the nose wheel steering system, could result in uncommanded nose wheel steering and a risk of runway excursion.
>
> This [Canadian] AD requires the incorporation of a hydraulic fluid filter in the line supplying pressure from the direct current motor pump to the nose wheel steering system [and, for certain airplanes, torqueing the fittings on a certain tube assembly].

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0792.

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletins 100–32–31, Revision 03; and 350–32–007, Revision 03; both dated March 27, 2018. This service information describes procedures for modifying the left-hand hydraulic system of the NWS control system by installing a hydraulic filter into the hydraulic line between the direct current motor pump and the SSV and, for certain airplanes, torqueing the fittings on a certain tube assembly. These documents are distinct since they apply to different airplane configurations.

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

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 534 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
25 work-hours × $85 per hour = $2,125	$13,196	$15,321	$8,181,414

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all known costs in our cost estimate.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2018–0792; Product Identifier 2018–NM–090–AD.

(a) Comments Due Date

We must receive comments by November 1, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, serial numbers 20002 through 20744 inclusive.

(d) Subject

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

(e) Reason

This AD was prompted by an incident of uncommanded nose wheel steering (NWS) in-service; subsequent investigation revealed that the steering selector valve (SSV) is susceptible to jamming in the open position due to particulate contamination of the hydraulic system. We are issuing this AD to address jamming of the SSV after independent failure of a second component of the NWS control system, which could result in uncommanded NWS and a possible runway excursion.

(f) Compliance

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

(g) Modify Hydraulic System

Except for airplanes identified in paragraph (h) of this AD: Within 2,000 flight cycles or 60 months after the effective date of this AD, whichever occurs first, modify the left-hand hydraulic system of the NWS control system by installing a hydraulic filter into the hydraulic line between the direct current motor pump and the SSV, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 100–32–31, Revision 03; or Bombardier Service Bulletin 350–32–007, Revision 03; both dated March 27, 2018; as applicable.

(h) Additional Action for Certain Airplanes

For airplanes that have incorporated Bombardier Service Bulletin 100–32–31, dated January 4, 2018; Bombardier Service Bulletin 100–32–31, Revision 01, dated January 23, 2018; Bombardier Service Bulletin 100–32–31, Revision 02, dated March 14, 2018; Bombardier Service Bulletin 350–32–007, dated January 4, 2018; Bombardier Service Bulletin 350–32–007, Revision 01, dated January 23, 2018; or Bombardier Service Bulletin 350–32–007, Revision 02, dated March 14, 2018; as applicable, as of the effective date of this AD: Within 50 flight hours after the effective date of this AD, torque the fittings on any tube assembly having part number K1000070395–401, in accordance with the ''Retroactive Action'' instructions of Bombardier Service Bulletin 100–32–31, Revision 03, or Bombardier Service Bulletin 350–32–007, Revision 03, both dated March 27, 2018, as applicable.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2018–11, dated April 5, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0792.

(2) For more information about this AD, contact Darren Gassetto, Aerospace Engineer, Mechanical Systems and Admin. Services Section, FAA, New York ACO Branch, 1600

Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com*; internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on August 30, 2018.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–19841 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0739; Product Identifier 2015–NE–07–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada Corp. Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2015–20–04, which applies to certain Pratt & Whitney Canada Corp. (P&WC) PT6B–37A turboshaft engines. AD 2015–20–04 requires initial and repetitive inspections until replacement of the No. 10 bearing, and eventual replacement of the No. 9 bearing, both located in the engine reduction gearbox (RGB) assembly. Since we issued AD 2015–20–04, P&WC has determined that the repetitive inspection of the bearings has an associated risk of gearbox damage or contamination and that the bearing installation required by AD 2015–20–04 does not adequately address the issue of bearing axial movement. This proposed AD would require removal from service and replacement of the No. 9 and No. 10 position bearings. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 1, 2018.

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

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

For service information identified in this NPRM, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada, J4G 1A1; phone: 800–268–8000; fax: 450–647–2888; website: *http://www.pwc.ca.* You may view this service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

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–2018–0739; or in person at the Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information, regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Barbara Caufield, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7146; fax: 781–238–7199; email: *barbara.caufield@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0739; Product Identifier 2015–NE–07–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We issued AD 2015–20–04, Amendment 39–18282 (80 FR 61717, October 14, 2015), (''AD 2015–20–04''), for certain P&WC PT6B–37A turboshaft engines. AD 2015–20–04 requires initial and repetitive inspections until replacement of the No. 10 bearing, and eventual replacement of the No. 9 bearing, both located in the engine RGB assembly. AD 2015–20–04 resulted from reports of incorrect engine torque for PT6B–37A engines. We issued AD 2015–20–04 to prevent axial movement at the No. 10 bearing position in the engine RGB assembly, which could result in engine overtorque, failure of the engine, in-flight shutdown, and loss of the helicopter.

Actions Since AD 2015–20–04 Was Issued

Since we issued AD 2015–20–04, P&WC has determined that the repetitive inspection of the bearings in P&WC Service Bulletin (SB) PT6B–72–39095, Revision No. 3, dated December 29, 2014, has an associated risk of gearbox damage or contamination. P&WC also determined that the bearing installation in P&WC SB No. PT6B–72–39092, Revision No. 4, dated December 29, 2014, as required by AD 2015–20–04, does not adequately address the issue of bearing axial movement.

Related Service Information Under 1 CFR Part 51

We reviewed P&WC SB No. PT6B–72–39108, dated September 30, 2016. The SB describes procedures for replacing affected bearings. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

We reviewed P&WC SB No. PT6B–72–39092, Revision No. 4, dated December 29, 2014. The service information describes procedures for removing affected bearings.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or

develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would retain none of the requirements of AD 2015–20–04. This proposed AD would introduce a new bearing configuration that addresses the axial movement at the No. 9 and No. 10 bearing positions and remove the repetitive inspection requirements of AD 2015–20–04. This proposed AD would also remove the previously mandated bearing configuration in P&WC SB No. PT6B–72–39092, Revision No. 4, dated December 29, 2014.

Costs of Compliance

We estimate that this proposed AD affects 119 engines installed on helicopters of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Remove and replace No. 9 and No. 10 bearings.	65 work-hours × $85 per hour = $5,525	$37,874	$43,399	$5,164,481

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

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

For the reasons discussed above, I certify that the proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2015–20–04, Amendment 39–18282 (80 FR 61717, October 14, 2015), (''AD 2015–20–04''), and adding the following new AD:

Pratt & Whitney Canada Corp.: Docket No. FAA–2018–0739; Product Identifier 2015–NE–07–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by November 1, 2018.

(b) Affected ADs

This AD replaces AD 2015–20–04, Amendment 39–18282 (80 FR 61717, October 14, 2015).

(c) Applicability

This AD applies to Pratt & Whitney Canada Corp. (P&WC) PT6B–37A turboshaft engines with serial number (S/N) PCE–PU0275 or earlier or with engine S/N PCE–PU0278.

(d) Subject

Joint Aircraft System Component (JASC) Code 7210, Turbine Engine Reduction Gear.

(e) Unsafe Condition

This AD was prompted by reports of incorrect engine torque for PT6B–37A turboshaft engines. We are issuing this AD to prevent axial movement at the No. 10 bearing position in the engine reduction gearbox (RGB) assembly. The unsafe condition, if not addressed, could result in engine overtorque, failure of the engine, in-flight shutdown, and loss of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) For affected engines that did not have the bearings replaced in accordance with P&WC Service Bulletin (SB) No. PT6B–72–39092, Revision No. 4, dated December 29, 2014, or earlier revision:

(i) Remove from service and replace the No. 9 and No. 10 position bearings at the next engine shop visit after the effective date of this AD, but no later than December 31, 2020, whichever occurs first, in accordance with the Accomplishment Instructions, paragraphs 3.A. and B., of P&WC SB PT6B–72–39108, dated September 30, 2016.

(ii) Reserved.

(2) For affected engines that had the bearings replaced in accordance with P&WC SB No. PT6B–72–39092, Revision No. 4, dated December 29, 2014, or earlier revision:

(i) Remove from service and replace the No. 9 and No. 10 position bearings before December 31, 2020, in accordance with the Accomplishment Instructions, paragraphs 3.A. and B., of P&WC SB PT6B–72–39108, dated September 30, 2016.

(ii) Reserved.

(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 flanges, or any removal of the RGB assembly.

(i) 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 (j)(1) 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.

(j) Related Information

(1) For more information about this AD, contact Barbara Caufield, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7146; fax: 781–238–7199; email: *barbara.caufield@faa.gov.*

(2) Refer to Transport Canada AD CF–2015–01R1, dated November 18, 2016, for more information. You may examine the Transport Canada AD in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2018–0739.

(3) For service information identified in this AD, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada J4G 1A1; phone: 800–268–8000; fax: 450–647–2888; website: *http://www.pwc.ca.* You may view this service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, Massachusetts, on September 7, 2018.

Robert J. Ganley,

Manager, Engine & Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2018–19862 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0771; Product Identifier 2018–CE–029–AD]

RIN 2120–AA64

Airworthiness Directives; GA 8 Airvan (Pty) Ltd Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for GA 8 Airvan (Pty) Ltd Models GA8 and GA8–TC320 airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as certain wing strut fittings manufactured with incorrect grain orientation, which has an unknown effect on fatigue related concerns. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 1, 2018.

ADDRESSES: You may send comments by any of the following methods:

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

For service information identified in this proposed AD, contact GA 8 Airvan (Pty) Ltd, c/o GippsAero Pty Ltd, Attn: Technical Services, P.O. Box 881, Morwell Victoria 3840, Australia; telephone: +61 03 5172 1200; fax: +61 03 5172 1201; email: *aircraft.techpubs@mahindraaerospace.com.* You may review this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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–2018–0771; 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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0771; Product Identifier 2018–CE–029–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The Civil Aviation Safety Authority (CASA), which is the aviation authority for Australia, has issued AD No. AD/GA8/9, Amendment 1, dated May 29, 2018 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Amendment 1 of this [CASA] AD is issued to amend the replacement times as Service Bulletin GA8–2017–174 Issue 2 changed the mandatory replacement times for part number GA8–570026–035 strut from 6000 hours time in service or 3 calendar years to 9000 hours time in service or 5 calendar years, whichever occurs first.
>
> A manufacturing quality escape has resulted in wing strut fittings in the effective serial number range to be manufactured with

incorrect grain orientation. The fatigue implications of the incorrect grain are not well understood. Therefore, CASA has mandated a conservative factored fatigue life limit based on the known fleet data of the affected aircraft. CASA will continue to gather data for the purposes of managing the fleet removal of these fittings from service.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0771.

Related Service Information Under 1 CFR Part 51

GippsAero has issued Service Bulletin SB–GA8–2017–174, Issue 2, dated May 23, 2018. The service information describes procedures for wing strut and strut fitting inspection and replacement. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD would affect 50 airplanes of U.S. registry. The average labor rate is $85 per work-hour.

We estimate that it would take about 8 work-hours and $200 for parts to do the initial inspections of this proposed AD, for a cost of $880 per airplane and $44,000 for the U.S. operator fleet. We estimate that it would take about 5 work-hours and $200 for parts to do the repetitive inspections, for a cost of $625 per airplane and $31,250 for the U.S. operator fleet per inspection cycle.

In addition, we estimate that replacing the struts and strut fittings would take about 10 work-hours and require parts costing $7,000, for a cost of $7,850 per airplane and $392,500 for the U.S. operator fleet.

Reporting the inspection findings would require about 1 work-hour, for a cost of $85 per airplane and $4,250 for the U.S. operator fleet per inspection cycle.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are mandatory as required by this AD; the nature and extent of confidentiality to be provided, if any. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

GA 8 Airvan (Pty) Ltd: Docket No. FAA–2018–0771; Product Identifier 2018–CE–029–AD.

(a) Comments Due Date

We must receive comments by November 1, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to GA 8 Airvan (Pty) Ltd Models GA8 and GA8–TC320 airplanes, certificated in any category, with a strut or strut fitting installed that has a part number and serial number listed in table 1 of GippsAero Service Bulletin SB–GA8–2017–174, Issue 2, dated May 23, 2018 (GippsAero SB–GA8–2017–174, Issue 2).

(d) Subject

Air Transport Association of America (ATA) Code 57: Wings.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as certain wing strut fittings manufactured with incorrect grain orientation, which has an unknown effect on fatigue-related concerns. We are issuing this AD to detect and address fatigue-related damage to the wing strut fittings, which could lead to failure of the wing with consequent loss of control of the airplane.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (6) of this AD:

(1) Within 3 months after the effective date of this AD or within 100 hours time-in-service (TIS) after the effective date of this AD, whichever occurs first, with the wing struts removed, visually inspect each forward and aft wing strut fitting and fuselage attachment point for cracks, corrosion, and damage. If a crack, corrosion, or damage is found during the inspection, before further flight, do the applicable corrective actions (check torque, restore surface protection, rework areas with fouling, and replace any part with a crack, corrosion, or damage). Follow the procedures in Parts C1, C2, and D or E, as applicable, in the Accomplishment Instructions in GippsAero SB–GA8–2017–174, Issue 2.

(2) Within 3 months after the effective date of this AD or within 100 hours TIS after the effective date of this AD, whichever occurs first, and thereafter at intervals not to exceed 100 hours TIS, visually inspect each strut and strut fitting for cracks, corrosion, and damage. If a crack, corrosion, or damage is found during any of the inspections, before further flight, do the applicable corrective actions (check torque, restore surface protection, and replace any part with a crack, corrosion, or damage). Follow the procedures in Parts B and D or E, as applicable, in the Accomplishment Instructions of GippsAero SB–GA8–2017–174, Issue 2.

(3) Within 1,000 hours TIS after doing the inspections required in paragraph (f)(1) of this AD and thereafter at intervals not to exceed 1,000 hours TIS, with the wing struts installed, visually inspect each forward and aft wing strut, strut fitting, and strut fitting lug hole for cracks, corrosion, and damage. If a crack, corrosion, or damage is found during any of the inspections, before further flight, do the applicable corrective actions (do additional inspections, replace hardware, and replace any part with a crack, corrosion, or damage). Follow the procedures in Parts C3 and D or E, as applicable, in the Accomplishment Instructions of GippsAero SB–GA8–2017–174, Issue 2.

(4) To use an eddy current or fluorescent liquid penetrant inspection method instead of a visual inspection for the requirements in paragraphs (f)(1) of this AD, the Manager, Small Airplane Standards Branch, FAA must approve your inspection method, and the Manager's approval letter must specifically refer to this AD. Send your approval request to the contact information found in paragraph (g)(1) of this AD.

(5) Remove from service each part listed in Parts D and E of table 3 on or before the part exceeds its specified replacement time and replace with an airworthy part. On the effective date of this AD, any part listed in table 3 of GippsAero SB–GA8–2017–174, Issue 2, that has exceeded its replacement time, within 100 hours TIS after the effective date of this AD or within 12 months after the effective date of this AD, whichever occurs first, remove the part from service and replace with an airworthy part. Follow the replacement procedures in Part D or Part E, as applicable, in the Accomplishment Instructions of GippsAero SB–GA8–2017–174, Issue 2.

(6) Within 24 hours after each inspection required in paragraphs (f)(1) and (2) of this AD, submit a report of the inspection results, even if no damage is found, to the Civil Aviation Safety Authority (CASA) and GA 8 Airvan (Pty) Ltd. Use the Document Compliance Notice of GippsAero SB–GA8–2017–174, Issue 2, and include in the report the total hours TIS on the airplane and the type of operation. You may use the contact information found in paragraph (h) of this AD to contact GA 8 Airvan (Pty) Ltd. To contact CASA, use the online CASA Defect Reporting Service at the following internet address: *https://drs.casa.gov.au/.*

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must instead be accomplished using a method approved by the Manager, Small Airplane Standards Branch, FAA; or CASA.

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0731. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are voluntary; the nature and extent of confidentiality to be provided, if any. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

(h) Related Information

Refer to MCAI issued by CASA, AD No. AD/GA8/9, Amendment 1, dated May 29, 2018. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0771. For service information related to this AD, contact GA 8 Airvan (Pty) Ltd, c/o GippsAero Pty Ltd, Attn: Technical Services, P.O. Box 881, Morwell Victoria 3840, Australia; telephone: +61 03 5172 1200; fax: +61 03 5172 1201; email: *aircraft.techpubs@mahindraaerospace.com.* You may review this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on August 31, 2018.

Melvin J. Johnson,

Deputy Director, Policy & Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–19889 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0793; Product Identifier 2018–NM–057–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This proposed AD was prompted by a report of cracks in the body station (STA) 303.9 frame web and doubler at fastener holes common to the stop fitting at stringer 16 left (S–16L). This proposed AD would require repetitive surface high frequency eddy current (HFEC) inspections for cracking of the STA 303.9 frame web and doubler at the stop fitting at S–16L, and applicable on-condition actions. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 1, 2018.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; phone: 562–797–1717; internet: *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0793.

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–2018–0793; 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 NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Galib Abumeri, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5324; fax: 562–627–5210; email: *galib.abumeri@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0793; Product Identifier 2018–NM–057–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We have received a report indicating cracks in the STA 303.9 frame web and doubler at fastener holes common to the stop fitting at S–16L. The cracks were found during accomplishment of Boeing Service Bulletin 737–53A1188. We have determined that the existing inspection programs are not sufficient to find any crack in the STA 303.9 frame web and doubler at the stop fitting at S–16L. This condition, if not addressed, could result in the inability of a principal structural element to sustain limit loads and possible rapid decompression of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Requirements Bulletin 737–53A1375 RB, dated March 12, 2018. The service information describes procedures for repetitive surface HFEC inspections for cracking of the STA 303.9 frame web and doubler at the stop fitting at S–16L, and applicable on-condition actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified in Boeing Requirements Bulletin 737–53A1375 RB, dated March 12, 2018, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0793.

Explanation of Applicability

Model 737 airplanes having line numbers 1 through 291 have a limit of validity (LOV) of 34,000 total flight cycles, and the actions proposed in this NPRM, as specified in Boeing Requirements Bulletin 737–53A1375 RB, dated March 12, 2018, would be required at a compliance time occurring after that LOV. Although operation of an airplane beyond its LOV is prohibited by 14 CFR 121.1115 and 129.115, this NPRM would include those airplanes in the applicability so that these airplanes are tracked in the event the LOV is extended in the future.

Explanation of Requirements Bulletin

The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement is a process for annotating which steps in the service information are ''required for compliance'' (RC) with an AD. Boeing has implemented this RC concept into Boeing service bulletins.

In an effort to further improve the quality of ADs and AD-related Boeing service information, a joint process improvement initiative was worked between the FAA and Boeing. The initiative resulted in the development of a new process in which the service information more clearly identifies the actions needed to address the unsafe condition in the ''Accomplishment Instructions.'' The new process results in a Boeing Requirements Bulletin, which contains only the actions needed to address the unsafe condition (*i.e.,* only the RC actions).

Costs of Compliance

We estimate that this proposed AD affects 67 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
HFEC Inspections	13 work-hours × $85 per hour = $1,105 per inspection cycle.	$0	$1,105 per inspection cycle	$74,035 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2018–0793; Product Identifier 2018–NM–057–AD.

(a) Comments Due Date

We must receive comments by November 1, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a report of cracks in the body station (STA) 303.9 frame web and doubler at fastener holes common to the stop fitting at stringer 16 left (S–16L). We are issuing this AD to address cracks in the STA 303.9 frame web and doubler at the stop fitting at S–16L, which, if not addressed, could result in the inability of a principal structural element to sustain limit loads and possible rapid decompression of the airplane.

(f) Compliance

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

(g) Required Actions for Group 1

For airplanes identified as Group 1 in Boeing Requirements Bulletin 737–53A1375 RB, dated March 12, 2018: Within 120 days after the effective date of this AD, inspect the airplane and do all applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(h) Required Actions for Groups 2 Through 5

Except as specified in paragraph (i) of this AD: For airplanes identified as Groups 2 through 5 in Boeing Requirements Bulletin 737–53A1375 RB, dated March 12, 2018, at the applicable times specified in the ''Compliance'' paragraph of Boeing Requirements Bulletin 737–53A1375 RB, dated March 12, 2018, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Requirements Bulletin 737–53A1375 RB, dated March 12, 2018.

Note 1 to paragraph (h) of this AD: Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–53A1375, dated March 12, 2018, which is referred to in Boeing Requirements Bulletin 737–53A1375 RB, dated March 12, 2018.

(i) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD: Where Boeing Requirements Bulletin 737–53A1375 RB, dated March 12, 2018, uses the phrase ''the original issue date of Requirements Bulletin 737–53A1375 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Requirements Bulletin 737–53A1375 RB, dated March 12, 2018, specifies contacting Boeing for repair instructions, this AD requires repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(k) Related Information

(1) For more information about this AD, contact Galib Abumeri, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5324; fax: 562–627–5210; email: *galib.abumeri@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; phone: 562–797–1717; internet: *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on August 30, 2018.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–19840 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0795; Product Identifier 2018–NM–076–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2014–20–04, which applies to all Airbus SAS Model A318 series airplanes; Airbus SAS Model A319 series airplanes; Airbus SAS Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and Airbus SAS Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. AD 2014–20–04 requires repetitive inspections for cracking of the four titanium angles between the belly fairing and the keel beam side panel, an inspection for cracking of the open holes if any cracking is found in the titanium angles, and repair or replacement if necessary. Since we issued AD 2014–20–04, we have determined that additional work is necessary for certain airplanes. This proposed AD would continue to require repetitive inspections for cracking of the four titanium angles between the belly fairing and the keel beam side panel, an inspection for cracking of the open holes if any cracking is found in the titanium angles, and repair or replacement if necessary. This proposed AD would also revise the applicability by adding Model A320–216 airplanes. This proposed AD would also require a detailed inspection for and replacement of certain rivets (including a rotating probe test for cracks in the open holes), and corrective actions if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 1, 2018.

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

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

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; phone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0795; 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 NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax 206–231–3223.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0795; Product Identifier 2018–NM–076–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

We issued AD 2014–20–04, Amendment 39–17977 (79 FR 59636,

October 3, 2014) (''AD 2014–20–04''), for all Airbus SAS Model A318 series airplanes; Airbus SAS Model A319 series airplanes; Airbus SAS Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Airbus SAS Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. AD 2014–20–04 requires repetitive inspections for cracking of the four titanium angles between the belly fairing and the keel beam side panel, an inspection for cracking of the open holes if any cracking is found in the titanium angles, and repair or replacement if necessary. AD 2014–20–04 resulted from reports of cracks at the lower riveting of the four titanium angles that connect the belly fairing to the keel beam side panels on both sides of the fuselage. We issued AD 2014–20–04 to address cracking of the titanium angles that connect the belly fairing to the keel beam side panels on both sides of the fuselage, which could affect the structural integrity of the airplane.

Actions Since AD 2014–20–04 Was Issued

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0091, dated April 20, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A318 series airplanes; Airbus SAS Model A319 series airplanes; Airbus SAS Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Airbus SAS Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

> During the fatigue test campaign of the A320 family type design, cracks were found at the lower riveting of the four titanium angles which connect the belly fairing to the keel beam side panels between frames FR40 and FR42, on both sides of the fuselage.
>
> This condition, if not detected and corrected, could affect the structural integrity of the aeroplane.
>
> To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A320–53–1014, and DGAC [Direction Générale de l'Aviation Civile] France issued AD 92–201–030 [which corresponds to FAA AD 94–12–03, Amendment 39–8930 (59 FR 28763, June 3, 1994)(''AD 94–12–03'')] to require reinforcement of the belly fairing structure.
>
> Following new investigation which showed that these measures addressed only part of the unsafe condition, Airbus published SB A320–53–1259 and EASA issued AD 2013–0122 [which corresponds to FAA AD 2014–20–04], retaining the requirements of DGAC France AD 92–201–030, which was superseded, and requiring repetitive detailed inspections (DET) of the affected titanium angles and, depending on findings, repair or replacement of parts.
>
> After that [EASA] AD was issued, Airbus published Revision (Rev.) 01 and Rev. 02 of SB A320–53–1259. [Airbus SB A320–53–1259] Rev. 02 provided incorrect instructions to use Part Number (P/N) EN6081D4 rivets for the titanium angles installation, instead of P/N EN6081D5 rivets. Consequently, Airbus SB A320–53–1259 was updated (now at Rev. 03) including reference to the proper rivets.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2013–0122, which is superseded, and requires additional work [a detailed inspection for and replacement of certain rivets, and applicable corrective actions] for aeroplanes on which Airbus SB A320–53–1259 at Rev. 02 was embodied.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0795.

Model A320–216 Airplanes

The Airbus SAS Model A320–216 was type certificated on December 19, 2016. Before that date, any EASA ADs that affected Model A320–216 airplanes were included on the Required Airworthiness Actions List (RAAL). One or more Model A320–216 airplanes have subsequently been placed on the U.S. Register, and will now be included in FAA AD actions. For Model A320–216 airplanes, the requirements that correspond to AD 2014–20–04 were mandated by the MCAI via the RAAL. Although that RAAL requirement is still in effect, for continuity and clarity we have identified Model A320–216 airplanes in paragraph (c) of this AD; the restated requirements of paragraphs (h) through (n) in this proposed AD would therefore apply to those airplanes.

Related Service Information Under 1 CFR Part 51

Airbus SAS has issued Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. This service information describes procedures for repetitive inspections for cracking of the four titanium angles between the belly fairing and the keel beam side panel, an inspection for cracking of the open holes if any cracking is found in the titanium angles, repair or replacement if necessary, and a detailed inspection for and replacement of certain rivets (including a rotating probe test for cracks in the open holes).

Airbus also issued Service Bulletin A320–53–1014, Revision 2, dated September 1, 1994. This service information describes procedures for reinforcement (modification) of the belly fairing structure.

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

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would retain all requirements of AD 2014–20–04. This proposed AD would also require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 1,250 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
295 work-hours × $85 per hour = $25,075 (Old actions of AD 2014–20–04)	$1,045	$26,120	$32,650,000.
Up to 168 work-hours × $85 per hour = Up to $14,280 (New actions of this AD).	0	Up to $14,280	Up to $17,850,000.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost *	Cost per product
168 work-hours × $85 per hour = $14,280	$0	$14,280

* We have received no definitive data that would enable us to provide cost estimates for the on-condition parts costs.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–20–04, Amendment 39–17977 (79 FR 59636, October 3, 2014), and adding the following new AD:

Airbus SAS: Docket No. FAA–2018–0795; Product Identifier 2018–NM–076–AD.

(a) Comments Due Date

We must receive comments by November 1, 2018.

(b) Affected ADs

This AD replaces AD 2014–20–04, Amendment 39–17977 (79 FR 59636, October 3, 2014) (''AD 2014–20–04'').

(c) Applicability

This AD applies to the Airbus SAS airplanes specified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by reports of cracks at the lower riveting of the four titanium angles that connect the belly fairing to the keel beam side panels on both sides of the fuselage. We are issuing this AD to detect and correct cracking of the titanium angles that connect the belly fairing to the keel beam side panels on both sides of the fuselage, which could affect the structural integrity of the airplane.

(f) Compliance

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

(g) Retained Modification, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2014–20–04, with no changes. For Model A320–111, –211, and –231 series airplanes, manufacturer serial numbers 003 through 092 inclusive: Prior to the accumulation of 12,000 total landings on the airplane, or within 300 days after January 10, 1994 (the effective date of AD 93–24–11, Amendment 39–8760 (58 FR 64875, December 10, 1993)), whichever occurs later, modify the belly fairing structure, in accordance with the Accomplishment Instructions of an Airbus service bulletin specified in paragraph (g)(1), (g)(2), or (g)(3) of this AD. As of the effective date of this AD, use only the Airbus service bulletin specified in paragraph (g)(3) of this AD.

(1) Airbus Industrie Service Bulletin A320–53–1014, dated June 25, 1992.

(2) Airbus Industrie Service Bulletin A320–53–1014, Revision 1, dated May 26, 1993.

(3) Airbus Service Bulletin A320–53–1014, Revision 2, dated September 1, 1994.

(h) Retained Repetitive Inspection, With Updated Service Information

This paragraph restates the requirements of paragraph (h) of AD 2014–20–04, with updated service information. At the latest of the compliance times specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD: Do a detailed inspection for cracking of the four titanium angles between the belly fairing and the keel beam side panel, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, dated November 6, 2012; or Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. After the effective date of this AD only Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, may be used.

(1) Before the accumulation of 30,000 total flight cycles or 60,000 total flight hours, whichever occurs first after first flight of the airplane.

(2) Within 30,000 flight cycles or 60,000 flight hours, whichever occurs first after modification of the airplane as required by paragraph (g) of this AD, or after installation of new titanium angles, provided that, prior to installation, a rototest for cracking on the open holes has been accomplished with no crack findings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, dated November 6, 2012; or Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. After the effective date of this AD, only Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, may be used.

(3) Within 3,000 flight cycles or 6,000 flight hours, whichever occurs first after the effective date of this AD.

(i) Retained Post-Inspection Actions for No Crack Findings, With Updated Service Information

This paragraph restates the requirements of paragraph (i) of AD 2014–20–04, with updated service information. If, during any inspection required by paragraph (h) of this AD, there is no crack finding: Accomplish the actions specified in either paragraph (i)(1) or (i)(2) of this AD.

(1) Repeat the inspection required by paragraph (h) of this AD at intervals not to exceed 5,000 flight cycles or 10,000 flight hours, whichever occurs first.

(2) Before further flight after the inspection required by paragraph (h) of this AD, remove all inspected titanium angles, accomplish a rototest for cracking on the open holes and, provided no cracks are found, install new titanium angles, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, dated November 6, 2012; or Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. After the effective date of this AD, only Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, may be used.

(j) Retained Post-Inspection Actions for Any Crack Findings, With Updated Service Information

This paragraph restates the requirements of paragraph (j) of AD 2014–20–04, with updated service information. If, during any inspection required by paragraph (h) of this AD, there is any crack finding: Before further flight, remove the affected titanium angle(s), accomplish a rototest for cracking on the open holes, and, provided no cracks are found, install new titanium angles, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, dated November 6, 2012; or Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. After the effective date of this AD, only Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, may be used.

(k) Retained Post-Installation Repetitive Inspections, With Updated Service Information

This paragraph restates the requirements of paragraph (k) of AD 2014–20–04, with updated service information. For airplanes on which new titanium angles were installed as specified in paragraph (i)(2) or (j) of this AD: Within 30,000 flight cycles or 60,000 flight hours, whichever occurs first after the installation, accomplish a detailed inspection for cracking of the four titanium angles between the belly fairing and the keel beam side panel, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, dated November 6, 2012; or Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. After the effective date of this AD, only Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, may be used. Repeat the inspection thereafter at intervals not to exceed 5,000 flight cycles or 10,000 flight hours, whichever occurs first.

(l) Retained Post-Inspection Actions for Any Crack Findings During Post-Installation Inspections, With Updated Service Information

This paragraph restates the requirements of paragraph (l) of AD 2014–20–04, with updated service information. If, during any inspection as required by paragraph (k) of this AD, there is any crack finding: Before further flight, remove the affected titanium angles, accomplish a rototest for cracking on the open holes, and, provided no cracks are found, install new titanium angles, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, dated November 6, 2012; or Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. After the effective date of this AD, only Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017, may be used.

(m) Retained Corrective Action for Rototest Crack Finding, With Updated Contact Information

This paragraph restates the requirements of paragraph (m) of AD 2014–20–04, with updated contact information. If, during any rototest as required by paragraph (i), (j), or (l) of this AD, any crack is found: Before further flight, repair using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(n) Retained No Termination Action for Repetitive Inspections, With No Changes

This paragraph restates the requirements of paragraph (n) of AD 2014–20–04, with no changes. Repair or replacement of parts as specified in this AD does not terminate the repetitive inspections required by this AD.

(o) New Requirement of This AD: Detailed Inspection for Certain Rivets

For airplanes previously inspected using the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, dated November 6, 2012: At the earlier of the times specified in paragraphs (o)(1) and (o)(2) of this AD, do a detailed inspection of the rivet installation in the belly fairing shear walls and the titanium angles for part number EN6081D4 series rivets in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. A review of the airplane maintenance records is acceptable to comply with the requirements this paragraph for that airplane, provided it can be determined that no titanium angles have been installed on that airplane in accordance with the Accomplishment Instructions of Revision 02 of Airbus Service Bulletin A320–53–1259, or if only rivets part number EN6081D5 have been used to install the titanium angles on that airplane.

(1) Within 2,000 flight cycles or 4,000 flight hours, whichever occurs first after the effective date of this AD.

(2) Before exceeding 5,000 flight cycles or 10,000 flight hours, whichever occurs first after accomplishment of the last inspection specified in paragraph (h) of this AD.

(p) New Requirements of This AD: Replacement of Certain Rivets

If any part number EN6081D4 series rivet is found during any inspection required by paragraph (o) of this AD, before further flight, do the actions specified in paragraphs (p)(1) and (p)(2) of this AD.

(1) Remove the part number EN6081D4 series rivets and do a rotating probe test of the open holes for cracks, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017. If any crack is found during any inspection required by this paragraph, before further flight, obtain corrective actions approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA DOA; and accomplish the corrective actions within the compliance time specified therein. If approved by the DOA, the approval must include the DOA-authorized signature.

(2) Replace part number EN6081D4 series rivets with part number EN6081D5 series rivets in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1259, Revision 03, dated November 30, 2017.

(q) Other FAA AD Provisions

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

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

(ii) AMOCs approved previously for AD 2014–20–04, Amendment 39–17977 (79 FR 59636, October 3, 2014), are approved as AMOCs for the corresponding provisions of paragraphs (o) and (p) of this AD.

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

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

(r) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0091, dated April 20, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0795.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax 206–231–3223.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; phone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* internet: *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on August 29, 2018.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–19932 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–13–P

Notices

Federal Register
Vol. 83, No. 180
Monday, September 17, 2018

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 11, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by October 17, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20503. Commentors are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Environmental Justice and the Urban Forest in Atlanta, GA.

OMB Control Number: 0596–0237.

Summary of Collection: Environmental justice is defined by the Environmental Protection Agency as the ''fair treatment and meaningful involvement of *all* people . . . with respect to the development, implementation, and enforcement of environmental laws, regulations and policies.'' This information collection addresses environmental justice in urban settings. Cities are often (though not always) places of particular concern for environmental justice inquires due to the greater concentration of environmental pollutants and human populations. The following statutes and regulations are relevant to this request for information collection: Executive Order 12898, Memorandum of Understanding on Environmental Justice and Executive Order 12898, National Environmental Policy Act of 1969 (Pub. L. 91–190), the Civil Rights Act of 1964 (Pub. L. 88–352).

Need and Use of the Information: The study provides an integrated approach to assessing residents' relationship to the urban forest. The collection addresses environmental justice from the perspective of urban trees; and how this resource may contribute to environmental justice in a given community or neighborhood. The agency will use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. If the information is not collected, efforts at the federal level to evaluate environmental justice will remain limited to methodologies that reproduce incomplete assessments of environmental justice.

Description of Respondents: Individuals or households.

Number of Respondents: 1,900.

Frequency of Responses: Reporting: Other (one time).

Total Burden Hours: 215.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–20070 Filed 9–14–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Solicitation of Applications for the Rural Energy for America Program for Federal Fiscal Year 2019; Correction

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice; correction.

SUMMARY: The Rural Business-Cooperative Service (the Agency) published a notice in the **Federal Register** of August 14, 2018, announcing the acceptance of applications for funds available under the Rural Energy for America Program (REAP) for Fiscal Year (FY) 2019. The 2014 Farm Bill provides funding for the program for FY 2017. This notice provides corrections to: Section V. Application Review Information, subsection B. Review and Selection Process, subparagraphs (1)(c), (1)(d), and (3) to indicate applications received by April 1, 2019.

FOR FURTHER INFORMATION CONTACT: For information about this Notice, please contact Anthony Crooks, Rural Energy Policy Specialist, USDA Rural Development, Energy Division, 1400 Independence Avenue SW, Stop 3225, Room 6870, Washington, DC 20250. Telephone: (202) 205–9322. Email: *anthony.crooks@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** on August 14, 2018 (83 FR 40216), make the following corrections:

Summary of Changes

1. In the second column on page 40221, under Section V. Application Review Information, subsection B. Review and Selection Process, subparagraphs (1)(c) the first sentence is being revised to read as follows:

a. Eligible applications for renewable energy system and energy efficiency improvements, regardless of the amount of the funding request, received by April 1, 2019, can compete for unrestricted grant funds.

2. In the second column on page 40221, under Section V. Application Review Information, subsection B. Review and Selection Process, subparagraphs (1)(d) is being revised to read as follows:

a. National unrestricted grant funds for all eligible renewable energy system and energy efficiency improvements grant applications received by April 1, 2019, which include grants of $20,000 or less, that are not funded by State allocations can be submitted to the National Office to compete against grant applications from other States at a final national competition.

3. In the third column on page 40221, under Section V. Application Review Information, subsection B. Review and Selection Process, subparagraphs (3), the third sentence of the second paragraph, that continues on page 40222 is being revised to read as follows:

a. All unfunded eligible applications for combined grant and guaranteed loan applications that are received by April 1, 2019, and that are not funded by State allocations can be submitted to the National Office to compete against other grant and combined grant and guaranteed loan applications from other States at a final national competition.

Dated: September 11, 2018.

David Foster,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2018–20119 Filed 9–14–18; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Telecommunications Program: Notice of availability of a Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Availability of a Finding of No Significant Impact for a Programmatic Environmental Assessment of USDA Rural Utilities Service's Financial Support for Deployment of the Telecommunications Programs to Rural America.

SUMMARY: The Rural Utilities Service (RUS), an agency of the United States Department of Agriculture, has issued a Finding of No Significant Impact (FONSI) in association with the ''Broadband Deployment to Rural America'' Programmatic Environmental Assessment (PEA) published on March 1, 2016. The PEA provides a broad environmental analysis of the Agency's preliminary decisions and includes a tiered, site-specific analysis at the project level that would be completed before Agency dispersal of funds and/or applicant construction.

FOR FURTHER INFORMATION CONTACT: To obtain copies of the FONSI or PEA, or for further information, please contact: Ms. Lauren Rayburn, Environmental Scientist, Rural Utilities Service, 1400 Independence Ave. SW, Mail Stop 1571, Room 2240, Washington, DC 20250, *phone:* (202) 695–2540, or *email: lauren.rayburn@wdc.usda.gov.* Additional information about the Agency and its programs is available on the internet at *http://www.rd.usda.gov/.*

SUPPLEMENTARY INFORMATION: RUS issued a Programmatic Environmental Assessment (PEA) for the development of a more efficient and effective environmental review process for its Telecommunications Program on March 1, 2016. The PEA provides a broad environmental analysis of the Agency's preliminary decisions and includes a tiered, site-specific analysis at the project level that would be completed before Agency dispersal of funds and/or applicant construction. Since publication of the Agency's Environmental Policies and Procedures (7 CFR part 1970) on March 2, 2016, RUS has updated the PEA with citations to the Agency's new environmental rule. These changes were administrative and not substantive, therefore supplementation of the PEA is not required.

The RUS Telecommunications Program provides a variety of loans and grants to build and expand broadband networks in rural America. Loans to build broadband networks and deliver service to households and businesses in rural communities provide a necessary source of capital for rural telecommunications companies. Grant funding is awarded based on a number of factors relating to the benefits to be derived from the proposed broadband network project, as specified in applicable program regulations.

Eligible applicants for RUS loans and grants include for-profit and non-profit entities, tribes, municipalities, and cooperatives. The Agency particularly encourages investment in tribal and economically disadvantaged areas. Through low-cost funding for telecommunications infrastructure, rural residents can have access to services that will close the digital divide between rural and urban communities. Once funds are awarded, RUS monitors the projects to make sure they are completed in accordance with program conditions and requirements.

The application process for requesting financial assistance for the various Telecommunications programs varies slightly from a competitive grant program, individual project proposals, or multi-year ''loan design'' applications. The Agency seeks to synchronize and create environmental review efficiencies for future project-level environmental review compliance for the various programs, commensurate with the potential environmental impacts. The Agency also seeks to establish proper sequencing of certain agency preliminary decisions (*i.e.,* obligation of funds and/or approval of interim financing requests) with subsequent tiered, site-specific project environmental reviews.

The PEA is intended to expedite the funding, deployment, and expansion of broadband infrastructure in rural America. The PEA includes detailed descriptions and analyses of the direct, indirect, and cumulative impacts associated with broadband infrastructure technologies and construction methods, such as impacts to water resources, terrestrial resources, historic and cultural resources, air and climate resources, noise, threatened and endangered species, electromagnetic radiation, and Environmental Justice issues. Use of the PEA analyses thereby saves project-level processing time, ensuring consistent and accurate environmental evaluations while avoiding unnecessary duplication and repetition in project-level planning and evaluation. Use of the PEA and its FONSI enables project-level compliance with NEPA, ESA, NHPA, and other requirements to focus on the remaining relevant site-specific issues, expediting planning, analysis, compliance, documentation, and ultimately project-level decisions.

Any final action by RUS related to the broadband portion of the RUS Telecommunications Program will be subject to, and contingent upon, compliance with all relevant presidential executive orders and federal, state, and local environmental laws and regulations in addition to the completion of the environmental review requirements as prescribed in the Agency's Environmental Policies and Procedures.

Based on its EA, RUS has determined that the issued FONSI fulfills its obligations under NEPA for Agency actions associated with financing through the following programs: Telecommunications Infrastructure Loan Program; Rural Broadband Access Loan and Loan Guarantee Program; Community Connect Grant Program; and Distance Learning and Telemedicine Grant Program. RUS is satisfied that the environmental

consequences have been assessed and adequately addressed at a programmatic level. Accordingly, an Environmental Impact Statement will not be prepared.

Dated: September 11, 2018.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2018–20051 Filed 9–14–18; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Tennessee Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Tennessee Advisory Committee will hold a meeting on Wednesday, October 10, 2018 12:30 p.m. EST to discuss hearing preparations on legal financial obligations and civil rights issues.

DATES: The meeting will be held on Wednesday October 10, 2018 12:30 p.m. EST. Public Call Information: The meeting will be by teleconference. Toll-free call-in number: 877–260–1479, conference ID: 2206695.

FOR ADDITIONAL INFORMATION CONTACT: Jeff Hinton, DFO, at *jhinton@usccr.gov.*

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 877–260–1479, conference ID: 2206695. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Written comments may be mailed to the Regional Program Unit Office, U.S. Commission on Civil Rights, 230 S. Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324 or may be emailed to the Regional Director, Jeff Hinton at *jhinton@usccr.gov.* Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Tennessee Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Southern Regional Office at the above email or street address.

Agenda

Welcome and Call to Order
  Diane DiIanni, Tennessee SAC Chairman
Jeff Hinton, Regional Director
Regional Update- Jeff Hinton
New Business: Diane DiIanni, Tennessee SAC Chairman/Staff/Advisory Committee
  Public Participation
Adjournment

Dated: September 12, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–20115 Filed 9–14–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Florida Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Florida Advisory Committee (Committee) will hold a meeting on Friday September 28, 2018, at 2:30 p.m. (EST) for the purpose discussing civil rights concerns in the state.

DATES: The meeting will be held on Friday September 28, 2018, at 2:30 p.m. (EST).

Public Call Information: Dial: 877–260–1479, Conference ID: 3162185.

FOR FURTHER INFORMATION CONTACT: Jeff Hinton, DFO, at *jhinton@usccr.gov.*

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the toll-free call-in number dial: 877–260–1479, Conference ID: 3162185. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Written comments may be mailed to the Regional Program Unit Office, U.S. Commission on Civil Rights, 230 S Dearborn St., Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324 or may be emailed to the Regional Director, Jeff Hinton at *jhinton@usccr.gov.* Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Florida Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Southern Regional Office at the above email or street address.

Agenda

Welcome and Introductions
  Discussion: Civil Rights Issues in Florida
Public Comment
  Adjournment

Dated: September 12, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–20114 Filed 9–14–18; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 180821787–8787–01]

RIN 0694–XC046

Effectiveness of Licensing Procedures for Agricultural Commodities to Cuba

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Request for comments.

SUMMARY: The Bureau of Industry and Security (BIS) is requesting public comments on the effectiveness of its licensing procedures as defined in the Export Administration Regulations for the export of agricultural commodities to Cuba. BIS will include a description of these comments in its biennial report to the Congress, as required by the Trade Sanctions Reform and Export Enhancement Act of 2000, as amended (TSRA).

DATES: Comments must be received by October 17, 2018.

ADDRESSES: Comments on this notice may be submitted via the Federal eRulemaking Portal (*http://www.regulations.gov*) by using the notice *regulations.gov* docket number, which is BIS–2018–0019.

Comments may also be submitted via email to *publiccomments@bis.doc.gov* or on paper to Regulatory Policy Division, Bureau of Industry and Security, U.S. Department of Commerce, Room 2099B, Washington, DC 20230.

Please refer to ''RIN 0694–XC046/TSRA 2018 Report'' in all comments and in the subject line of email comments. All comments (including any personally identifying information) will be made available for public inspection and copying.

FOR FURTHER INFORMATION CONTACT: Mark Salinas, Office of Nonproliferation and Treaty Compliance, Telephone: (202) 482–4252. Additional information on BIS procedures and previous biennial reports under TSRA is available at *http://www.bis.doc.gov/index.php/policy-guidance/country-guidance/sanctioned-destinations/13-policy-guidance/country-guidance/426-reports-to-congress.* Copies of these materials may also be requested by contacting the Office of Nonproliferation and Treaty Compliance.

SUPPLEMENTARY INFORMATION: Pursuant to section 906(a) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA) (22 U.S.C. 7205(a)), the Bureau of Industry and Security (BIS) authorizes exports of agricultural commodities, as defined in part 772 of the Export Administration Regulations (EAR), to Cuba. Requirements and procedures associated with such authorization are set forth in § 740.18 of the EAR (15 CFR 740.18). These are the only licensing procedures in the EAR currently in effect pursuant to the requirements of section 906(a) of TSRA.

Under the provisions of section 906(c) of TSRA (22 U.S.C. 7205(c)), BIS must submit a biennial report to the Congress on the operation of the licensing system implemented pursuant to section 906(a) for the preceding two-year period. This report must include the number and types of licenses applied for, the number and types of licenses approved, the average amount of time elapsed from the date of filing of a license application until the date of its approval, the extent to which the licensing procedures were effectively implemented, and a description of comments received from interested parties during a 30-day public comment period about the effectiveness of the licensing procedures. BIS is currently preparing a biennial report on the operation of the licensing system for the two-year period from October 1, 2016 through September 30, 2018.

Request for Comments

By this notice, BIS requests public comments on the effectiveness of the licensing procedures for the export of agricultural commodities to Cuba set forth under § 740.18 of the EAR. Parties submitting comments are asked to be as specific as possible. All comments received by the close of the comment period will be considered by BIS in developing the report to Congress.

All comments must be in writing and will be available for public inspection and copying. Any information that the commenter does not wish to be made available to the public should not be submitted to BIS.

Dated: September 11, 2018.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2018–20123 Filed 9–14–18; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904; Binational Panel Review: Notice of Request for Panel Review

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of NAFTA Request for Panel Review in the matter of Certain Uncoated Groundwood Paper from Canada: Final Affirmative Countervailing Duty Determination (Secretariat File Number: USA–CDA–2018–1904–06).

SUMMARY: A Request for Panel Review was filed on behalf of Government of Canada; the Government of Alberta; the Government of British Columbia; the Government of Newfoundland and Labrador; the Government of Ontario; the Government of Quebec; Alberta Newsprint Company; Catalyst Paper Corporation, Catalyst Pulp and Paper Sales Inc. and Catalyst Paper (USA) Inc.; Kruger Trois-Rivieres L.P., Comer Brook Pulp and Paper Limited, Kruger Publication Papers Inc. and Kruger Brompton L.P.; Resolute FP Canada Inc. and Resolute FP US Inc.; and Tembec Inc. with the United States Section of the NAFTA Secretariat on September 10, 2018, pursuant to NAFTA Article 1904. Panel Review was requested of the Department of Commerce's final affirmative countervailing duty determination regarding Groundwood Paper from Canada. The final determination was published in the **Federal Register** on August 9, 2018 (83 FR 39414). The NAFTA Secretariat has assigned case number USA–CDA–2018–1904–06 to this request.

FOR FURTHER INFORMATION CONTACT: Paul E. Morris, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews, which were adopted by the three governments for panels requested pursuant to Article 1904(2) of NAFTA which requires Requests for Panel Review to be published in accordance with Rule 35. For the complete Rules, please see *https://www.nafta-sec-alena.org/Home/Texts-of-the-Agreement/Rules-of-Procedure/Article-1904.*

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is October 10, 2018);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is October 25, 2018); and

(c) The panel review shall be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: September 12, 2018.

Paul E. Morris,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 2018–20121 Filed 9–14–18; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–865]

Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products (hot-rolled steel) from the People's Republic of China (China), covering the period of review (POR) November 1, 2016, through October 31, 2017.

DATES: Applicable September 17, 2018.

FOR FURTHER INFORMATION CONTACT: Benito Ballesteros, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202.482.7425.

SUPPLEMENTARY INFORMATION:

Background

On July 2, 2018, Commerce published the *Preliminary Results* of the administrative review of hot-rolled steel from China.[1] We invited parties to submit comments on the *Preliminary Results,* but we received no comments. Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the order are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1,250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of the order.

Specifically included within the scope of the order are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products included in the scope of the order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is two percent or less, by weight; and, (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of the order unless otherwise excluded. The following products, for example, are outside or specifically excluded from the scope of the order:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.,* American Society for Testing and Materials (ASTM) specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron & Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearing steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to the order is classified in the HTSUS at subheadings: 7208.10.1500, 7208.10.3000, 7208.10.6000, 7208.25.3000, 7208.25.6000, 7208.26.0030, 7208.26.0060, 7208.27.0030, 7208.27.0060, 7208.36.0030, 7208.36.0060, 7208.37.0030, 7208.37.0060, 7208.38.0015, 7208.38.0030, 7208.38.0090, 7208.39.0015, 7208.39.0030, 7208.39.0090, 7208.40.6030, 7208.40.6060, 7208.53.0000, 7208.54.0000, 7208.90.0000, 7211.14.0090, 7211.19.1500, 7211.19.2000, 7211.19.3000, 7211.19.4500, 7211.19.6000, 7211.19.7530, 7211.19.7560, and 7211.19.7590.

Certain hot-rolled carbon steel flat products covered by the order, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.0000, 7225.19.0000, 7225.30.3050, 7225.30.7000, 7225.40.7000, 7225.99.0090, 7226.11.1000, 7226.11.9030, 7226.11.9060, 7226.19.1000, 7226.19.9000, 7226.91.5000, 7226.91.7000, 7226.91.8000, and 7226.99.0000. Subject merchandise may also enter under 7210.70.3000, 7210.90.9000, 7211.14.0030, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Analysis of Comments Received

As noted above, we received no comments on the *Preliminary Results.*

[1] *See Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 30912 (July 2, 2018) (*Preliminary Results*).

Changes Since the Preliminary Results

As no parties submitted comments on the *Preliminary Results,* Commerce has not modified its analysis from that presented in the *Preliminary Results,* and no decision memorandum accompanies this **Federal Register** notice. Further, Commerce has made no changes and continues to find that Baosteel Group Corporation, Shanghai Baosteel International Economic & Trading Co., Ltd., Baoshan Iron and Steel Co., Ltd. (collectively, Baosteel),[2] Shanghai Meishan Iron & Steel, and Union Steel China (collectively, companies under review) have not demonstrated that they are separate from the China-wide entity. Because no review was requested of the China-wide entity, the pre-existing China-wide rate of 90.83 percent will apply to entries of their subject merchandise into the United States during the POR.

Assessment Rates

We have not calculated any assessment (or cash deposit) rates in this administrative review, because none of the companies under review qualified for a separate rate. Commerce intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this administrative review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For Baosteel, Shanghai Meishan Iron & Steel, and Union Steel China, which did not qualify for separate rate, the cash deposit rate will be China-wide rate of 90.83 percent; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all Chinese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the China-wide rate of 90.83 percent; 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 Chinese exporter(s) that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results within five days of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). However, because the companies under review are part of the China-wide entity, there are no calculations to disclose.

Notification to Importers

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

Administrative Protective Order

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

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(5).

[2] Because no party is challenging the prior collapsing determination, we continue to collapse Baosteel Group Corporation, Shanghai Baosteel International Economic & Trading Co., Ltd., and Baoshan Iron and Steel Co., Ltd. (collectively, Baosteel). *See Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China: Final No Shipments Determination of Antidumping Duty Administrative Review; 2012–2013;* 79 FR 67415 (November 13, 2014).

Dated: September 10, 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. 2018–20071 Filed 9–14–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904; Binational Panel Review: Notice of Request for Panel Review

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of NAFTA Request for Panel Review in the matter of Certain Uncoated Groundwood Paper From Canada: Final Determination of Sales at Less Than Fair Value (Secretariat File Number: USA–CDA–2018–1904–05).

SUMMARY: A Request for Panel Review was filed on behalf of Kruger Trois-Rivieres L.P. (''KTR''), Corner Brook Pulp and Paper Limited (''CBPP''), Kruger Publication Papers Inc. (''KPPI''), and Kruger Brompton L.P. (collectively ''Kruger'') with the United States Section of the NAFTA Secretariat on September 7, 2018, pursuant to NAFTA Article 1904. Panel Review was requested in regards to the Department of Commerce's final antidumping duty determination of Certain Uncoated Groundwood Paper from Canada. The final determination was published in the **Federal Register** on August 9, 2018 (83 FR 39412). The NAFTA Secretariat has assigned case number USA–CDA–2018–1904–05 to this request.

FOR FURTHER INFORMATION CONTACT: Paul E. Morris, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews, which were adopted by

the three governments for panels requested pursuant to Article 1904(2) of NAFTA which requires Requests for Panel Review to be published in accordance with Rule 35. For the complete Rules, please see *https://www.nafta-sec-alena.org/Home/Texts-of-the-Agreement/Rules-of-Procedure/Article-1904.*

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is October 9, 2018);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is October 22, 2018); and

(c) The panel review shall be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: September 12, 2018.

Paul E. Morris,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 2018–20120 Filed 9–14–18; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People's Republic of China: Initiation and Expedited Preliminary Results of Antidumping Duty Changed Circumstances Review

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

SUMMARY: Based on a request from Mid Continent Nail Corporation (the petitioner), the Department of Commerce (Commerce) is initiating, and issuing expedited preliminary results of, a changed circumstances review (CCR) of the antidumping duty (AD) order on certain steel nails (nails) from the People's Republic of China (China).

DATES: Applicable September 17, 2018.

FOR FURTHER INFORMATION CONTACT: Susan S. Pulongbarit, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone 202–482–4031.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2008, Commerce published the antidumping duty order on nails from the China.[1] On April 21, 2011, in response to a request submitted by the petitioner, Commerce published an initiation and preliminary results of a CCR, in which Commerce preliminarily revoked the *Order* with respect to four types of steel nails based on petitioner's expressed lack of interest in antidumping duty relief with respect to such imports.[2] In addition, Commerce preliminarily adopted petitioner's proposed exclusion language concerning the four types of steel nails, in part, declining to adopt language which would have required the labels ''roof'' or ''roofing'' on the packaging of three of the four types of excluded steel nails.[3] On May 24, 2011, Commerce published its final results for the CCR revoking the *Order* with respect to the aforementioned four types of steel nails, unchanged from the preliminary results.[4] Commerce made no changes to the preliminary scope exclusion language, and, thus, aside from the labeling language, Commerce otherwise adopted the new exclusion language proffered by the petitioner.[5]

On March 22, 2017, the petitioner requested that Commerce initiate another CCR to include the labels ''roof'' or ''roofing'' on the packaging and packaging marking of three of the four types of steels nails that were excluded from the scope of the *Order* in the *2011 CCR Final Results.*[6] On April 12, 2017, Commerce received comments from PrimeSource Building Products, Inc. (PrimeSource) requesting that Commerce reject the petitioner's request for a CCR.[7] On April 18, 2017, Commerce received comments from the petitioner regarding PrimeSource's comments.[8] On May 11, 2017, Commerce issued a supplemental questionnaire to the petitioner requiring further information regarding its CCR request.[9] On May 17, 2017, the petitioner submitted its response to the CCR Supplemental.[10] On May 24, 2017, Building Materials Distributors, Inc. (BMD) submitted a letter opposing the petitioner's request for the initiation of a CCR,[11] to which the petitioner responded on May 31, 2017.[12] On May 31, 2017, PrimeSource submitted a response to the petitioner's CCR Supplemental Response.[13]

Scope of the Order

The merchandise covered by the *Order* includes certain steel nails having a shaft length up to 12 inches. Certain steel nails subject to the *Order* are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7317.00.55, 7317.00.65, 7317.00.75, and 7907.00.6000.[14] While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Order* is dispositive.[15]

Initiation and Expedited Preliminary Results of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216(d), Commerce will conduct a CCR of an antidumping or countervailing duty order when it receives information which shows changed circumstances sufficient to warrant such a review. In this case, for the reasons discussed in the Preliminary

[1] *See Notice of Antidumping Duty Order: Certain Steel Nails from the People's Republic of China,* 73 FR 44961 (August 1, 2008) (*Order*).

[2] *See Certain Steel Nails from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 76 FR 22369 (April 21, 2011) (*2011 CCR Initiation and Preliminary Results*).

[3] *Id.*

[4] *See Certain Steel Nails from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review,* 76 FR 30101 (May 24, 2011) (*2011 CCR Final Results*).

[5] *Id.*

[6] *See* the Petitioner's March 22, 2017 Request for Changed Circumstances Review (2017 CCR Request).

[7] *See* PrimeSource's April 12, 2017 CCR Letter (PrimeSource Comments).

[8] *See* the Petitioner's April 18, 2017 Response to Prime Source (Petitioner's PrimeSource Comments).

[9] *See* Department Letter re: Changed Circumstances Review Request: Supplemental Questions, dated May 10, 2017 (CCR Supplemental).

[10] *See* the Petitioner's May 17, 2017 CCR Supplemental Response (CCR Supplemental Response).

[11] *See* BMD's May 24, 2017 CCR Letter (BMD Comments).

[12] *See* the Petitioner's May 31, 2017 Response to BMD (Petitioner's BMD Comments).

[13] *See* BMD's May 31, 2017 Response to the Petitioner's CCR Supplemental Response (BMD's May 31, 2017 Comments).

[14] Commerce added the Harmonized Tariff Schedule category 7907.00.6000, ''Other articles of zinc: Other,'' to the language of the *Order. See* Memorandum ''Certain Steel Nails from the People's Republic of China: Cobra Anchors Co. Ltd. Final Scope Ruling,'' dated September 19, 2013.

[15] For a full description of the scope of the *Order,* see Attachment I.

Determination Memorandum, we find that such sufficient information exists to warrant a CCR.[16] Further, Commerce does not require any additional information to make a preliminary finding. For this reason, as permitted by 19 CFR 351.221(c)(3)(ii), Commerce finds that expedited action is warranted and is conducting this review on an expedited basis by publishing preliminary results in conjunction with a notice of initiation.

Public Comment

Interested parties may submit case briefs not later than 14 days after the date of publication of this notice.[17] Rebuttal briefs, which must be limited to issues raised in case briefs, may be filed not later than seven days after the due date for case briefs.[18] All submissions must be filed electronically using Enforcement and Compliance's AD and CVD 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. An electronically filed document must be received successfully in its entirety by ACCESS, by 5:00 p.m. Eastern Time on the due dates set forth in this notice.

Any interested party may request a hearing within 14 days of publication of this notice. Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230 in a room to be determined.[19]

Unless extended, consistent with 19 CFR 351.216(e), we intend to issue the final results of this CCR no later than 270 days after the date on which this review was initiated or 45 days if all parties agree to the outcome of the review.

This notice is published in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.221(c)(3).

Dated: September 11, 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.

Attachment I

Revised Scope of the Order

The merchandise covered by this order includes certain steel nails having a shaft length up to 12 inches. Certain steel nails include, but are not limited to, nails made of round wire and nails that are cut. Certain steel nails may be of one-piece construction or constructed of two or more pieces. Certain steel nails may be produced from any type of steel, and have a variety of finishes, heads, shanks, point types, shaft lengths and shaft diameters. Finishes include, but are not limited to, coating in vinyl, zinc (galvanized, whether by electroplating or hot dipping one or more times), phosphate cement, and paint. Head styles include, but are not limited to, flat, projection, cupped, oval, brad, headless, double, countersunk, and sinker. Shank styles include, but are not limited to, smooth, barbed, screw threaded, ring shank and fluted shank styles. Screw-threaded nails subject to this order are driven using direct force and not by turning the fastener using a tool that engages with the head. Point styles include, but are not limited to, diamond, blunt, needle, chisel and no point. Finished nails may be sold in bulk, or they may be collated into strips or coils using materials such as plastic, paper, or wire. Certain steel nails subject to this order are currently classified under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings 7317.00.55, 7317.00.65, 7317.00.75, and 7907.00.6000.[20]

Excluded from the scope are steel roofing nails of all lengths and diameter, whether collated or in bulk, and whether or not galvanized. Steel roofing nails are specifically enumerated and identified in ASTM Standard F 1667 (2005 revision) as Type I, Style 20 nails, inclusive of the following modifications: (1) Non-collated (*i.e.,* hand-driven or bulk), steel nails as described in ASTM Standard F 1667 (2005 revision) as Type I, Style 20 nails, as modified by the following description: Having a bright or galvanized finish, a smooth, barbed or ringed shank, an actual length of 0.500″ to 4″, inclusive; an actual shank diameter of 0.1015″ to 0.166″, inclusive; and an actual head diameter of 0.3375″ to 0.500″, inclusive; (2) Wire collated steel nails, in coils, as described in ASTM Standard F 1667 (2005 revision) as Type I, Style 20 nails, as modified by the following description: Having a galvanized finish, a smooth, barbed or ringed shank, an actual length of 0.500″ to 1.75″, inclusive, an actual shank diameter of 0.116″ to 0.166″, inclusive; and an actual head diameter of 0.3375″ to 0.500″, inclusive; and (3) Non-collated (*i.e.,* hand-driven or bulk), as described in ASTM Standard F 1667 (2005 revision) as Type I, Style 20 nails, as modified by the following description: Steel nails having a convex head (commonly known as an umbrella head), a smooth or spiral shank, a galvanized finish, an actual length of 1.75″ to 3″, inclusive; an actual shank diameter of 0.131″ to 0.152″, inclusive; and an actual head diameter of 0.450″ to 0.813″, inclusive.

Also excluded from the scope are the following steel nails: Non-collated (*i.e.,* hand-driven or bulk), two-piece steel nails having plastic or steel washers (caps) already assembled to the nail, having a bright or galvanized finish, a ring, fluted or spiral shank, an actual length of 0.500″ to 8″, inclusive; and an actual shank diameter of 0.1015″ to 0.166″, inclusive; and an actual washer or cap diameter of 0.900″ to 1.10″, inclusive.

Also excluded from the scope of this order are corrugated nails. A corrugated nail is made of a small strip of corrugated steel with sharp points on one side. Also excluded from the scope of this order are fasteners suitable for use in powder-actuated hand tools, not threaded and threaded, which are currently classified under HTSUS 7317.00.20 and 7317.00.30. Also excluded from the scope of this order are thumb tacks, which are currently classified under HTSUS 7317.00.10.00.

Also excluded from the scope of this order are certain brads and finish nails that are equal to or less than 0.0720 inches in shank diameter, round or rectangular in cross section, between 0.375 inches and 2.5 inches in length, and that are collated with adhesive or polyester film tape backed with a heat seal adhesive. Also excluded from the scope of this order are fasteners having a case hardness greater than or equal to 50 HRC, a carbon content greater than or equal to 0.5 percent, a round head, a secondary reduced-diameter raised head section, a centered shank, and a smooth symmetrical point, suitable for use in gas-actuated hand tools. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Attachment II

List of Topics Discussed in the Preliminary Determination Memorandum

[FR Doc. 2018–20122 Filed 9–14–18; 8:45 am]

BILLING CODE 3510–DS–P

[16] Memorandum, ''Decision Memorandum for the Initiation and Expedited Preliminary Determination of Changed Circumstances Review: Certain Steel Nails from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[17] Commerce is exercising its discretion under 19 CFR 351.309(c)(1)(ii) to alter the time limit for filing of case briefs.

[18] Commerce is exercising its discretion under 19 CFR 351.309(d)(1) to alter the time limit for filing of rebuttal briefs.

[19] See 19 CFR 351.310(d).

[20] Commerce added the Harmonized Tariff Schedule category 7907.00.6000, ''Other articles of zinc: Other,'' to the language of the AD order on Nails from China. *See Certain Steel Nails from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 80 FR 18816, 18816 n.5 (April 5, 2018).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG414

Mid-Atlantic Fishery Management Council (MAFMC); Public Hearings

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

ACTION: Notice of rescheduling of public hearings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council), jointly with the Atlantic States Marine Fisheries Commission (Commission's) Summer Flounder, Scup, and Black Sea Bass Board (Board), has rescheduled three public hearings for the Draft Summer Flounder Commercial Issues and Goals and Objectives Amendment to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). These three hearings were previously scheduled for September 12 and 13 in Washington, NC, Newport News, VA, and Dover, DE, and have been postponed due to inclement weather associated with Hurricane Florence.

DATES: The rescheduled hearings will be held on September 24 and September 26, 2018. The written public comment deadline is unchanged: Comments must be received on or before 11:59 p.m. EST, October 12, 2018. For specific dates and times of rescheduled hearings, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The hearing schedule and documents are accessible electronically via the internet at: *http://www.mafmc.org/actions/summer-flounder-amendment* or by request to Dr. Chris Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

Meeting addresses: The rescheduled public hearings will be held in Dover, DE; Newport News, VA; and Washington, NC. For specific locations, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission scheduled 10 public hearings on an amendment to the Summer Flounder, Scup, and Black Sea Bass FMP, known as the ''Summer Flounder Commercial Issues and Goals and Objectives Amendment.'' A notice of these hearings published in the **Federal Register** on August 17, 2018 (83 FR 41060). Three of the ten hearings have been postponed due to inclement weather associated with Hurricane Florence, and the location of the Dover, DE hearing has changed. The rescheduled hearings are as follows:

1. The Washington, NC hearing originally scheduled for September 12 has been rescheduled for Monday, September 24, 2018, 6 p.m., at the North Carolina Division of Marine Fisheries, Washington Regional Office, 943 Washington Square Mall, U.S. Highway 17, Washington, NC 27889.

2. The Dover, DE hearing originally scheduled for September 13 has been rescheduled for Wednesday, September 26, 2018, 6 p.m., and the hearing location has been moved to the Dover Public Library, Meeting Room B, 35 Loockerman Plaza, Dover, DE 19901.

3. The Newport News, VA hearing originally scheduled for September 13 has been rescheduled for Wednesday, September 26, 2018, 7 p.m., at the Virginia Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Newport News, VA 23607.

Additional information and amendment documents are available at: *http://www.mafmc.org/actions/summer-flounder-amendment.*

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office (302) 526–5251 at least 5 days prior to the meeting date.

Dated: September 12, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–20132 Filed 9–14–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG446

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of a postponement of the South Atlantic Fishery Management Council meetings.

SUMMARY: A meeting of the South Atlantic Fishery Management Council originally scheduled for September 16–21, 2018 has been postponed due to the threat of Hurricane Florence. The meeting has been rescheduled for September 30—October 5, 2018. The South Atlantic Fishery Management Council (Council) will hold meetings of the following: Advisory Panel Selection Committee (Closed Session); Southeast Data, Assessment and Review (SEDAR) Committee; Standard Operating, Policy, and Procedure (SOPPs) Committee; Spiny Lobster Committee; Habitat Protection and Ecosystem-Based Management Committee; Snapper Grouper Committee; Mackerel Cobia Committee; and Executive Finance Committee. The Council meeting week will also include a Recreational Fishing Workshop, a formal public comment period, and a meeting of the full Council. See **SUPPLEMENTARY INFORMATION**.

DATES: The Council meeting has been rescheduled and will be held from 1 p.m. on Sunday, September 30, 2018 until 12 p.m. on Friday, October 5, 2018.

ADDRESSES:

Meeting address: The meetings will be held at the Town and Country Inn, 2008 Savannah Highway, Charleston, SC phone: (843) 571–1000; fax: (843) 766–9444.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.* Meeting information is available from the Council's website at: *http://safmc.net/safmc-meetings/council-meetings/*

SUPPLEMENTARY INFORMATION:

Public comment: Written comments may be directed to Gregg Waugh, Executive Director, South Atlantic Fishery Management Council (see *Council address*) or electronically via the Council's website at *http://safmc.net/safmc-meetings/council-meetings/.* The online public comment form is open. Comments received by close of business the Monday before the meeting (9/24/18) will be compiled, posted to the website as part of the meeting materials, and included in the administrative record; please use the

Council's online form available from the website. For written comments received after the Monday before the meeting (after 9/24/18), individuals submitting a comment must use the Council's online form available from the website. Comments will automatically be posted to the website and available for Council consideration. Comments received prior to noon on Thursday, October 4, 2018 will be a part of the meeting administrative record.

The items of discussion in the individual meeting agendas are as follows:

Recreational Workshop, Sunday, September 30, 2018 From 1 p.m. Until 5 p.m. and Monday, October 1, 2018, 8:30 a.m. Until 12 p.m.

1. The Council is cooperating with the American Sportfishing Association (ASA), Coastal Conservation Association (CCA), and Yamaha Marine Group to conduct a Recreational Workshop prior to the Council meeting. The September workshop is part of a 3-phrase project to explore approaches to innovative management of the private recreational sector of the South Atlantic Snapper Grouper fishery. Participants include Council members and Snapper Grouper advisory panel representatives, and other invited representatives identified by ASA from the recreational fishing community that are familiar with the Council process and recreational fishing issues. The public is welcome to attend and listen to the workshop and subsequent regional meetings. Comments on the September workshop may be provided during the Council meeting public comment session scheduled for Wednesday, October 3, 2018 at 4 p.m.

Swearing in of New Council Members, Monday, October 1, 2018, 1:30 p.m. Until 1:40 p.m.

Newly appointed Council members will be sworn to duty by the NOAA Fisheries Regional Administrator.

Advisory Panel Selection Committee (Partially Closed Session), Monday, October 1, 2018, 1:40 p.m. Until 2:30 p.m.

1. The Committee will review applications for open seats on its System Management Plan Workgroup and advisory panels and provide recommendations for appointments.

2. The Committee will also discuss improving communication with advisory panels and provide direction to staff.

SEDAR Committee, Monday, October 1, 2018, 2:30 p.m. Until 3:30 p.m.

1. The Committee will receive an update on stock assessment activities including an overview of projects, Steering Committee actions, discuss items for the next Steering Committee meeting, and provide guidance to staff as needed.

SOPPs Committee—Monday, October 1, 2018, 3:30 p.m. Until 5 p.m.

The Committee will review and approve proposed changes to the Council Handbook and develop recommendations as appropriate.

Spiny Lobster Committee, Tuesday, October 2, 2018, 8:30 a.m. Until 9:30 a.m.

1. The Committee will receive an update on the status of 2017–2018 catches versus annual catch limit (ACLs) and an update from NOAA Fisheries on the status of amendments under formal review.

2. The Committee will review Spiny Lobster Amendment 13 addressing bullynets and measures recommended by the Florida Fish and Wildlife Conservation Commission (FWC), consider public comment, and consider approval for formal Secretarial review.

Habitat Protection and Ecosystem-Based Management Committee, Tuesday, October 2, 2018, 9:30 a.m. Until 12 p.m.

1. Committee discussions on ways to address species migration northwards along the Atlantic Coast with input from the Mid-Atlantic Fishery Management Council and the New England Fishery Management Council will be rescheduled at a later date.

2. The committee will receive an update on the Fishery Ecosystem Plan II Dashboard and tools, an overview of NOAA Fisheries Ecosystem-Based Fishery Management Implementation Plan draft for the South Atlantic Region, and take action as needed.

Snapper Grouper Committee Meeting, Tuesday, October 2, 2018, 1:30 p.m. Until 5 p.m. and Wednesday, October 3, 2018, 8:30 a.m. Until 3 p.m.

1. The Committee will receive updates from NOAA Fisheries on commercial catches versus quotas for species under ACLs and the status of amendments under formal Secretarial review.

2. The Committee will review public scoping comments received for Snapper Grouper Regulatory Amendment 29 addressing best practices and options for use of powerhead gear and approve actions and alternatives to be analyzed as appropriate.

3. The Committee will receive an overview of Vision Blueprint Regulatory Amendment 26 addressing recreational management actions and alternatives as identified in the 2016–20 Vision Blueprint for the Snapper Grouper Fishery Management Plan. The Committee will modify the document as necessary, select preferred alternatives, and approve all actions.

4. The Committee will receive an overview of Vision Blueprint Regulatory Amendment 27 addressing commercial management actions and alternatives, as identified in the 2016–20 Vision Blueprint for the Snapper Grouper Fishery. The Committee will modify the document as necessary and consider approval for formal Secretarial review.

5. The Committee will review public scoping comments for Snapper Grouper Amendment 47 addressing federal for-hire permit modification options and provide guidance to staff.

6. The Committee will receive an overview of Regulatory Amendment 30 addressing a rebuilding plan for red grouper, modify the draft amendment as necessary and approve preferred alternatives.

7. The Committee will review public scoping comments for Snapper Grouper Regulatory Amendment 32 addressing yellowtail snapper accountability measures, review the draft amendment, modify actions, and consider approval for public hearings.

8. The Committee will review Abbreviated Framework Amendment 2 addressing measures for vermilion snapper and black sea bass, modify the draft amendment as necessary, choose preferred alternatives, and consider approval for formal Secretarial review.

Mackerel Cobia Committee, Wednesday, October 3, 2018, 3 p.m. Until 4 p.m.

1. The Committee will receive an update on commercial catches versus ACLs, and an update on the status of amendments under formal review by NOAA Fisheries.

2. The Committee will review Coastal Migratory Pelagics Framework Amendment 6 addressing Atlantic king mackerel trip limits, confirm preferred alternatives, and consider approval for formal Secretarial Review.

Formal Public Comment, Wednesday, October 3, 2018, 4 p.m.— Public comment will be accepted on items on the Council meeting agenda scheduled to be approved for Secretarial Review: Snapper Grouper Abbreviated Framework 2 Amendment (vermilion snapper and black sea bass); Snapper Grouper Vision Blueprint Regulatory Amendment 27 (commercial measures); CMP Framework Amendment 6 (King

mackerel trip limits); and Spiny Lobster Amendment 13 (Update management procedures and bully net measures). Public comment will also be accepted on all agenda items. The Council Chair, based on the number of individuals wishing to comment, will determine the amount of time provided to each commenter.

Executive/Finance Committee, Thursday, October 4, 2018, 8:30 a.m. Until 12 p.m.

1. The Committee will receive an overview of the current Magnuson-Stevens Reauthorization efforts and the CCC Working Paper which includes positions on reauthorization, discuss, and provide guidance to staff.
2. The Committee will receive an overview of the draft Calendar-Year 2018 budget and approve the budget.
3. The committee will review the Council's Follow Up document and Priorities list, discuss, and provide guidance to staff.
4. The Committee will receive an update on regulatory reform efforts, a review of NOAA Fisheries issues open for comment, and an overview of the Law Enforcement Advisory Panel meeting schedule. The committee will discuss these agenda items and provide guidance to staff.

Council Session: Thursday, October 4, 2018, 1:30 p.m. Until 5 p.m. and Friday, October 5, 2018, 8:30 a.m. Until 12 p.m. (Partially Closed Session if Needed) (the Committee Reports Will Be Moved to Thursday)

The Full Council will begin with the Call to Order, adoption of the agenda, approval of minutes, election of chair and vice chair, and awards/recognition.

The Council will receive a Legal Briefing on Litigation from NOAA General Counsel (if needed) during Closed Session. The Council will receive staff reports including the Executive Director's Report, and updates from Council staff on the MyFishCount pilot project, outreach for for-hire electronic reporting requirements, the Council's Citizen Science Program, and the transition to an electronic newsletter.

Updates will be provided by NOAA Fisheries including a report on the status of commercial catches versus ACLs for species not covered during an earlier committee meeting, data-related reports, protected resources updates, update on the status of the of the Commercial Electronic Logbook Program, and the status of the Marine Recreational Information Program (MRIP) conversions for recreational fishing estimates. The Council will discuss and take action as necessary.

The Council will review any Exempted Fishing Permits received as necessary.

The Council will receive an overview of MRIP and Revisions from NOAA Fisheries as well as Draft Amendment 11 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan for Management of Shortfin Mako Sharks and take action as appropriate.

The Council will receive committee reports from the Snapper Grouper, Mackerel Cobia, Spiny Lobster, AP Selection, SEDAR, Habitat, SOPPs, and Executive Finance Committees, as well a report from the Recreational Workshop, and take action as appropriate.

The Council will receive agency and liaison reports; and discuss other business and upcoming meetings.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 12, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–20133 Filed 9–14–18; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for Senior Corps Grant Application (424–NSSC); Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled Senior Corps Grant Application (424–NSSC) for review and approval in accordance with the Paperwork Reduction Act.

DATES: Comments may be submitted, identified by the title of the information collection activity, by October 17, 2018.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to: smar@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, [Erin McGrath], at [202–606–6850] or email to [*emcgrath@cns.gov*]. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and

• Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on July 6, 2018 at Vol. 83 Page 31531. This comment period ended September 4, 2018. No public comments were received from this Notice.

Title of Collection: Senior Corps Grant Application (424–NSSC).

OMB Control Number: 3045–0035.

Type of Review: Renewal.

Respondents/Affected Public: Organizations or State, Local or Tribal Governments.

Total Estimated Number of Annual Responses: 1,250.

Total Estimated Number of Annual Burden Hours: 17,820.

Abstract: This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) in minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly addressed. CNCS seeks to renew the current information collection. CNCS is not proposing any changes in the current version of the Senior Corps Grant Application (424–NSSC). CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application is due to expire on September 30, 2018.

Dated: September 7, 2018.

Erin McGrath,

Deputy Director, Senior Corps.

[FR Doc. 2018–20149 Filed 9–14–18; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: Defense Travel Management Office, DoD.

ACTION: Notice of revised non-foreign overseas per diem rates.

SUMMARY: The Defense Travel Management Office is publishing Civilian Personnel Per Diem Bulletin Number 308. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States when applicable. Actual Expense Allowance (AEA) changes announced in Bulletin Number 194 remain in effect. Bulletin Number 308 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

DATES: These per diem rates are effective September 1, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Sonia Malik, 571–372–1276.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Defense Travel Management Office for non-foreign areas outside the contiguous United States. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. Civilian Bulletin 308 includes updated rates for Alaska.

Dated: September 11, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Country/State	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	[OTHER]	01/01	12/31	120	97	217	09/01/2018
ALASKA	ADAK	09/02	04/30	192	57	249	09/01/2018
ALASKA	ADAK	05/01	09/01	270	57	327	09/01/2018
ALASKA	ANCHORAGE [INCL NAV RES]	05/01	08/31	229	130	359	09/01/2018
ALASKA	ANCHORAGE [INCL NAV RES]	09/01	04/30	199	130	329	09/01/2018
ALASKA	BARROW	04/01	08/31	320	135	455	09/01/2018
ALASKA	BARROW	09/01	03/31	252	135	387	09/01/2018
ALASKA	BARTER ISLAND LRRS	01/01	12/31	120	97	217	09/01/2018
ALASKA	BETHEL	01/01	12/31	219	108	327	03/01/2017
ALASKA	BETTLES	01/01	12/31	175	79	254	09/01/2018
ALASKA	CAPE LISBURNE LRRS	01/01	12/31	120	97	217	09/01/2018
ALASKA	CAPE NEWENHAM LRRS	01/01	12/31	120	97	217	09/01/2018
ALASKA	CAPE ROMANZOF LRRS	01/01	12/31	120	97	217	09/01/2018
ALASKA	CLEAR AB	01/01	12/31	120	97	217	09/01/2018
ALASKA	COLD BAY	01/01	12/31	110	89	199	09/01/2018
ALASKA	COLD BAY LRRS	01/01	12/31	120	97	217	09/01/2018
ALASKA	COLDFOOT	01/01	12/31	165	70	235	10/01/2006
ALASKA	COPPER CENTER	05/15	09/15	169	84	253	03/01/2017
ALASKA	COPPER CENTER	09/16	05/14	97	84	181	03/01/2017
ALASKA	CORDOVA	01/01	12/31	140	117	257	09/01/2018
ALASKA	CRAIG	04/01	09/30	254	78	332	03/01/2017
ALASKA	CRAIG	10/01	03/31	90	78	168	03/01/2017
ALASKA	DEADHORSE	01/01	12/31	170	55	225	09/01/2018
ALASKA	DELTA JUNCTION	05/01	09/30	169	91	260	09/01/2018
ALASKA	DELTA JUNCTION	10/01	04/30	139	91	230	09/01/2018
ALASKA	DENALI NATIONAL PARK	06/01	08/31	185	86	271	03/01/2017
ALASKA	DENALI NATIONAL PARK	09/01	05/31	139	86	225	03/01/2017
ALASKA	DILLINGHAM	10/01	03/31	245	128	373	09/01/2018
ALASKA	DILLINGHAM	04/01	09/30	285	128	413	09/01/2018
ALASKA	DUTCH HARBOR-UNALASKA	01/01	12/31	142	123	265	09/01/2018
ALASKA	EARECKSON AIR STATION	01/01	12/31	146	74	220	07/01/2016
ALASKA	EIELSON AFB	05/16	09/15	154	97	251	09/01/2018
ALASKA	EIELSON AFB	09/16	05/15	75	97	172	09/01/2018
ALASKA	ELFIN COVE	01/01	12/31	275	86	361	03/01/2017
ALASKA	ELMENDORF AFB	05/01	08/31	229	130	359	09/01/2018
ALASKA	ELMENDORF AFB	09/01	04/30	199	130	329	09/01/2018
ALASKA	FAIRBANKS	05/16	09/15	154	97	251	09/01/2018
ALASKA	FAIRBANKS	09/16	05/15	75	97	172	09/01/2018

Country/State	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	FOOTLOOSE	01/01	12/31	175	18	193	10/01/2002
ALASKA	FORT YUKON LRRS	01/01	12/31	120	97	217	09/01/2018
ALASKA	FT. GREELY	10/01	04/30	139	91	230	09/01/2018
ALASKA	FT. GREELY	05/01	09/30	169	91	260	09/01/2018
ALASKA	FT. RICHARDSON	05/01	08/31	229	130	359	09/01/2018
ALASKA	FT. RICHARDSON	09/01	04/30	199	130	329	09/01/2018
ALASKA	FT. WAINWRIGHT	05/16	09/15	154	97	251	09/01/2018
ALASKA	FT. WAINWRIGHT	09/16	05/15	75	97	172	09/01/2018
ALASKA	GAMBELL	01/01	12/31	133	55	188	09/01/2018
ALASKA	GLENNALLEN	05/15	09/15	169	84	253	03/01/2017
ALASKA	GLENNALLEN	09/16	05/14	97	84	181	03/01/2017
ALASKA	HAINES	01/01	12/31	107	101	208	01/01/2011
ALASKA	HEALY	06/01	08/31	185	86	271	03/01/2017
ALASKA	HEALY	09/01	05/31	139	86	225	03/01/2017
ALASKA	HOMER	10/01	02/28	100	118	218	09/01/2018
ALASKA	HOMER	03/01	09/30	180	118	298	09/01/2018
ALASKA	JB ELMENDORF-RICHARDSON	05/01	08/31	229	130	359	09/01/2018
ALASKA	JB ELMENDORF-RICHARDSON	09/01	04/30	199	130	329	09/01/2018
ALASKA	JUNEAU	04/16	09/15	189	133	322	09/01/2018
ALASKA	JUNEAU	09/16	04/15	169	133	302	09/01/2018
ALASKA	KAKTOVIK	01/01	12/31	165	86	251	10/01/2002
ALASKA	KAVIK CAMP	01/01	12/31	250	51	301	03/01/2016
ALASKA	KENAI–SOLDOTNA	05/01	09/30	179	103	282	03/01/2017
ALASKA	KENAI–SOLDOTNA	10/01	04/30	99	103	202	03/01/2017
ALASKA	KENNICOTT	01/01	12/31	295	89	384	03/01/2017
ALASKA	KETCHIKAN	05/01	09/01	220	133	353	09/01/2018
ALASKA	KETCHIKAN	09/02	04/30	148	133	281	09/01/2018
ALASKA	KING SALMON	05/01	10/01	225	91	316	10/01/2002
ALASKA	KING SALMON	10/02	04/30	125	81	206	10/01/2002
ALASKA	KING SALMON LRRS	01/01	12/31	120	97	217	09/01/2018
ALASKA	KLAWOCK	04/01	09/30	254	78	332	03/01/2017
ALASKA	KLAWOCK	10/01	03/31	90	78	168	03/01/2017
ALASKA	KODIAK	05/01	09/30	180	109	289	09/01/2018
ALASKA	KODIAK	10/01	04/30	157	109	266	09/01/2018
ALASKA	KOTZEBUE	06/01	11/30	299	154	453	09/01/2018
ALASKA	KOTZEBUE	12/01	05/31	279	154	433	09/01/2018
ALASKA	KULIS AGS	05/01	08/31	229	130	359	09/01/2018
ALASKA	KULIS AGS	09/01	04/30	199	130	329	09/01/2018
ALASKA	MCCARTHY	01/01	12/31	295	89	384	03/01/2017
ALASKA	MCGRATH	01/01	12/31	160	75	235	03/01/2017
ALASKA	MURPHY DOME	05/16	09/15	154	97	251	09/01/2018
ALASKA	MURPHY DOME	09/16	05/15	75	97	172	09/01/2018
ALASKA	NOME	06/01	11/30	185	134	319	09/01/2018
ALASKA	NOME	12/01	05/31	165	134	299	09/01/2018
ALASKA	NOSC ANCHORAGE	05/01	08/31	229	130	359	09/01/2018
ALASKA	NOSC ANCHORAGE	09/01	04/30	199	130	329	09/01/2018
ALASKA	NUIQSUT	01/01	12/31	234	55	289	09/01/2018
ALASKA	OLIKTOK LRRS	01/01	12/31	120	97	217	09/01/2018
ALASKA	PALMER	03/01	10/31	103	124	227	09/01/2018
ALASKA	PALMER	11/01	02/28	85	124	209	09/01/2018
ALASKA	PETERSBURG	01/01	12/31	120	97	217	09/01/2018
ALASKA	POINT BARROW LRRS	01/01	12/31	120	97	217	09/01/2018
ALASKA	POINT HOPE	01/01	12/31	200	94	294	09/01/2018
ALASKA	POINT LAY	01/01	12/31	295	51	346	03/01/2017
ALASKA	POINT LAY LRRS	01/01	12/31	295	51	346	03/01/2017
ALASKA	POINT LONELY LRRS	01/01	12/31	120	97	217	09/01/2018
ALASKA	PORT ALEXANDER	01/01	12/31	210	51	261	09/01/2018
ALASKA	PORT ALSWORTH	01/01	12/31	135	88	223	10/01/2002
ALASKA	PRUDHOE BAY	01/01	12/31	170	55	225	09/01/2018
ALASKA	SELDOVIA	03/01	09/30	180	118	298	09/01/2018
ALASKA	SELDOVIA	10/01	02/28	100	118	218	09/01/2018
ALASKA	SEWARD	10/01	04/30	159	105	264	09/01/2018
ALASKA	SEWARD	05/01	09/30	279	105	384	09/01/2018
ALASKA	SITKA–MT. EDGECUMBE	10/01	03/31	182	129	311	09/01/2018
ALASKA	SITKA–MT. EDGECUMBE	04/01	09/30	245	129	374	09/01/2018
ALASKA	SKAGWAY	05/01	09/01	220	133	353	09/01/2018
ALASKA	SKAGWAY	09/02	04/30	148	133	281	09/01/2018
ALASKA	SLANA	05/01	09/30	139	55	194	02/01/2005
ALASKA	SLANA	10/01	04/30	99	55	154	02/01/2005
ALASKA	SPARREVOHN LRRS	01/01	12/31	120	97	217	09/01/2018
ALASKA	SPRUCE CAPE	05/01	09/30	180	109	289	09/01/2018
ALASKA	SPRUCE CAPE	10/01	04/30	157	109	266	09/01/2018
ALASKA	ST. GEORGE	01/01	12/31	220	51	271	03/01/2016
ALASKA	TALKEETNA	01/01	12/31	100	89	189	10/01/2002
ALASKA	TANANA	06/01	11/30	185	134	319	09/01/2018
ALASKA	TANANA	12/01	05/31	165	134	299	09/01/2018
ALASKA	TATALINA LRRS	01/01	12/31	120	97	217	09/01/2018
ALASKA	TIN CITY LRRS	01/01	12/31	120	97	217	09/01/2018
ALASKA	TOK	01/01	12/31	99	108	207	09/01/2018
ALASKA	TZLKECTNZ	06/01	09/04	199	106	305	09/01/2018
ALASKA	TZLKECTNZ	09/05	05/31	120	106	226	09/01/2018
ALASKA	VALDEZ	05/01	09/09	185	130	315	09/01/2018
ALASKA	VALDEZ	09/10	04/30	179	130	309	09/01/2018

Country/State	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	WAINWRIGHT	01/01	12/31	175	83	258	01/01/2011
ALASKA	WAKE ISLAND DIVERT AIRFIELD	01/01	12/31	120	97	217	09/01/2018
ALASKA	WASILLA	09/16	05/14	90	101	191	09/01/2018
ALASKA	WASILLA	05/15	09/15	170	101	271	09/01/2018
ALASKA	WRANGELL	05/01	09/01	220	133	353	09/01/2018
ALASKA	WRANGELL	09/02	04/30	148	133	281	09/01/2018
ALASKA	YAKUTAT	01/01	12/31	105	94	199	01/01/2011
AMERICAN SAMOA	AMERICAN SAMOA	01/01	12/31	139	77	216	11/01/2017
AMERICAN SAMOA	PAGO PAGO	01/01	12/31	139	77	216	11/01/2017
GUAM	GUAM (INCL ALL MIL INSTAL)	01/01	12/31	159	87	246	07/01/2015
GUAM	JOINT REGION MARIANAS (ANDERSEN).	01/01	12/31	159	87	246	07/01/2015
GUAM	JOINT REGION MARIANAS (NAVAL BASE).	01/01	12/31	159	87	246	07/01/2015
GUAM	TAMUNING	01/01	12/31	159	87	246	12/01/2015
HAWAII	[OTHER]	01/01	12/31	199	117	316	08/01/2017
HAWAII	CAMP H M SMITH	01/01	12/31	177	138	315	08/01/2017
HAWAII	EASTPAC NAVAL COMP TELE AREA.	01/01	12/31	177	138	315	08/01/2017
HAWAII	FT. DERUSSEY	01/01	12/31	177	138	315	08/01/2017
HAWAII	FT. SHAFTER	01/01	12/31	177	138	315	08/01/2017
HAWAII	HICKAM AFB	01/01	12/31	177	138	315	08/01/2017
HAWAII	HILO	01/01	12/31	199	117	316	08/01/2017
HAWAII	HONOLULU	01/01	12/31	177	138	315	08/01/2017
HAWAII	ISLE OF HAWAII: HILO	01/01	12/31	199	117	316	08/01/2017
HAWAII	ISLE OF HAWAII: OTHER	12/18	03/25	239	161	400	08/01/2017
HAWAII	ISLE OF HAWAII: OTHER	03/26	12/17	189	161	350	08/01/2017
HAWAII	ISLE OF KAUAI	01/01	12/31	325	135	460	04/01/2016
HAWAII	ISLE OF MAUI	01/01	12/31	269	160	429	08/01/2017
HAWAII	ISLE OF OAHU	01/01	12/31	177	138	315	08/01/2017
HAWAII	JB PEARL HARBOR-HICKAM	01/01	12/31	177	138	315	08/01/2017
HAWAII	KAPOLEI	01/01	12/31	177	138	315	08/01/2017
HAWAII	KEKAHA PACIFIC MISSILE RANGE FAC.	01/01	12/31	325	135	460	04/01/2016
HAWAII	KILAUEA MILITARY CAMP	01/01	12/31	199	117	316	08/01/2017
HAWAII	LANAI	01/01	12/31	254	111	365	08/01/2017
HAWAII	LIHUE	01/01	12/31	325	135	460	04/01/2016
HAWAII	LUALUALEI NAVAL MAGAZINE	01/01	12/31	177	138	315	08/01/2017
HAWAII	MCB HAWAII	01/01	12/31	177	138	315	08/01/2017
HAWAII	MOLOKAI	01/01	12/31	176	115	291	08/01/2017
HAWAII	NOSC PEARL HARBOR	01/01	12/31	177	138	315	08/01/2017
HAWAII	PEARL HARBOR	01/01	12/31	177	138	315	08/01/2017
HAWAII	PMRF BARKING SANDS	01/01	12/31	325	135	460	10/01/2016
HAWAII	SCHOFIELD BARRACKS	01/01	12/31	177	138	315	08/01/2017
HAWAII	TRIPLER ARMY MEDICAL CENTER.	01/01	12/31	177	138	315	08/01/2017
HAWAII	WAHIAWA NCTAMS PAC	01/01	12/31	177	138	315	08/01/2017
HAWAII	WHEELER ARMY AIRFIELD	01/01	12/31	177	138	315	08/01/2017
MIDWAY ISLANDS	MIDWAY ISLANDS	01/01	12/31	125	81	206	08/01/2017
NORTHERN MARIANA ISLANDS	[OTHER]	01/01	12/31	69	84	153	08/01/2017
NORTHERN MARIANA ISLANDS	ROTA	01/01	12/31	130	107	237	07/01/2015
NORTHERN MARIANA ISLANDS	SAIPAN	01/01	12/31	161	101	262	08/01/2017
NORTHERN MARIANA ISLANDS	TINIAN	01/01	12/31	69	84	153	08/01/2017
PUERTO RICO	[OTHER]	01/01	12/31	109	112	221	06/01/2012
PUERTO RICO	AGUADILLA	01/01	12/31	171	84	255	11/01/2015
PUERTO RICO	BAYAMON	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	BAYAMON	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	CAROLINA	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	CAROLINA	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	CEIBA	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	CULEBRA	01/01	12/31	150	98	248	03/01/2012
PUERTO RICO	FAJARDO [INCL ROOSEVELT RDS NAVSTAT].	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	HUMACAO	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	LUQUILLO	01/01	12/31	139	92	231	10/01/2012
PUERTO RICO	MAYAGUEZ	01/01	12/31	109	112	221	09/01/2010
PUERTO RICO	PONCE	01/01	12/31	149	89	238	09/01/2012
PUERTO RICO	RIO GRANDE	01/01	12/31	169	123	292	06/01/2012
PUERTO RICO	SABANA SECA [INCL ALL MILITARY].	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	SABANA SECA [INCL ALL MILITARY].	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	SAN JUAN & NAV RES STA	06/01	11/30	167	88	255	12/01/2015
PUERTO RICO	SAN JUAN & NAV RES STA	12/01	05/31	195	88	283	12/01/2015
PUERTO RICO	VIEQUES	01/01	12/31	175	95	270	03/01/2012
VIRGIN ISLANDS (U.S.)	ST. CROIX	12/15	04/14	299	116	415	06/01/2015
VIRGIN ISLANDS (U.S.)	ST. CROIX	04/15	12/14	247	110	357	06/01/2015

Country/State	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
VIRGIN ISLANDS (U.S.)	ST. JOHN	12/04	04/30	230	113	343	08/01/2015
VIRGIN ISLANDS (U.S.)	ST. JOHN	05/01	12/03	170	107	277	08/01/2015
VIRGIN ISLANDS (U.S.)	ST. THOMAS	04/15	12/15	249	110	359	03/01/2017
VIRGIN ISLANDS (U.S.)	ST. THOMAS	12/16	04/14	339	110	449	03/01/2017
WAKE ISLAND	WAKE ISLAND	01/01	12/31	129	70	199	07/01/2016

[FR Doc. 2018–20077 Filed 9–14–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Authorities; Innovative Assessment Demonstration Authority

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

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new authorities for fiscal year (FY) 2019 under the Innovative Assessment Demonstration Authority.

DATES:

Applications Available: September 17, 2018.

Deadline for Notice of Intent to Apply: October 17, 2018.

Deadline for Transmittal of Applications: December 17, 2018.

FOR FURTHER INFORMATION CONTACT: Donald Peasley, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E124, Washington, DC 20202–6132. Telephone: (202) 453–7982. Email: *Donald.Peasley@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. Opportunity Description

Purpose of Program: The Secretary provides State educational agencies (SEAs), including consortia of SEAs, with the authority to establish and operate an innovative assessment system in their public schools under the Innovative Assessment Demonstration Authority in section 1204 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA or the Act). During the initial demonstration period—*i.e.,* the first three years that the Secretary provides innovative assessment demonstration authority—no more than seven SEAs may participate, including those participating in consortia, which may include no more than four SEAs. The Department held its first competition for this authority in 2018. We have awarded one State the authority and continue to consider one other application. Provided no additional authority is awarded under the 2018 competition, up to six additional States may be approved for this authority during this competition. If fewer than seven States are approved through the 2018 competition and this competition, the Department expects to conduct another competition in FY 2020.

Requirements: The following requirements are from 34 CFR 200.105.

An eligible application must include the following:

(a) *Consultation.* Evidence that the SEA or consortium has developed an innovative assessment system in collaboration with—

(1) Experts in the planning, development, implementation, and evaluation of innovative assessment systems, which may include external partners; and

(2) Affected stakeholders in the State, or in each State in the consortium, including—

(i) Those representing the interests of children with disabilities, English learners, and other subgroups of students described in section 1111(c)(2) of the Act;

(ii) Teachers, principals, and other school leaders;

(iii) Local educational agencies (LEAs);

(iv) Representatives of Indian Tribes located in the State;

(v) Students and parents, including parents of children described in paragraph (a)(2)(i) of this section; and

(vi) Civil rights organizations.

(b) *Innovative assessment system.* A demonstration that the innovative assessment system does or will—

(1) Meet the requirements of section 1111(b)(2)(B) of the Act, except that an innovative assessment—

(i) Need not be the same assessment administered to all public elementary and secondary school students in the State during the demonstration authority period described in 34 CFR 200.104(b)(2) or extension period described in 34 CFR 200.108 and prior to statewide use consistent with 34 CFR 200.107, if the innovative assessment system will be administered initially to all students in participating schools within a participating LEA, provided that the statewide academic assessments under 34 CFR 200.2(a)(1) and section 1111(b)(2) of the Act are administered to all students in any non-participating LEA or any non-participating school within a participating LEA; and

(ii) Need not be administered annually in each of grades 3–8 and at least once in grades 9–12 in the case of reading/language arts and mathematics assessments, and at least once in grades 3–5, 6–9, and 10–12 in the case of science assessments, so long as the statewide academic assessments under 34 CFR 200.2(a)(1) and section 1111(b)(2) of the Act are administered in any required grade and subject under 34 CFR 200.5(a)(1) in which the SEA does not choose to implement an innovative assessment;

(2)(i) Align with the challenging State academic content standards under section 1111(b)(1) of the Act, including the depth and breadth of such standards, for the grade in which a student is enrolled; and

(ii) May measure a student's academic proficiency and growth using items above or below the student's grade level so long as, for purposes of meeting the requirements for reporting and school accountability under sections 1111(c) and 1111(h) of the Act and paragraphs (b)(3) and (b)(7)–(9) of this section, the State measures each student's academic proficiency based on the challenging State academic standards for the grade in which the student is enrolled;

(3) Express student results or competencies consistent with the challenging State academic achievement standards under section 1111(b)(1) of the Act and identify which students are not making sufficient progress toward, and attaining, grade-level proficiency on such standards;

(4)(i) Generate results, including annual summative determinations as defined in paragraph (b)(7) of this section, that are valid, reliable, and comparable for all students and for each subgroup of students described in 34 CFR 200.2(b)(11)(i)(A)–(I) and sections 1111(b)(2)(B)(xi) and 1111(h)(1)(C)(ii) of the Act, to the results generated by the State academic assessments described in

34 CFR 200.2(a)(1) and section 1111(b)(2) of the Act for such students. Consistent with the SEA's or consortium's evaluation plan under 34 CFR 200.106(e), the SEA must plan to annually determine comparability during each year of its demonstration authority period in one of the following ways:

(A) Administering full assessments from both the innovative and statewide assessment systems to all students enrolled in participating schools, such that at least once in any grade span (*i.e.,* 3–5, 6–8, or 9–12) and subject for which there is an innovative assessment, a statewide assessment in the same subject would also be administered to all such students. As part of this determination, the innovative assessment and statewide assessment need not be administered to an individual student in the same school year.

(B) Administering full assessments from both the innovative and statewide assessment systems to a demographically representative sample of all students and subgroups of students described in section 1111(c)(2) of the Act, from among those students enrolled in participating schools, such that at least once in any grade span (*i.e.,* 3–5, 6–8, or 9–12) and subject for which there is an innovative assessment, a statewide assessment in the same subject would also be administered in the same school year to all students included in the sample.

(C) Including, as a significant portion of the innovative assessment system in each required grade and subject in which both an innovative and statewide assessment are administered, items or performance tasks from the statewide assessment system that, at a minimum, have been previously pilot tested or field tested for use in the statewide assessment system.

(D) Including, as a significant portion of the statewide assessment system in each required grade and subject in which both an innovative and statewide assessment are administered, items or performance tasks from the innovative assessment system that, at a minimum, have been previously pilot tested or field tested for use in the innovative assessment system.

(E) An alternative method for demonstrating comparability that an SEA can demonstrate will provide for an equally rigorous and statistically valid comparison between student performance on the innovative assessment and the statewide assessment, including for each subgroup of students described in 34 CFR 200.2(b)(11)(i)(A)–(I) and sections 1111(b)(2)(B)(xi) and 1111(h)(1)(C)(ii) of the Act; and

(ii) Generate results, including annual summative determinations as defined in paragraph (b)(7) of this section, that are valid, reliable, and comparable, for all students and for each subgroup of students described in 34 CFR 200.2(b)(11)(i)(A)–(I) and sections 1111(b)(2)(B)(xi) and 1111(h)(1)(C)(ii) of the Act, among participating schools and LEAs in the innovative assessment demonstration authority. Consistent with the SEA's or consortium's evaluation plan under 34 CFR 200.106(e), the SEA must plan to annually determine comparability during each year of its demonstration authority period;

(5)(i) Provide for the participation of all students, including children with disabilities and English learners;

(ii) Be accessible to all students by incorporating the principles of universal design for learning, to the extent practicable, consistent with 34 CFR 200.2(b)(2)(ii); and

(iii) Provide appropriate accommodations consistent with 34 CFR 200.6(b) and (f)(1)(i) and section 1111(b)(2)(B)(vii) of the Act;

(6) For purposes of the State accountability system consistent with section 1111(c)(4)(E) of the Act, annually measure in each participating school progress on the Academic Achievement indicator under section 1111(c)(4)(B) of the Act of at least 95 percent of all students, and 95 percent of students in each subgroup of students described in section 1111(c)(2) of the Act, who are required to take such assessments consistent with paragraph (b)(1)(ii) of this section;

(7) Generate an annual summative determination of achievement, using the annual data from the innovative assessment, for each student in a participating school in the demonstration authority that describes—

(i) The student's mastery of the challenging State academic standards under section 1111(b)(1) of the Act for the grade in which the student is enrolled; or

(ii) In the case of a student with the most significant cognitive disabilities assessed with an alternate assessment aligned with alternate academic achievement standards under section 1111(b)(1)(E) of the Act, the student's mastery of those standards;

(8) Provide disaggregated results by each subgroup of students described in 34 CFR 200.2(b)(11)(i)(A)–(I) and sections 1111(b)(2)(B)(xi) and 1111(h)(1)(C)(ii) of the Act, including timely data for teachers, principals and other school leaders, students, and parents consistent with 34 CFR 200.8 and section 1111(b)(2)(B)(x) and (xii) and section 1111(h) of the Act, and provide results to parents in a manner consistent with paragraph (b)(4)(i) of this section and part 200.2(e); and

(9) Provide an unbiased, rational, and consistent determination of progress toward the State's long-term goals for academic achievement under section 1111(c)(4)(A) of the Act for all students and each subgroup of students described in section 1111(c)(2) of the Act and a comparable measure of student performance on the Academic Achievement indicator under section 1111(c)(4)(B) of the Act for participating schools relative to non-participating schools so that the SEA may validly and reliably aggregate data from the system for purposes of meeting requirements for—

(i) Accountability under sections 1003 and 1111(c) and (d) of the Act, including how the SEA will identify participating and non-participating schools in a consistent manner for comprehensive and targeted support and improvement under section 1111(c)(4)(D) of the Act; and

(ii) Reporting on State and LEA report cards under section 1111(h) of the Act.

(c) *Selection Criteria.* Information that addresses each of the selection criteria under 34 CFR 200.106.

(d) *Assurances.* Assurances that the SEA, or each SEA in a consortium, will—

(1) Continue use of the statewide academic assessments in reading/language arts, mathematics, and science required under 34 CFR 200.2(a)(1) and section 1111(b)(2) of the Act—

(i) In all non-participating schools; and

(ii) In all participating schools for which such assessments will be used in addition to innovative assessments for accountability purposes under section 1111(c) of the Act consistent with paragraph (b)(1)(ii) of this section or for evaluation purposes consistent with 34 CFR 200.106(e) during the demonstration authority period;

(2) Ensure that all students and each subgroup of students described in section 1111(c)(2) of the Act in participating schools are held to the same challenging State academic standards under section 1111(b)(1) of the Act as all other students, except that students with the most significant cognitive disabilities may be assessed with alternate assessments aligned with alternate academic achievement standards consistent with 34 CFR 200.6 and section 1111(b)(1)(E) and (b)(2)(D)

of the Act, and receive the instructional support needed to meet such standards;

(3) Report the following annually to the Secretary, at such time and in such manner as the Secretary may reasonably require:

(i) An update on implementation of the innovative assessment demonstration authority, including—

(A) The SEA's progress against its timeline under 34 CFR 200.106(c) and any outcomes or results from its evaluation and continuous improvement process under 34 CFR 200.106(e); and

(B) If the innovative assessment system is not yet implemented statewide consistent with 34 CFR 200.104(a)(2), a description of the SEA's progress in scaling up the system to additional LEAs or schools consistent with its strategies under 34 CFR 200.106(a)(3)(i), including updated assurances from participating LEAs consistent with paragraph (e)(2) of this section.

(ii) The performance of students in participating schools at the State, LEA, and school level, for all students and disaggregated for each subgroup of students described in section 1111(c)(2) of the Act, on the innovative assessment, including academic achievement and participation data required to be reported consistent with section 1111(h) of the Act, except that such data may not reveal any personally identifiable information.

(iii) If the innovative assessment system is not yet implemented statewide, school demographic information, including enrollment and student achievement information, for the subgroups of students described in section 1111(c)(2) of the Act, among participating schools and LEAs and for any schools or LEAs that will participate for the first time in the following year, and a description of how the participation of any additional schools or LEAs in that year contributed to progress toward achieving high-quality and consistent implementation across demographically diverse LEAs in the State consistent with the SEA's benchmarks described in 34 CFR 200.106(a)(3)(iii).

(iv) Feedback from teachers, principals and other school leaders, and other stakeholders consulted under paragraph (a)(2) of this section, including parents and students, from participating schools and LEAs about their satisfaction with the innovative assessment system.

(4) Ensure that each participating LEA informs parents of all students in participating schools about the innovative assessment, including the grades and subjects in which the innovative assessment will be administered, and, consistent with section 1112(e)(2)(B) of the Act, at the beginning of each school year during which an innovative assessment will be implemented. Such information must be—

(i) In an understandable and uniform format;

(ii) To the extent practicable, written in a language that parents can understand or, if it is not practicable to provide written translations to a parent with limited English proficiency, be orally translated for such parent; and

(iii) Upon request by a parent who is an individual with a disability as defined by the Americans with Disabilities Act, provided in an alternative format accessible to that parent; and

(5) Coordinate with and provide information to, as applicable, the Institute of Education Sciences for purposes of the progress report described in section 1204(c) of the Act and ongoing dissemination of information under section 1204(m) of the Act.

(e) *Initial implementation in a subset of LEAs or schools.* If the innovative assessment system will initially be administered in a subset of LEAs or schools in a State—

(1) A description of each LEA, and each of its participating schools, that will initially participate, including demographic information and its most recent LEA report card under section 1111(h)(2) of the Act; and

(2) An assurance from each participating LEA, for each year that the LEA is participating, that the LEA will comply with all requirements of this section.

(f) *Application from a consortium of SEAs.* If an application for the innovative assessment demonstration authority is submitted by a consortium of SEAs—

(1) A description of the governance structure of the consortium, including—

(i) The roles and responsibilities of each member SEA, which may include a description of affiliate members, if applicable, and must include a description of financial responsibilities of member SEAs;

(ii) How the member SEAs will manage and, at their discretion, share intellectual property developed by the consortium as a group; and

(iii) How the member SEAs will consider requests from SEAs to join or leave the consortium and ensure that changes in membership do not affect the consortium's ability to implement the innovative assessment demonstration authority consistent with the requirements and selection criteria in this section and 34 CFR 200.106.

(2) While the terms of the association with affiliate members are defined by each consortium, consistent with 34 CFR 200.104(b)(1) and paragraph (f)(1)(i) of this section, for an affiliate member to become a full member of the consortium and to use the consortium's innovative assessment system under the demonstration authority, the consortium must submit a revised application to the Secretary for approval, consistent with the requirements of this section and 34 CFR 200.106 and subject to the limitation under 34 CFR 200.104(d).

Definitions: The following definitions are from 34 CFR 200.104(b).

(1) *Affiliate member of a consortium* means an SEA that is formally associated with a consortium of SEAs that is implementing the innovative assessment demonstration authority, but is not yet a full member of the consortium because it is not proposing to use the consortium's innovative assessment system under the demonstration authority, instead of, or in addition to, its statewide assessment under section 1111(b)(2) of the Act for purposes of accountability and reporting under sections 1111(c) and 1111(h) of the Act.

(2) *Demonstration authority period* refers to the period of time over which an SEA, or consortium of SEAs, is authorized to implement the innovative assessment demonstration authority, which may not exceed five years and does not include the extension or waiver period under 34 CFR 200.108. An SEA must use its innovative assessment system in all participating schools instead of, or in addition to, the statewide assessment under section 1111(b)(2) of the Act for purposes of accountability and reporting under section 1111(c) and 1111(h) of the Act in each year of the demonstration authority period.

(3) *Innovative assessment system* means a system of assessments, which may include any combination of general assessments or alternate assessments aligned with alternate academic achievement standards, in reading/language arts, mathematics, or science administered in at least one required grade under 34 CFR 200.5(a)(1) and section 1111(b)(2)(B)(v) of the Act that—

(i) Produces—

(A) An annual summative determination of each student's mastery of grade-level content standards aligned to the challenging State academic standards under section 1111(b)(1) of the Act; or

(B) In the case of a student with the most significant cognitive disabilities assessed with an alternate assessment aligned with alternate academic achievement standards under section 1111(b)(1)(E) of the Act and aligned with the State's academic content standards for the grade in which the student is enrolled, an annual summative determination relative to such alternate academic achievement standards for each such student; and

(ii) May, in any required grade or subject, include one or more of the following types of assessments:

(A) Cumulative year-end assessments.

(B) Competency-based assessments.

(C) Instructionally embedded assessments.

(D) Interim assessments.

(E) Performance-based assessments.

(F) Another innovative assessment design that meets the requirements under 34 CFR 200.105(b).

(4) *Participating LEA* means an LEA in the State with at least one school participating in the innovative assessment demonstration authority.

(5) *Participating school* means a public school in the State in which the innovative assessment system is administered under the innovative assessment demonstration authority instead of, or in addition to, the statewide assessment under section 1111(b)(2) of the Act and where the results of the school's students on the innovative assessment system are used by its State and LEA for purposes of accountability and reporting under section 1111(c) and 1111(h) of the Act.

Program Authority: Section 1204 of the ESEA (20 U.S.C. 6364); 34 CFR 200.104 through 200.108.

II. Award Information

Type of Award: Innovation authority.

Estimated Available Funds: No funds are authorized to be appropriated for the Innovative Assessment Demonstration Authority. However, an SEA may use funds it receives under Grants for State Assessments and Related Activities (see section 1201 of the ESEA (20 U.S.C. 6361) to implement its innovative assessment system.

Estimated Number of Awards: As noted earlier, up to six States may be approved for this authority in this competition because one State has received the authority in 2018. For the initial demonstration period, no more than seven States, including States that are part of a consortium (which may include no more than four States), may participate.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* SEAs (as defined in section 8101(49) of the ESEA) and consortia of SEAs that include no more than four SEAs.

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

3. *Other:* An application from a consortium of SEAs must designate one SEA as the lead State for project management.

IV. Application and Submission Information

1. *Address to Request Application Package:* Donald Peasley, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E124, Washington, DC 20202–6132. Telephone: (202) 453–7982. Email: *Donald.Peasley@ed.gov.*

To obtain a copy via the internet, use the following address: *www2.ed.gov/admins/lead/account/saa.html#Related_Programs_and_Initiatives.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2.a. *Content and Form of Application Submission:* Requirements concerning the content and form of an application, together with the forms you must submit, are in the application package for this program, which can be found at *www2.ed.gov/admins/lead/account/saa.html#Related_Programs_and_Initiatives.*

Notice of Intent to Apply: We will be able to develop a more efficient process for reviewing applications if we have a better understanding of the number of applicants that intend to apply for selection under this program. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application. This notification should be brief, and identify the SEA applicant and, if part of a consortium, the SEA that is the fiscal agent for the consortium. Submit this notification by email to *Donald.Peasley@ed.gov* with ''Intent to Apply'' in the email subject line or by mail to Donald Peasley, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E124, Washington, DC 20202–6132. Applicants that do not provide this notification may still apply for the authority.

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Innovative Assessment Demonstration Authority, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended). Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information, please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

4. *Submission Dates and Times:*

Applications Available: September 17, 2018.

Deadline for Notice of Intent to Apply: October 17, 2018.

Deadline for Transmittal of Applications: December 17, 2018.

Applications under this program must be submitted electronically using the Department's application portal at *www.Max.gov.* For directions on how to access and use the application portal, please contact Donald Peasley at *Donald.Peasley@ed.gov.* For information (including dates and times) about how to submit your application electronically, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

5. *Other Submission Requirements:*

a. *Electronic Submission of Applications.*

Applications under this program must be submitted electronically using the Department's application portal at *www.Max.gov* by 5:00:00 p.m. Eastern Time on December 17, 2018. For directions on how to access and use the application portal, please contact Donald Peasley at *Donald.Peasley@ed.gov.*

You may access the electronic application for this program at *www2.ed.gov/admins/lead/account/saa.html#Related_Programs_and_Initiatives.* You must submit all documents electronically.

- You must upload any narrative sections and all other attachments to your application as files in a read-only, flattened Portable Document Format (PDF), meaning any fillable PDF documents must be saved as flattened non-fillable files. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, flattened PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered because the material in question—for example, the project narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF.
- Your application must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, flattened PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.
- We may request that you provide us original signatures on forms at a later date.

b. *Submission of Application in Case of Technical Issues.*

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Max.gov* system, you may email your application to the person listed under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced. We will contact you after we determine whether your application will be accepted.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 200.106. We will award up to 120 points to an application under the selection criteria; the total possible points for addressing each selection criterion are noted in parentheses.

(a) *Project narrative.* (Up to 40 points)

The quality of the SEA's or consortium's plan for implementing the innovative assessment demonstration authority. In determining the quality of the plan, the Secretary considers—

(1) The rationale for developing or selecting the particular innovative assessment system to be implemented under the demonstration authority, including—

(i) The distinct purpose of each assessment that is part of the innovative assessment system and how the system will advance the design and delivery of large-scale, statewide academic assessments in innovative ways; and

(ii) The extent to which the innovative assessment system as a whole will promote high-quality instruction, mastery of challenging State academic standards, and improved student outcomes, including for each subgroup of students described in section 1111(c)(2) of the Act; (5 points if factor (3) is applicable; 10 points if factor (3) is inapplicable)

(2) The plan the SEA or consortium, in consultation with any external partners, if applicable, has to—

(i) Develop and use standardized and calibrated tools, rubrics, methods, or other strategies for scoring innovative assessments throughout the demonstration authority period, consistent with relevant nationally recognized professional and technical standards, to ensure inter-rater reliability and comparability of innovative assessment results consistent with 34 CFR 200.105(b)(4)(ii), which may include evidence of inter-rater reliability; and

(ii) Train evaluators to use such strategies, if applicable; (25 points if factor (3) is applicable; 30 points if factor (3) is inapplicable) and

(3) If the system will initially be administered in a subset of schools or LEAs in a State—

(i) The strategies the SEA, including each SEA in a consortium, will use to scale the innovative assessment to all schools statewide, with a rationale for selecting those strategies;

(ii) The strength of the SEA's or consortium's criteria that will be used to determine LEAs and schools that will initially participate and when to approve additional LEAs and schools, if applicable, to participate during the requested demonstration authority period; and

(iii) The SEA's plan, including each SEA in a consortium, for how it will ensure that, during the demonstration authority period, the inclusion of additional LEAs and schools continues to reflect high-quality and consistent implementation across demographically diverse LEAs and schools, or contributes to progress toward achieving such implementation across demographically diverse LEAs and schools, including diversity based on enrollment of subgroups of students described in section 1111(c)(2) of the Act and student achievement. The plan must also include annual benchmarks toward achieving high-quality and consistent implementation across participating schools that are, as a group, demographically similar to the State as a whole during the demonstration authority period, using the demographics of initially participating schools as a baseline. (10 points, if applicable)

(b) *Prior experience, capacity, and stakeholder support.* (Up to 20 points)

(1) The extent and depth of prior experience that the SEA, including each SEA in a consortium, and its LEAs have in developing and implementing the components of the innovative assessment system. An SEA may also describe the prior experience of any external partners that will be participating in or supporting its demonstration authority in implementing those components. In evaluating the extent and depth of prior experience, the Secretary considers—

(i) The success and track record of efforts to implement innovative assessments or innovative assessment items aligned to the challenging State academic standards under section 1111(b)(1) of the Act in LEAs planning to participate; and

(ii) The SEA's or LEA's development or use of—

(A) Effective supports and appropriate accommodations consistent with 34 CFR 200.6(b) and (f)(1)(i) and section 1111(b)(2)(B)(vii) of the Act for administering innovative assessments to all students, including English learners and children with disabilities, which must include professional development for school staff on providing such accommodations;

(B) Effective and high-quality supports for school staff to implement innovative assessments and innovative assessment items, including professional development; and

(C) Standardized and calibrated tools, rubrics, methods, or other strategies for

scoring innovative assessments, with documented evidence of the validity, reliability, and comparability of annual summative determinations of achievement, consistent with 34 CFR 200.105(b)(4) and (7). (5 points)

(2) The extent and depth of SEA, including each SEA in a consortium, and LEA capacity to implement the innovative assessment system considering the availability of technological infrastructure; State and local laws; dedicated and sufficient staff, expertise, and resources; and other relevant factors. An SEA or consortium may also describe how it plans to enhance its capacity by collaborating with external partners that will be participating in or supporting its demonstration authority. In evaluating the extent and depth of capacity, the Secretary considers—

(i) The SEA's analysis of how capacity influenced the success of prior efforts to develop and implement innovative assessments or innovative assessment items; and

(ii) The strategies the SEA is using, or will use, to mitigate risks, including those identified in its analysis, and support successful implementation of the innovative assessment. (5 points)

(3) The extent and depth of State and local support for the application for demonstration authority in each SEA, including each SEA in a consortium, as demonstrated by signatures from the following:

(i) Superintendents (or equivalent) of LEAs, including participating LEAs in the first year of the demonstration authority period.

(ii) Presidents of local school boards (or equivalent, where applicable), including within participating LEAs in the first year of the demonstration authority.

(iii) Local teacher organizations (including labor organizations, where applicable), including within participating LEAs in the first year of the demonstration authority.

(iv) Other affected stakeholders, such as parent organizations, civil rights organizations, and business organizations. (10 points)

(c) *Timeline and budget.* (Up to 15 points)

The quality of the SEA's or consortium's timeline and budget for implementing the innovative assessment demonstration authority. In determining the quality of the timeline and budget, the Secretary considers—

(1) The extent to which the timeline reasonably demonstrates that each SEA will implement the system statewide by the end of the requested demonstration authority period, including a description of—

(i) The activities to occur in each year of the requested demonstration authority period;

(ii) The parties responsible for each activity; and

(iii) If applicable, how a consortium's member SEAs will implement activities at different paces and how the consortium will implement interdependent activities, so long as each non-affiliate member SEA begins using the innovative assessment in the same school year consistent with 34 CFR part 200.104(b)(2); (5 points) and

(2) The adequacy of the project budget for the duration of the requested demonstration authority period, including Federal, State, local, and non-public sources of funds to support and sustain, as applicable, the activities in the timeline under paragraph (c)(1) of this section, including—

(i) How the budget will be sufficient to meet the expected costs at each phase of the SEA's planned expansion of its innovative assessment system; and

(ii) The degree to which funding in the project budget is contingent upon future appropriations at the State or local level or additional commitments from non-public sources of funds. (10 points)

(d) *Supports for educators, students, and parents.* (Up to 25 points)

The quality of the SEA or consortium's plan to provide supports that can be delivered consistently at scale to educators, students, and parents to enable successful implementation of the innovative assessment system and improve instruction and student outcomes. In determining the quality of supports, the Secretary considers—

(1) The extent to which the SEA or consortium has developed, provided, and will continue to provide training to LEA and school staff, including teachers, principals, and other school leaders, that will familiarize them with the innovative assessment system and develop teacher capacity to implement instruction that is informed by the innovative assessment system and its results; (5 points if factor (4) is applicable; 9 points if factor (4) is inapplicable)

(2) The strategies the SEA or consortium has developed and will use to familiarize students and parents with the innovative assessment system; (5 points if factor (4) is applicable; 8 points if factor (4) is inapplicable)

(3) The strategies the SEA will use to ensure that all students and each subgroup of students under section 1111(c)(2) of the Act in participating schools receive the support, including appropriate accommodations consistent with 34 CFR 200.6(b) and (f)(1)(i) and section 1111(b)(2)(B)(vii) of the Act, needed to meet the challenging State academic standards under section 1111(b)(1) of the Act; (5 points if factor (4) is applicable; 8 points if factor (4) is inapplicable) and

(4) If the system includes assessment items that are locally developed or locally scored, the strategies and safeguards (*e.g.,* test blueprints, item and task specifications, rubrics, scoring tools, documentation of quality control procedures, inter-rater reliability checks, audit plans) the SEA or consortium has developed, or plans to develop, to validly and reliably score such items, including how the strategies engage and support teachers and other staff in designing, developing, implementing, and validly and reliably scoring high-quality assessments; how the safeguards are sufficient to ensure unbiased, objective scoring of assessment items; and how the SEA will use effective professional development to aid in these efforts. (10 points if applicable)

(e) *Evaluation and continuous improvement.* (Up to 20 points)

The quality of the SEA's or consortium's plan to annually evaluate its implementation of innovative assessment demonstration authority. In determining the quality of the evaluation, the Secretary considers—

(1) The strength of the proposed evaluation of the innovative assessment system included in the application, including whether the evaluation will be conducted by an independent, experienced third party, and the likelihood that the evaluation will sufficiently determine the system's validity, reliability, and comparability to the statewide assessment system consistent with the requirements of 34 CFR 200.105(b)(4) and (9); (12 points) and

(2) The SEA's or consortium's plan for continuous improvement of the innovative assessment system, including its process for—

(i) Using data, feedback, evaluation results, and other information from participating LEAs and schools to make changes to improve the quality of the innovative assessment; and

(ii) Evaluating and monitoring implementation of the innovative assessment system in participating LEAs and schools annually. (8 points)

2. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205(c) and 200.207, before approving a project under this authority, the Department may conduct a review of

the risks posed by the applicant and impose specific conditions as needed.

VI. Administration Information

1. *Approval Notices:* If your application is approved, we notify your U.S. Representative and U.S. Senators and send you a letter or email approving your project.

If your application is not selected, we notify you.

2. *Programmatic Requirements:* Your application must address the programmatic requirements in section 1204 of the ESEA and 34 CFR 200.104 through 200.108.

3. *Reporting:* (a) If you apply under this program, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements should your application be approved.

(b) You must submit, at the end of each year of your project period, an annual update on program activity according to the requirements of 34 CFR 200.105(d)(3).

4. *Transition to Statewide Use:* Pursuant to 34 CFR 200.107:

(a)(1) After an SEA has scaled its innovative assessment system to operate statewide in all schools and LEAs in the State, the SEA must submit evidence for peer review under section 1111(a)(4) of the Act and 34 CFR 200.2(d) to determine whether the system may be used for purposes of both academic assessments and the State accountability system under sections 1111(b)(2), (c), and (d) and 1003 of the Act.

(2) An SEA may only use the innovative assessment system for the purposes described in paragraph (a)(1) of this section if the Secretary determines that the system is of high quality consistent with paragraph (b) of this section.

(b) Through the peer review process of State assessments and accountability systems under section 1111(a)(4) of the Act and 34 CFR 200.2(d), the Secretary determines that the innovative assessment system is of high quality if—

(1) An innovative assessment developed in any grade or subject under 34 CFR 200.5(a)(1) and section 1111(b)(2)(B)(v) of the Act—

(i) Meets all of the requirements under section 1111(b)(2) of the Act and 34 CFR 200.105(b) and (c);

(ii) Provides coherent and timely information about student achievement based on the challenging State academic standards under section 1111(b)(1) of the Act;

(iii) Includes objective measurements of academic achievement, knowledge, and skills; and

(iv) Is valid, reliable, and consistent with relevant, nationally recognized professional and technical standards;

(2) The SEA provides satisfactory evidence that it has examined the statistical relationship between student performance on the innovative assessment in each subject area and student performance on other measures of success, including the measures used for each relevant grade-span within the remaining indicators (*i.e.,* indicators besides Academic Achievement) in the statewide accountability system under section 1111(c)(4)(B)(ii)–(v) of the Act, and how the inclusion of the innovative assessment in its Academic Achievement indicator under section 1111(c)(4)(B)(i) of the Act affects the annual meaningful differentiation of schools under section 1111(c)(4)(C) of the Act;

(3) The SEA has solicited information, consistent with the requirements under 34 CFR 200.105(d)(3)(iv), and taken into account feedback from teachers, principals, other school leaders, parents, and other stakeholders under 34 CFR 200.105(a)(2) about their satisfaction with the innovative assessment system; and

(4) The SEA has demonstrated that the same innovative assessment system was used to measure—

(i) The achievement of all students and each subgroup of students described in section 1111(c)(2) of the Act, and that appropriate accommodations were provided consistent with 34 CFR 200.6(b) and (f)(1)(i) under section 1111(b)(2)(B)(vii) of the Act; and

(ii) For purposes of the State accountability system consistent with section 1111(c)(4)(E) of the Act, progress on the Academic Achievement indicator under section 1111(c)(4)(B)(i) of the Act of at least 95 percent of all students, and 95 percent of students in each subgroup of students described in section 1111(c)(2) of the Act.

(c) With respect to the evidence submitted to the Secretary to make the determination described in paragraph (b)(2) of this section, the baseline year for any evaluation is the first year that a participating LEA in the State administered the innovative assessment system under the demonstration authority.

(d) In the case of a consortium of SEAs, evidence may be submitted for the consortium as a whole so long as the evidence demonstrates how each member SEA meets each requirement of paragraph (b) of this section applicable to an SEA.

5. *Continuation of Authority:* Pursuant to 34 CFR 200.108:

(1) The Secretary may extend an SEA's demonstration authority period for no more than two years if the SEA submits to the Secretary—

(i) Evidence that its innovative assessment system continues to meet the requirements under 34 CFR 200.105 and the SEA continues to implement the plan described in its application in response to the selection criteria in 34 CFR 200.106 in all participating schools and LEAs;

(ii) A high-quality plan, including input from stakeholders under 34 CFR 200.105(a)(2), for transitioning to statewide use of the innovative assessment system by the end of the extension period; and

(iii) A demonstration that the SEA and all LEAs that are not yet fully implementing the innovative assessment system have sufficient capacity to support use of the system statewide by the end of the extension period.

(2) In the case of a consortium of SEAs, the Secretary may extend the demonstration authority period for the consortium as a whole or for an individual member SEA.

(b) *Withdrawal of demonstration authority.* (1) The Secretary may withdraw the innovative assessment demonstration authority provided to an SEA, including an individual SEA member of a consortium, if at any time during the approved demonstration authority period or extension period, the Secretary requests, and the SEA does not present in a timely manner—

(i) A high-quality plan, including input from stakeholders under 34 CFR 200.105(a)(2), to transition to full statewide use of the innovative assessment system by the end of its approved demonstration authority period or extension period, as applicable; or

(ii) Evidence that—

(A) The innovative assessment system meets all requirements under 34 CFR 200.105, including a demonstration that the innovative assessment system has met the requirements under 34 CFR 200.105(b);

(B) The SEA continues to implement the plan described in its application in response to the selection criteria in 34 CFR 200.106;

(C) The innovative assessment system includes and is used to assess all students attending participating schools in the demonstration authority, consistent with the requirements under section 1111(b)(2) of the Act to provide for participation in State assessments, including among each subgroup of students described in section 1111(c)(2) of the Act, and for appropriate

accommodations consistent with 34 CFR 200.6(b) and (f)(1)(i) and section 1111(b)(2)(B)(vii) of the Act;

(D) The innovative assessment system provides an unbiased, rational, and consistent determination of progress toward the State's long-term goals and measurements of interim progress for academic achievement under section 1111(c)(4)(A) of the Act for all students and subgroups of students described in section 1111(c)(2) of the Act and a comparable measure of student performance on the Academic Achievement indicator under section 1111(c)(4)(B)(i) of the Act for participating schools relative to non-participating schools; or

(E) The innovative assessment system demonstrates comparability to the statewide assessments under section 1111(b)(2) of the Act in content coverage, difficulty, and quality.

(2)(i) In the case of a consortium of SEAs, the Secretary may withdraw innovative assessment demonstration authority for the consortium as a whole at any time during its demonstration authority period or extension period if the Secretary requests, and no member of the consortium provides, the information under paragraph (b)(1)(i) or (ii) of this section.

(ii) If innovative assessment demonstration authority for one or more SEAs in a consortium is withdrawn, the consortium may continue to implement the authority if it can demonstrate, in an amended application to the Secretary that, as a group, the remaining SEAs continue to meet all requirements and selection criteria in 34 CFR 200.105 and 200.106.

(c) *Waiver authority.* (1) At the end of the extension period, an SEA that is not yet approved consistent with 34 CFR 200.107 to implement its innovative assessment system statewide may request a waiver from the Secretary consistent with section 8401 of the Act to delay the withdrawal of authority under paragraph (b) of this section for the purpose of providing the SEA with the time necessary to receive approval to transition to use of the innovative assessment system statewide under 34 CFR 200.107(b).

(2) The Secretary may grant an SEA a one-year waiver to continue the innovative assessment demonstration authority, if the SEA submits, in its request under paragraph (c)(1) of this section, evidence satisfactory to the Secretary that it—

(i) Has met all of the requirements under paragraph (b)(1) of this section and of 34 CFR 200.105 and 200.106; and

(ii) Has a high-quality plan, including input from stakeholders under 34 CFR 200.105(a)(2), for transition to statewide use of the innovative assessment system, including peer review consistent with 34 CFR 200.107, in a reasonable period of time.

(3) In the case of a consortium of SEAs, the Secretary may grant a one-year waiver consistent with paragraph (c)(1) of this section for the consortium as a whole or for individual member SEAs, as necessary.

(d) *Return to the statewide assessment system.* If the Secretary withdraws innovative assessment demonstration authority consistent with paragraph (b) of this section, or if an SEA voluntarily terminates use of its innovative assessment system prior to the end of its demonstration authority, extension, or waiver period under paragraph (c) of this section, as applicable, the SEA must—

(1) Return to using, in all LEAs and schools in the State, a statewide assessment that meets the requirements of section 1111(b)(2) of the Act; and

(2) Provide timely notice to all participating LEAs and schools of the withdrawal of authority and the SEA's plan for transition back to use of a statewide assessment.

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 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: September 12, 2018.

Frank Brogan,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2018–20152 Filed 9–14–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, October 4, 2018 6 p.m.

ADDRESSES: Ohio State University, Endeavor Center, 1862 Shyville Road, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Alternate Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, Post Office Box 700, Piketon, Ohio 45661, (740) 897–3737, *Greg.Simonton@lex.doe.gov.*

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

- Call to Order, Introductions, Review of Agenda
- Approval of May 2018 Minutes
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments
- Liaison's Comments
- Presentation
- Administrative Issues
  - EM SSAB Chairs Meeting Update and Draft Recommendation
  - Annual Executive Planning and Leadership Training Session Update
  - Election of Leadership
  - Adoption of Fiscal Year 2019 Work Plan
  - Draft Recommendation 19–01: Priorities for the President's Fiscal Year 2020 Budget Request
  - Draft Recommendation 19–02: Development and Funding of a Master Site Plan
- Subcommittee Updates

- Public Comments
- Final Comments from the Board
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Portsmouth, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Greg Simonton at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Greg Simonton at the address and phone number listed above. Minutes will also be available at the following website: *https://www.energy.gov/pppo/ports-ssab/listings/meeting-materials.*

Signed in Washington, DC, on September 12, 2018.

Latanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–20128 Filed 9–14–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Case No. CAC–050, EERE–2017–BT–WAV–0039]

Notice of Petition for Waiver of Johnson Controls, Inc. From the Department of Energy Central Air Conditioners and Heat Pumps Test Procedure, and Notice of Grant of Interim Waiver

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

ACTION: Notice of re-opening of public comment period.

SUMMARY: The U.S. Department of Energy (DOE) published, on August 13, 2018, a notice of petition for waiver of Johnson Controls, Inc. (JCI) and grant of an interim waiver from the DOE's Central Air Conditioners and Heat Pumps Test Procedure seeking comments, data, and information concerning JCI's amended petition and its suggested alternate test procedure. The comment period for the JCI's notice of petition for waiver, grant of an interim waiver, and request for comments ends on September 12, 2018. Through this notice, DOE announces that the period for submitting comments is re-opened until September 28, 2018.

DATES: The comment period for the JCI's notice of petition for waiver, grant of an interim waiver, and request for comments published in the **Federal Register** on August 13, 2018 (83 FR 40011) is re-opened until September 28, 2018. Written comments and information are requested on or before September 28, 2018.

ADDRESSES: You may submit comments, identified by case number ''CAC–050'' and Docket number ''EERE–2017–BT–WAV–0039,'' by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: JCI2017WAV0042@ee.doe.gov*. Include the case number CAC–050 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.
- *Postal Mail:* U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, Petition for Waiver Case No CAC–050, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
- *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Docket: The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov*. All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *https://www.regulations.gov/docket?D=EERE-2017-BT-WAV-0039*. The docket web page will contain simple instruction on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT: Mr. Pete Cochran, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0103. Telephone: (202) 586–9496. Email: *Peter.Cochran@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: On August 13, 2018, the U.S. Department of Energy (DOE) published a notice of petition for waiver of Johnson Controls, Inc. (JCI) and grant of an interim waiver from the DOE's Central Air Conditioners and Heat Pumps Test Procedure (83 FR 40011). The document provided for submitting written comments and information by September 12, 2018. DOE has received requests from Goodman Manufacturing Company, L.P. and UTC-Carrier Corporation, dated September 11, 2018, to provide an additional 2 weeks to submit comments pertaining to the JCI's notice of petition for waiver, grant of an interim waiver, and request for comments. These requests can be found at *https://www.regulations.gov/docket?D=EERE-2017-BT-WAV-0039*.

A re-opening of the comment period would allow additional time to all interested parties to consider the issues presented in JCI's notice of petition for waiver, grant of an interim waiver and an alternative test procedure, gather any additional data and information, and submit comments to DOE. The JCI's notice of petition for waiver, grant of an interim waiver, and request for comments can be found at *https://www.regulations.gov/document?D=EERE-2017-BT-WAV-0039-0012*.

In view of the requests from Goodman Manufacturing Company, L.P. and UTC-Carrier Corporation, DOE has determined that re-opening the comment period for an additional 2 weeks is appropriate. Therefore, DOE is re-opening the comment period until September 28, 2018 to provide interested parties additional time to prepare and submit comments. Comments received between the original September 12, 2018, closing date and the new September 28, 2018, closing date are considered timely filed. Individuals who submitted comments during the original comment period do not need to re-submit comments.

Signed in Washington, DC, on September 11, 2018.

Annamaria Garcia,

Director of Weatherization and Intergovernmental Programs, Energy Efficiency and Renewable Energy.

[FR Doc. 2018–20136 Filed 9–14–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD16–24–000]

Winter 2018–2019 Operations and Market Performance in Regional Transmission Organizations and Independent System Operators; Notice of Technical Conference

Take notice that Federal Energy Regulatory Commission (Commission) staff will hold a technical conference, after the October 2018 Commission public meeting, to hear from the Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs) [1] on their efforts for ensuring reliable and economic system performance during the 2018–2019 winter season. The technical conference will take place on October 18, 2018 at the Commission's offices at 888 First Street, NE, Washington, DC beginning at 2:00 p.m. and ending at 3:30 p.m. (Eastern Time). Commission staff will lead the technical conference, and Commissioners may attend.

Similar to past years' dialogue, we expect a robust discussion with the RTOs/ISOs on their key winter preparedness challenges and their current or proposed operational system enhancements and market changes to address those challenges. For RTOs/ISOs that are not winter-peaking, we look forward to hearing about their efforts to prepare for other seasons that may potentially challenge their region's reliability and markets.

If there is further information related to this conference, it will be provided in a supplemental notice.

All interested persons may attend the conference, and registration is not required. However, in-person attendees are encouraged to register on-line at: *https://www.ferc.gov/whats-new/registration/106-186-18-form.asp*. In-person attendees should allow time to pass through building security procedures before the 2:00 p.m. start time of the technical conference.

This technical conference will be transcribed and webcast. Transcripts will be available immediately for a fee from Ace Reporting (202–347–3700). A link to the webcast of this event will be available in the Commission Calendar of Events at *www.ferc.gov*. The Capitol Connection provides technical support for the webcasts and offers the option of listening to the conference via phone-bridge for a fee. For additional information, visit *www.Capitol Connection.org* or call 703–993–3100.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

For more information about this technical conference, please contact David Rosner at 202–502–8479, *david.rosner@ferc.gov,* or Samin Peirovi at 202–502–8080, *samin.peirovi@ferc.gov*. For information related to logistics, please contact Sarah McKinley at 202–502–8368, *sarah.mckinley@ferc.gov*.

Dated: September 10, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20080 Filed 9–14–18; 8:45 am]

BILLING CODE 6717–01–P

[1] The technical conference will include representatives from California Independent System Operator Corporation, ISO New England Inc., Midcontinent Independent System Operator, Inc., New York Independent System Operator, Inc., PJM Interconnection, L.L.C., and Southwest Power Pool, Inc.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–2409–000]

RED-Rochester, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of RED-Rochester, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 1, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 11, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–20084 Filed 9–14–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR18–37–000]

Medallion Pipeline Company, LLC; Notice of Petition for Declaratory Order

Take notice that on September 10, 2018, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2018), Medallion Pipeline Company, LLC., filed a petition for

Declaratory Order seeking approval of the overall tariff rate structure and terms and conditions of service, including the proposed priority service prorationing methodology for an expansion of major segments of Medallion Pipeline Company, LLC.'s crude oil pipeline system, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on October 10, 2018.

Dated: September 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20102 Filed 9–14–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2520–000]

Great Lakes Hydro America, LLC; Notice of Authorization for Continued Project Operation

On August 31, 2016, Great Lakes Hydro America, LLC, licensee for the Mattaceunk Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Mattaceunk Hydroelectric Project is located on the Penobscot River in Aroostook and Penobscot counties, Maine, within the town of Medway, Woodville, Mattawamkeag, and the unorganized township of Molunkus.

The license for Project No. 2520 was issued for a period ending August 31, 2018. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2520 is issued to the licensee for a period effective September 1, 2018 through August 31, 2019, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before August 30, 2019, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Great Lakes Hydro America, LLC, is authorized to continue operation of the Mattaceunk Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: September 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20104 Filed 9–14–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3562–025]

KEI (Maine) Power Management (III) LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 3562–025.

c. *Date Filed:* July 26, 2018.

d. *Submitted By:* KEI (Maine) Power Management (III) LLC.

e. *Name of Project:* Barker Mill Upper Project.

f. *Location:* On the Little Androscoggin River, in Androscoggin County, Maine. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Lewis C. Loon, KEI (USA) Power Management Inc., 423 Brunswick Avenue, Gardiner, Maine 04345; (207) 203–3025; email—*LewisC.Loon@kruger.com.*

i. *FERC Contact:* Karen Sughrue at (202) 502–8556; or email at *karen.sughrue@ferc.gov.*

j. KEI (Maine) Power Management (III) LLC (KEI Power) filed its request to use the Traditional Licensing Process on July 26, 2018. KEI Power provided public notice of its request on July 25, 2018. In a letter dated September 10, 2018, the Director of the Division of Hydropower Licensing approved KEI Power's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA

Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Maine State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating KEI Power as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. KEI Power filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a subsequent license for Project No. 3562. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a subsequent license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by July 31, 2021.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: September 10, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20079 Filed 9–14–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–1146–000.
Applicants: Columbia Gulf Transmission, LLC.
Description: Annual Cash-Out Report of Colombia Gulf Transmission, LLC under RP18–1146.
Filed Date: 8/31/18.
Accession Number: 20180831–5248.
Comments Due: 5 p.m. ET 9/14/18.

Docket Numbers: RP18–1147–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: Operational Purchase and Sales Report of Colorado Interstate Gas Company L.L.C under RP18–1147.
Filed Date: 8/31/18.
Accession Number: 20180831–5248.
Comments Due: 5 p.m. ET 9/14/18.

Docket Numbers: RP18–1148–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: Neg Rate 2018–09–04 BP, CP, and Encana to be effective 9/1/2018.
Filed Date: 9/5/18.
Accession Number: 20180905–5080.
Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: RP18–1151–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 090518 Negotiated Rates—Mieco Inc. R–7080–02 to be effective 11/1/2018.
Filed Date: 9/5/18.
Accession Number: 20180905–5138.
Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: RP18–1152–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 090518 Negotiated Rates—Mieco Inc. R–7080–03 to be effective 11/1/2018.
Filed Date: 9/5/18.
Accession Number: 20180905–5140.
Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: RP18–1153–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 090518 Negotiated Rates—Mieco Inc. R–7080–04 to be effective 11/1/2018.
Filed Date: 9/5/18.
Accession Number: 20180905–5141.
Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: RP18–1154–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 090518 Negotiated Rates—Mieco Inc. R–7080–05 to be effective 11/1/2018.
Filed Date: 9/5/18.
Accession Number: 20180905–5143.
Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: RP18–1155–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 090518 Negotiated Rates—Mieco Inc. R–7080–06 to be effective 11/1/2018.
Filed Date: 9/5/18.
Accession Number: 20180905–5144.
Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: RP18–1156–000.
Applicants: Black Marlin Pipeline Company.
Description: Black Marlin Pipeline Company submits tariff filing per 260.402: Black Marlin Pipeline Company: Petition for Waiver from Filing Form No. 501–G to be effective N/A under RP18–1156.
Filed Date: 09/06/2018.
Accession Number: 20180906–5030.
Comment Date: 5:00 p.m. ET 9/18/18.

Docket Numbers: RP18–1157–000.
Applicants: Eastern Shore Natural Gas Company.
Description: Eastern Shore Natural Gas Company submits tariff filing per 260.402: Waiver to file FERC Form No. 501–G to be effective N/A under RP18–1157.
Filed Date: 09/06/2018.
Accession Number: 20180906–5081.
Comment Date: 5:00 p.m. ET 9/18/18.

Docket Numbers: RP18–1158–000.
Applicants: CNE Gas Supply, LLC,Exelon Generation Company, LLC.
Description: Petition for Temporary Waivers of Capacity Regulations and Policies, et al. of CNE Gas Supply, LLC, et al. under RP18–1158.
Filed Date: 09/06/2018.
Accession Number: 20180906–5132.
Comment Date: 5:00 p.m. ET 9/18/18.

Docket Numbers: RP18–1159–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: eTariff filing per 1430: Request for Waiver of Form No. 501–G to be effective N/A.
Filed Date: 9/7/18.
Accession Number: 20180907–5030.
Comments Due: 5 p.m. ET 9/19/18.

Docket Numbers: RP18–1160–000.
Applicants: Paiute Pipeline Company.
Description: Compliance filing Compliance Filing—CP17–471 to be effective 11/1/2018.
Filed Date: 9/10/18.
Accession Number: 20180910–5000.
Comments Due: 5 p.m. ET 9/24/18.

Docket Numbers: RP18–1161–000.
Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 091018 Negotiated Rates—Equinor Natural Gas LLC R–7120–07 to be effective 11/1/2018.

Filed Date: 9/10/18.

Accession Number: 20180910–5031.

Comments Due: 5 p.m. ET 9/24/18.

Docket Numbers: RP18–1162–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 091018 Negotiated Rates—Equinor Natural Gas LLC R–7120–08 to be effective 11/1/2018.

Filed Date: 9/10/18.

Accession Number: 20180910–5041.

Comments Due: 5 p.m. ET 9/24/18.

Docket Numbers: RP18–1163–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 091018 Negotiated Rates—Equinor Natural Gas LLC R–7120–09 to be effective 11/1/2018.

Filed Date: 9/10/18.

Accession Number: 20180910–5046.

Comments Due: 5 p.m. ET 9/24/18.

Docket Numbers: RP18–1164–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 091018 Negotiated Rates—Equinor Natural Gas LLC R–7120–10 to be effective 11/1/2018.

Filed Date: 9/10/18.

Accession Number: 20180910–5047.

Comments Due: 5 p.m. ET 9/24/18.

Docket Numbers: RP18–1165–000.

Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Errata to Administrative Cleanup to Tariff to be effective 10/1/2018 under RP18–1165.

Filed Date: 09/10/2018.

Accession Number: 20180910–5134.

Comment Date: 5:00 p.m. ET 9/24/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 11, 2018.

Nathaniel J. Davis, Sr.

Deputy Secretary.

[FR Doc. 2018–20083 Filed 9–14–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–544–000]

Columbia Gas Transmission, LLC; Notice of Application

Take notice that on September 5, 2018, Columbia Gas Transmission, LLC, (Columbia), filed an application in Docket No. CP18–544–000 pursuant to Section 7(c) of the Natural Gas Act and Part 157.17 of the Commission's Regulations, seeking the issuance of a temporary certificate authorizing the installation of temporary compression at its Petersburg Compressor Station in Prince George County, Virginia (Station), in order to maintain uninterrupted service to its customers during an unanticipated outage of existing compression due to emergency restoration activities required at the Station site.

Columbia states that subsidence due to poor soil conditions has resulted in foundation damage as well as the unsafe buildup of stresses on Station piping that presents safety and reliability risks if further settlement is not prevented. Columbia states that its plan to stabilize further settlement and to repair the Station foundation and piping will require a six-to-eight month full Station outage. In order to begin the remedial measures, Columbia plans to temporarily install four leased 1,380 horsepower (hp) compressors approximately 250 feet northeast of the Station which will allow the existing compressors to be taken off line during restoration activities. The cost of the temporary compression, including installation, operation, and removal, is approximately $7.6 million.

Columbia further states that its customers, including the City of Norfolk, Virginia and the CALP Power Plant, are dependent on the Station compression for their natural gas service and therefore an in-service date of November 1, 2018 is needed for the temporary compression in order to maintain uninterrupted service during the 2018–2019 winter heating season. Therefore, the Commission will require a shortened notice period until September 25, 2018 for this proceeding.

The filing may be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Sorana Linder, Director, Modernization & Certificates, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 700, Houston, TX 77002–2700 or at phone (832) 320–5209, or via email at *Sorana_linder@transcanada.com.*

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission.

Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: September 25, 2018

Dated: September 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20100 Filed 9–14–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2146–000]

Alabama Power Company; Notice of Reinstatement of Authorization for Continued Project Operation

On July 28, 2005, Alabama Power Company, licensee for the Coosa River Hydroelectric Project No. 2146 (Coosa River Project), Jordan Hydroelectric Project No. 618 (Jordan Project), and Mitchell Hydroelectric Project No. 82 (Mitchell Project) filed an application for a new license to continue operation and maintenance of all three projects as one project, the Coosa River Project, pursuant to the Federal Power Act (FPA) and the Commission's regulations. The projects are located on the Coosa River in the states of Alabama and Georgia.

On August 8, 2007, the Commission issued separate Notices of Authorization for Continued Project Operation (Notice of Authorization) for each project. Each Notice of Authorization stated that if the project is subject to section 15 of the FPA, notice is hereby given that an annual license for the project is issued to Alabama Power Company for a period effective August 1, 2007 through July 31, 2008, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. The Notice of Authorization further stated that if issuance of a new license (or other disposition) does not take place on or before July 31, 2008, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise. The Notice of Authorization then stated that if the project is not subject to section 15 of the FPA, notice is hereby given that Alabama Power Company is authorized to continue operation of the project until such time as the Commission acts on its application for a new license.

On June 20, 2013, the Commission issued a new license combining the three projects as one project, the Coosa River Project.

On September 7, 2018, the U.S. Court of Appeals for the District of Columbia Circuit issued a formal mandate vacating and remanding the new license to the Commission for further proceedings. Therefore, as of September 7, 2018, the Court's mandate automatically reinstates the three August 8, 2007 Notices of Authorization and returns the July 28, 2005 application to pending status.

Dated: September 10, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20081 Filed 9–14–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2387–000]

City of Holyoke Gas and Electric Department; Notice of Authorization for Continued Project Operation

On August 31, 2016, City of Holyoke Gas and Electric Department, licensee for the Holyoke Number 2 Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Holyoke Number 2 Hydroelectric Project is located between the first and second level canals on the Holyoke Canal System adjacent to the Connecticut River, in the city of Holyoke in Hampton County, Massachusetts.

The license for Project No. 2387 was issued for a period ending August 31, 2018. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2387 is issued to the licensee for a period effective September 1, 2018 through August 31, 2019, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before August 30, 2019, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, City of Holyoke Gas and Electric Department, is authorized to continue operation of the Holyoke Number 2 Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: September 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20103 Filed 9–14–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–91–000.
Applicants: NextEra Energy Transmission Midatlantic, LLC.
Description: Amendment to May 7, 2018 Application [revised Exhibit M] for Authorization Under Section 203 of the Federal Power Act, et al. of NextEra Energy Transmission Midatlantic, LLC.
Filed Date: 9/7/18.
Accession Number: 20180907–5168.
Comments Due: 5 p.m. ET 9/14/18.

Docket Numbers: EC18–154–000.
Applicants: AL Solar A, LLC.
Description: Application for Authorization under Section 203 of the Federal Power Act, et al. of AL Solar A, LLC.
Filed Date: 9/10/18.
Accession Number: 20180910–5167.
Comments Due: 5 p.m. ET 10/1/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–1213–000.
Applicants: Emera Maine, ISO New England Inc.
Description: Notification of September 10, 2018 Response to Deficiency Letter filing [in ER18–1244–002] of Emera Maine.
Filed Date: 9/10/18.
Accession Number: 20180910–5071.
Comments Due: 5 p.m. ET 10/1/18.

Docket Numbers: ER18–1695–000.
Applicants: Puget Sound Energy, Inc.
Description: Response of Puget Sound Energy, Inc. to August 10, 2018 Letter requesting additional information.
Filed Date: 9/10/18.
Accession Number: 20180910–5179.
Comments Due: 5 p.m. ET 10/1/18.

Docket Numbers: ER18–1770–001.
Applicants: ISO New England Inc.
Description: Tariff Amendment: ISO–NE; Docket No. ER18–1770–000, Response to August 9, 2018 Letter to be effective 8/10/2018.
Filed Date: 9/10/18.
Accession Number: 20180910–5126.
Comments Due: 5 p.m. ET 10/1/18.

Docket Numbers: ER18–2203–001.
Applicants: Upper Michigan Energy Resources Corporate.
Description: Tariff Amendment: Amendment to MBR Tariff Filing of UMERC to be effective 10/12/2018.
Filed Date: 9/11/18.
Accession Number: 20180911–5139.
Comments Due: 5 p.m. ET 10/2/18.

Docket Numbers: ER18–2406–000.
Applicants: Allegheny Energy Supply Company, LLC.
Description: Compliance filing: compliance 2018 to be effective 12/13/2017.
Filed Date: 9/10/18.
Accession Number: 20180910–5123.
Comments Due: 5 p.m. ET 10/1/18.

Docket Numbers: ER18–2407–000.
Applicants: DV Trading, LLC,DV Trading, LLC.
Description: Notice of Cancellation of MBR tariff of DV Trading, LLC.
Filed Date: 9/10/18.
Accession Number: 20180910–5156.
Comments Due: 5 p.m. ET 10/1/18.

Docket Numbers: ER18–2408–000.
Applicants: Deseret Generation & Transmission Co-operative, Inc.
Description: § 205(d) Rate Filing: 2018 RIA Annual Update to be effective 7/1/2018.
Filed Date: 9/11/18.
Accession Number: 20180911–5031.
Comments Due: 5 p.m. ET 10/2/18.

Docket Numbers: ER18–2409–000.
Applicants: RED-Rochester, LLC.
Description: Baseline eTariff Filing: MBR Application to be effective 11/1/2018.
Filed Date: 9/11/18.
Accession Number: 20180911–5067.
Comments Due: 5 p.m. ET 10/2/18.

Docket Numbers: ER18–2410–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2018–09-xx_Att O–SPS TOIF TbLs 2–7–16–17 Sch 18 Filing to be effective 1/1/2019.
Filed Date: 9/11/18.
Accession Number: 20180911–5120.
Comments Due: 5 p.m. ET 10/2/18.

Docket Numbers: ER18–2411–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: ED&P Letter Agreement DCR Transmission LLC—Ten West Link SA No. 213 to be effective 9/7/2018.
Filed Date: 9/11/18.
Accession Number: 20180911–5111.
Comments Due: 5 p.m. ET 10/2/18.

Docket Numbers: ER18–2412–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–09–11_SA 3164 LA3 West Baton Rouge-Entergy Louisiana GIA (J683) to be effective 8/27/2018.
Filed Date: 9/11/18.
Accession Number: 20180911–5112.
Comments Due: 5 p.m. ET 10/2/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 11, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–20082 Filed 9–14–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–3300–006]

Reilly, Lawrence J.; Notice of Filing

Take notice that on September 7, 2018, Lawrence J. Reilly filed an application for authorization to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b) (2012), and section 45.8 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 45.8 (2018).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies

of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 28, 2018.

Dated: September 11, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20101 Filed 9–14–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2014–0738 and EPA–HQ–OAR–2010–0682; FRL–9983–26–OAR]

Notice of Final Approval for an Alternative Means of Emission Limitation at ExxonMobil Corporation; Marathon Petroleum Company, LP (for Itself and on Behalf of Its Subsidiary, Blanchard Refining, LLC); Chalmette Refining, LLC; and LACC, LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; final approval.

SUMMARY: This notice announces our approval of the Alternative Means of Emission Limitation (AMEL) requests under the Clean Air Act (CAA) submitted from ExxonMobil Corporation; Marathon Petroleum Company, LP (for itself and on behalf of its subsidiary, Blanchard Refining, LLC); and Chalmette Refining, LLC to operate flares and multi-point ground flares (MPGFs) at several refineries in Texas and Louisiana, and from LACC, LLC to operate flares at a chemical plant in Louisiana. This approval notice specifies the operating conditions and monitoring, recordkeeping, and reporting requirements that these facilities must follow to demonstrate compliance with the approved AMEL.

DATES: The approval of the AMEL requests from ExxonMobil Corporation; Marathon Petroleum Company, LP (for itself and on behalf of its subsidiary, Blanchard Refining, LLC); Chalmette Refining, LLC; and LACC, LLC to operate certain flares at the refineries and a chemical plant, as specified in this notice, is effective on September 17, 2018.

ADDRESSES: The Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA–HQ–OAR–2014–0738. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at EPA Docket Center, EPA WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact Ms. Angie Carey, Sector Policies and Programs Division (E143–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2187; fax number: (919) 541–0516; and email address: *carey.angela@epa.gov.*

SUPPLEMENTARY INFORMATION: *Preamble acronyms and abbreviations.* We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

AMEL alternative means of emission limitation
BTU/scf British thermal units per standard cubic foot
CAA Clean Air Act
CBI confidential business information
CFR Code of Federal Regulations
EPA Environmental Protection Agency
Eqn equation
g/mol grams per gram mole
HAP hazardous air pollutants
HP high pressure
LFL lower flammability limit
LFL_{cz} lower flammability limit of combustion zone gas
LFL_{vg} lower flammability limit of flare vent gas
LRGO linear relief gas oxidizer
MPGF multi-point ground flare
NESHAP national emission standards for hazardous air pollutants
NHV net heating value
NHV_{cz} net heating value of combustion zone gas
NHV_{vg} net heating value of flare vent gas
NSPS new source performance standards
OAQPS Office of Air Quality Planning and Standards
scf standard cubic feet
SKEC steam-assisted kinetic energy combustor
TCEQ Texas Commission on Environmental Quality
VOC volatile organic compounds

Organization of This Document. The information in this notice is organized as follows:

I. Background

A. Summary

In a **Federal Register** notice dated April 25, 2018, the EPA provided public notice and solicited comment on the requests under the CAA from ExxonMobil Corporation; Marathon Petroleum Company, LP (for itself and on behalf of its subsidiary, Blanchard Refining, LLC's); and Chalmette Refining, LLC for the operation of flares and MPGFs at several refineries in Texas and Louisiana, and from LACC, LLC to operate flares at a chemical plant in Louisiana (see 83 FR 18034). This action solicited comment on all aspects of the AMEL requests, including the operating conditions specified in that action that are necessary to achieve a reduction in emissions of volatile organic compounds and organic hazardous air pollutants at least equivalent to the reduction in emissions required by various standards in 40 CFR parts 60, 61, and 63 that apply to emission sources that would be controlled by these flares and MPGFs. These standards incorporate the flare design and operating requirements in 40 CFR part 60 and 63 General Provisions (*i.e.,* 40 CFR 60.18(b) and 63.11(b)) into the individual new source performance standards (NSPS) and maximum achievable control technology (MACT) subparts, except for the Petroleum Refinery MACT, 40 CFR part 63, subpart CC, which specifies its flare requirements within the subpart (*i.e.,* 40 CFR 63.670). Four of the requests are for flares located at petroleum refineries, while the request from LACC, LLC is for a flare design at a chemical manufacturing facility. None of the

flares located at petroleum refineries can meet the flare tip velocity limits in the Petroleum Refinery MACT, 40 CFR part 63, subpart CC. In addition, flares at these refineries and at LACC's chemical plant that are subject to other 40 CFR part 60 and 63 standards cannot meet the flare tip velocity limits contained in the applicable General Provisions to 40 CFR part 60 and 63.

This action provides a summary of the comments received as part of the public review process, our response to those comments, and our approval of these AMEL requests.

B. Regulatory Flare Requirements

ExxonMobil, Marathon, Blanchard, and Chalmette provided the information specified in the flare AMEL framework set forth in the Petroleum Refinery MACT at 40 CFR 63.670(r) to support their AMEL requests. LACC provided the information specified in the flare AMEL framework finalized on April 21, 2016 (81 FR 23486), to support its AMEL request. The ExxonMobil Corporation Baytown Refinery in Baytown, Texas, is seeking an AMEL to operate a gas-assisted flare, Flare 26, during periods of startup, shutdown, upsets, and emergency events, as well as during fuel gas imbalance events. Marathon Petroleum Company, LP's Garyville, Louisiana Refinery, and Blanchard Refining, LLC's Galveston Bay Refinery (GBR) in Texas City, Texas, are seeking AMELs to operate their flares only during periods of startup, shutdown, upsets, and emergency events. Chalmette Refining, LLC in Chalmette, Louisiana, is seeking an AMEL to operate its flare, No. 1 Flare, during periods of upset and emergency events. LACC, LLC is seeking an AMEL to operate flares at its chemical plant in Lake Charles, Louisiana, during startups, shutdowns, upsets, and emergency events. See Table 1 for a list of regulations, by subparts, that each refinery and chemical plant has identified as applicable to the flares described above.

TABLE 1—SUMMARY OF APPLICABLE RULES THAT MAY APPLY TO STREAMS CONTROLLED BY FLARES

Applicable rules with vent streams going to control device(s)	Exxon Mobil Baytown, Texas Flare 26	Marathon Garyville, LA MPGF	Blanchard Refining GBR MPGF	Chalmette No. 1 Flare	LACC	Rule citation from title 40 CFR that allow for use of a flare	Provisions for alternative means of emission limitation
NSPS Subpart VV	.....	x	x	.....	.....	60.482–10(d)	60.484(a)–(f).
NSPS Subpart VVa ..	.....	x	x	.....	x	60.482–10a(d)	60.484a(a)–(f).
NSPS Subpart NNN	.....	x	x	x	x	60.662(b)	CAA section 111(h)(3).
NSPS Subpart QQQ	.....	x	x	.....	.....	60.692–5(c)	42 U.S.C. 7411(h)(3).
NSPS Subpart RRR	.....	x	x	.....	x	60.702(b)	CAA section 111(h)(3).
NSPS Subpart Kb	.....	x	x	.....	x	60.112b(a)(3)(ii)	60.114b.
NESHAP Subpart V	.....	x	x	.....	x	61.242–11(d)	40 CFR 63.6(g); 42 U.S.C. 7412(h)(3).
NESHAP Subpart J ..	.....	.....	.....	.....	x	61.242–11(d)	40 CFR 63.6(g); 42 U.S.C. 7412(h)(3).
NESHAP Subpart Y	.....	x	x	.....	.....	61.271–(c)(2)	40 CFR 63.6(g); 40 CFR 61.273; 42 U.S.C. 7412(h)(3).
NESHAP Subpart BB	.....	x	x	.....	.....	61.302(c)	40 CFR 63.6(g); 42 U.S.C. 7412(h)(3).
NESHAP Subpart FF	.....	x	x	.....	x	61.349(a)(2)	61.353(a); also see 61.12(d).
NESHAP Subpart F	.....	x	x	.....	x	63.103(a)	63.6(g); 42 U.S.C. 7412(h)(3).
NESHAP Subpart G	.....	x	x	.....	x	63.113(a)(1)(i), 63.116(a)(2), 63.116(a)(3), 63.119(e), 63.120(e)(1) through (4), 63.126(b)(2)(i), 63.128(b), 63.139(c)(3), 63.139(d)(3), 63.145(j).	63.6(g); 42 U.S.C. 7412(h)(3).
NESHAP Subpart H	.....	x	x	.....	x	63.172(d), 63.180(e)	63.177; 42 U.S.C. 7412(h)(3).
NESHAP Subpart SS	.....	x	x	.....	x	63.982(b)	CAA section 112(h)(3).
NESHAP Subpart CC	x	x	x	x	.....	63.643(a)(1)	63.670(r).
NESHAP Subpart UU	.....	.....	.....	.....	x	63.1034	63.1021(a)–(d).
NESHAP Subpart YY	.....	.....	.....	.....	x	Table 7 to 63.1103(e) cross-references to NESHAP subpart SS above.	63.1113.
NESHAP Subpart EEEE.	.....	x	x	.....	.....	63.2378(a),63.2382, 63.2398	63.6(g); 42 U.S.C. 7412(h)(3).

The provisions for the NSPS and National Emission Standards for Hazardous Air Pollutants (NESHAP) cited in Table 1 that ensure flares meet certain specific requirements when used to satisfy the requirements of the NSPS or NESHAP were established as work practice standards pursuant to CAA sections 111(h)(1) or 112(h)(1). For standards established according to these provisions, CAA sections 111(h)(3) and 112(h)(3) allow the EPA to permit the use of an AMEL by a source if, after notice and opportunity for comment,[1] it is established to the Administrator's satisfaction that such an AMEL will achieve emission reductions at least equivalent to the reductions required under the CAA section 111(h)(1) or 112(h)(1) standard. As noted in Table 1, many of the NSPS and NESHAP in the table above also include specific regulatory provisions allowing sources to request an AMEL.

[1] CAA section 111(h)(3) specifically requires that the EPA provide an opportunity for a public hearing. The EPA provided an opportunity for a public hearing in the April 25, 2018, **Federal Register** action. However, no public hearing was requested.

II. Summary of Public Comments on the AMEL Requests

The EPA received four public comments on this action. Specifically, the EPA received suggested changes and clarifications from LACC, LLC, Marathon Petroleum Company, LP (for itself and on behalf of its subsidiary, Blanchard Refining, LLC), and ExxonMobil Corporation. The EPA also received one comment that does not mention any of the AMEL requests at issue and is, therefore, outside the scope

of the action. As discussed in more detail below, we have modified or otherwise clarified certain operating conditions in response to comments.[2] All of the comments within the scope of the AMEL requests were supportive of the EPA approving the AMEL requests, and none of the comments raised issues with the EPA's authority to approve these AMEL requests under the CAA. None of the commenters asserted that the EPA lacked authority to approve the AMEL requests or that the AMEL requests would not achieve at least equivalent emissions reductions as flares that meet the standards in the General Provisions or in the Petroleum Refinery MACT at 40 CFR 63.670(r).

Comment: LACC, LLC commented that the monitoring requirement in section (3) to install a video camera capable of continuously recording (*i.e.,* at least one frame every 15 seconds with time and date stamps) images of the flare flame at a reasonable distance and suitable angle, will work for their MPGF, but not for their enclosed ground flare. LACC stated that it is not technically feasible to install a video camera and monitor the flare flame within the enclosed ground flare. Alternatively, LACC stated that it can monitor for the presence of visible emissions from the enclosed ground flare by using a video camera to monitor at the exit of the stack exhaust.

Response: We agree that, although the camera would not be able to directly monitor visible emissions from the flare flame because of the enclosure, conducting visible emissions observations at the stack would be a reliable indicator of compliance with the requirements in section (3) below. Therefore, we accept this alternative and have made the appropriate change in section (3) below.

Comment: Marathon Petroleum Company, LP commented that the operating conditions in Table 2 do not reflect what they requested in their AMEL for the MPGF at their Garyville refinery. They stated that they needed separate NHV_{cz} limits for the pressure-assisted linear relief gas oxidizers (LRGO burners) and the steam-assisted steam kinetic energy combustors (SKEC burners) when both are being used simultaneously. Marathon explained that the SKEC burners would have a considerably different NHV_{cz} value because of steam assist. This is because the steam assist is included in the NHV_{cz} calculation for the SKEC burners, but not for the LRGO burners, given that the LRGO burners do not have steam assist.

Response: The EPA acknowledges that the April notice did not reflect Marathon Petroleum Company, LP's supplemental request for the Garyville MPGF to maintain separate burner limits such that the SKEC burners would meet the NHV_{cz} target from the SKEC equation and the LRGO burners would meet 600 British thermal units per standard cubic feet (BTU/scf). We discussed with Marathon its supplemental request upon receiving the comment. As we explained in that discussion, based on our review of the information provided by Marathon, the steam-to-vent gas ratio for the SKEC burners is not high enough to significantly affect the NHV_{cz} during the high pressure flaring scenario. Therefore, we conclude that the burner requirements as set out in the April 25, 2018, AMEL document are appropriate. Marathon concurred with this conclusion in an email response after the comment period closed (available in Docket ID No. EPA–HQ–OAR–2014–0738 and EPA–HQ–OAR–2010–0682).

Comment: Marathon Petroleum Company, LP commented that the requirement should be $NHV_{vg} = NHV_{cz}$ with a limit of ≥600 BTU/scf for the LH burner, and NHV_{cz} ≥600 BTU/scf for LRGO burners. Marathon notes that, as explained in its February 2, 2018, and March 27, 2018, supplemental letters, since the LH burner is air-assisted, therefore, the LH burner limitations provided in its request correspond to the NHV_{vg} and not the NHV_{cz}. Marathon further notes that the Petroleum Refinery requirements at 40 CFR 63.670(m)(1) states that $NHV_{vg} = NHV_{cz}$ when there is no premix assist air flow.

Response: For the reasons provided in Marathon's comment, we agree that for the LH burner, which is perimeter air assisted and not pre-mix air assisted, the NHV_{vg} equals NHV_{cz}. We, therefore, made this change in Table 2 below.

Comment: ExxonMobil Corporation commented on a typographical correction in Table 2 for the Baytown, Texas, Flexicoker Flare 26. The proposed alternative operating condition was listed as ≥270 BTU/scf NHV_{cz} and velocity of <361 feet per second (ft/sec). However, the performance test results for the Flare 26 demonstrate that the destruction efficiency met 98 percent at 361 ft/sec.

Response: We accept this correction and made the change in Table 2 to ≤361 ft/sec.

Comment: ExxonMobil Corporation commented that the EPA should include a default molecular weight for pipeline natural gas that corresponds to an NHV of 920 BTU/scf listed in 40 CFR 63.670(j)(5).

Response: We agree and are specifying the molecular weight of pipeline natural gas as 16.85 grams per gram mole (g/mol). It would be burdensome for Exxon to take samples of natural gas to determine molecular weight, when very little changes in molecular weight are expected. Therefore, we are specifying the molecular weight of natural gas of 16.85 can be used. This molecular weight is based on our default natural gas composition that was used to determine the net heating value in 40 CFR 63.670.

Comment: ExxonMobil Corporation commented that the accuracy and calibration requirements in section (1)(f) of the initial **Federal Register** document should apply only to flares at chemical plants seeking AMEL approval since flares such as Exxon's Flare 26 is already subject to the accuracy and calibration requirements in the Petroleum Refinery MACT at 40 CFR 63.671(a)(1) and (4) and Table 13.

Response: We agree and have clarified in section (1)(f) below that the accuracy and calibration requirements listed in Table 4 do not apply to refinery flares subject to requirements at 40 CFR 63.671(a)(1) and (4) and Table 13 of 40 CFR part 63, subpart CC.

Comment: ExxonMobil Corporation commented that the Flare 26 follows the Petroleum Refinery MACT requirement at 40 CFR part 63, subpart CC, for pilot flame operations and does not use cross-lighting for the flare operation. They stated that the EPA should clarify in section (2) that the Flare 26 is only required to maintain flare pilots per the Petroleum Refinery MACT requirements in 40 CFR 63.670(b).

Response: We agree that the requirements in section (2), which apply to flares that cross light, should not apply to Flare 26 because it does not use cross-lighting. We have made this change in section (2) below.

Comment: ExxonMobil Corporation commented that the EPA should clarify which reporting requirements apply to the Flare 26 in section (6) and clarify that the reporting requirements for the flare tip velocity and NHV_{cz} are applicable when regulated material is routed to the flare for at least 15 minutes.

Response: While we believe that the records required in section (6)(c) are essentially the same as the reporting requirements in Petroleum Refinery NESHAP, 40 CFR part 63, subpart CC, section (6)(c) requires additional records related to the operation of MPGFs, which do not apply to Flare 26. Further,

[2] As explained below, we have clarified the reporting requirements for Exxon's Flare 26 in response to a comment by Exxon. We have similarly clarified Marathon's Garyville's and GBR's MPGFs reporting requirements as a result of this comment.

we agree that the operating limits for NHV_{cz} and V_{tip} apply whenever regulated material is routed to the flares for at least 15 minutes, as specified by 40 CFR part 63, subpart CC; Therefore, we are requiring that Flare 26 comply with the reporting requirements in the Petroleum Refinery NESHAP, 40 CFR part 63, subpart CC, instead of section (6) as part of this AMEL approval. However, MPGFs located at petroleum refineries must comply with the additional reporting requirements for MPGFs in (6)(c)(iv) and (v). To avoid other potential confusion, we are clarifying the applicability of section (6)(c) to all the flares covered in this notice. Specifically, section (6)(c) below provides that flares at refineries must meet the requirements in the Petroleum Refinery MACT in 40 CFR 63.655(g)(11)(i)–(iii), except that the applicable alternative operating conditions listed in Table 2 apply instead of the operating limits specified in 40 CFR 63.670(d) through (f). In addition, for refinery flares that are MPGFs, notification shall also include records specified in section (6)(c)(iv)–(v). For LACC MPGFs, the notification shall include the records specified in section (6)(c)(i)–(v).

III. AMEL for the Flares

Based upon our review of the AMEL requests and the comments received through the public comment period, we are approving these AMEL requests and are establishing operating conditions for the flares at issue. The AMEL and the associated operating conditions are specified in Table 2 and accompanying paragraphs. These operating conditions will ensure that these flares will achieve emission reductions at least equivalent to flares complying with the flare requirements under the applicable NESHAP and NSPS identified in Table 1.

TABLE 2—ALTERNATIVE OPERATING CONDITIONS

AMEL submitted	Company	Affected facilities	Flare type(s)	Alternative operating conditions
11/7/17	ExxonMobil	Baytown, TX Flexicoker Flare 26.	Elevated gas-assist flare.	≥270 BTU/scf NHV_{cz} and velocity ≤361 (ft/sec).
10/7/17	Marathon	Garyville, LA	2 MPGFs	When both SKEC and LRGO burners are being used, the higher of ≥600 BTU/scf NHV_{cz} or ≥127.27 $\ln(v_{vg}) - 110.87$ NHV_{cz}. When only the SKEC burner is being used ≥127.27 $\ln(v_{vg}) - 110.87$ NHV_{cz}.
10/7/17	Marathon/Blanchard Refining.	GBR (Texas City, TX).	MPGF	NHV_{vg} ≥600 BTU/scf for the LH burner, and NHV_{cz} ≥600 BTU/scf for LRGO burners.
9/19/17	Chalmette Refining	Chalmette, LA	Elevated multi-point flare.	≥1,000 BTU/scf NHV_{cz} or LFL_{cz} ≤6.5 vol%.
5/1/17	LACC	Lake Charles, LA	2 MPGFs	≥1075 BTU/scf NHV_{cz} for INDAIR Burners; ≥800 BTU/scf NHV_{cz} for LRGO only.

(1) All flares must be operated such that the combustion zone gas net heating value (NHV_{cz}) or the lower flammability in the combustion zone (LFL_{cz}) as specified in Table 2 is met. Owners or operators must demonstrate compliance with the applicable NHV_{cz} or LFL_{cz} specified in Table 2 on a 15-minute block average. Owners or operators must calculate and monitor for the NHV_{cz} or LFL_{cz} according to the following:

(a) Calculation of NHV_{cz}

(i) If an owner or operator elects to use a monitoring system capable of continuously measuring (*i.e.,* at least once every 15 minutes), calculating, and recording the individual component concentrations present in the flare vent gas, NHV_{vg} shall be calculated using the following equation:

$$NHV_{vg} = \sum_{i=1}^{n} x_i NHV_i$$

(Eqn. 1)

Where:

NHV_{vg} = Net heating value of flare vent gas, BTU/scf. *Flare vent gas* means all gas found just prior to the tip. This gas includes all flare waste gas (*i.e.,* gas from facility operations that is directed to a flare for the purpose of disposing the gas), flare sweep gas, flare purge gas, and flare supplemental gas, but does not include pilot gas.

i = Individual component in flare vent gas.

n = Number of components in flare vent gas.

x_i = Concentration of component i in flare vent gas, volume fraction.

NHV_i = Net heating value of component i determined as the heat of combustion where the net enthalpy per mole of offgas is based on combustion at 25 degrees Celsius (°C) and 1 atmosphere (or constant pressure) with water in the gaseous state from values published in the literature, and then the values converted to a volumetric basis using 20 °C for ''standard temperature.'' Table 3 summarizes component properties including net heating values.

(ii) If the owner or operator uses a continuous net heating value monitor, the owner or operator may, at their discretion, install, operate, calibrate, and maintain a monitoring system capable of continuously measuring, calculating, and recording the hydrogen concentration in the flare vent gas. The owner or operator shall use the following equation to determine NHV_{vg} for each sample measured via the net heating value monitoring system.

$$NHV_{vg} = NHV_{measured} + 938 x_{H2}$$

(Eqn. 2)

Where:

NHV_{vg} = Net heating value of flare vent gas, BTU/scf.

$NHV_{measured}$ = Net heating value of flare vent gas stream as measured by the continuous net heating value monitoring system, BTU/scf.

x_{H2} = Concentration of hydrogen in flare vent gas at the time the sample was input into the net heating value monitoring system, volume fraction.

938 = Net correction for the measured heating value of hydrogen (1,212 − 274), BTU/scf.

(iii) For non-assisted flare burners, and the GBR LH burner, NHV_{vg} = NHV_{cz}. For assisted burners, such as the Marathon Garyville MPGF SKEC burners, and the Exxon Flare 26 gas-assisted burner, NHV_{cz} is calculated using Equation 3.

$$NHV_{cz} = \frac{Q_{vg} \times NHV_{vg} + Q_{ag} \times NHV_{ag}}{(Q_{vg} + Q_{ag})}$$

(Eqn. 3)

Where:

NHV_{cz} = Net heating value of combustion

zone gas, BTU/scf.
NHV_{vg} = Net heating value of flare vent gas for the 15-minute block period as determined according to (1)(a)(i), BTU/scf.
Q_{vg} = Cumulative volumetric flow of flare vent gas during the 15-minute block period, scf.
Q_{ag} = Cumulative volumetric flow of assist gas during the 15-minute block period, scf flow rate, scf.
NHV_{ag} = Net heating value of assist gas, BTU/scf; this is zero for air or for steam.

(b) Calculation of LFL_{cz}

(i) The owner or operator shall determine LFL_{cz} from compositional analysis data by using the following equation:

$$LFL_{vg} = \frac{1}{\sum_{i=1}^{n} \left(\frac{\chi_i}{LFL_i}\right)} \times 100\%$$

(Eqn. 4)

Where:
LFL_{vg} = Lower flammability limit of flare vent gas, volume percent (vol %).
n = Number of components in the vent gas.
i = Individual component in the vent gas.
χ_i = Concentration of component i in the vent gas, vol %.
LFL_i = Lower flammability limit of component i as determined using values published by the U.S. Bureau of Mines (Zabetakis, 1965), vol %. All inerts, including nitrogen, are assumed to have an infinite LFL (*e.g.,* $LFL_{N2} = \infty$, so that $\chi_{N2}/LFL_{N2} = 0$). LFL values for common flare vent gas components are provided in Table 3.

(ii) For non-assisted flare burners, $LFL_{vg} = LFL_{cz}$.

(c) Calculation of V_{tip}

For the ExxonMobil Flare 26, the owner or operator shall calculate the 15-minute block average V_{tip} by using the following equation:

$$V_{tip} = \frac{Qvg}{Area \times 900}$$

(Eqn. 5)

Where:
V_{tip} = Flare tip velocity, ft/sec.
Q_{vg} = Cumulative volumetric flow of vent gas over 15-minute block average period, scf.
Area = Unobstructed area of the flare tip, square ft.
900 = Conversion factor, seconds per 15-minute block average.

(d) For all flare systems specified in this document, the owner or operator shall install, operate, calibrate, and maintain a monitoring system capable of continuously measuring the volumetric flow rate of flare vent gas (Q_{vg}), the volumetric flow rate of total assist steam (Q_s), the volumetric flow rate of total assist air (Q_a), and the volumetric flow rate of total assist gas (Q_{ag}).

(i) The flow rate monitoring systems must be able to correct for the temperature and pressure of the system and output parameters in standard conditions (*i.e.,* a temperature of 20 °C (68 °F) and a pressure of 1 atmosphere).

(ii) Mass flow monitors may be used for determining volumetric flow rate of flare vent gas provided the molecular weight of the flare vent gas is determined using compositional analysis so that the mass flow rate can be converted to volumetric flow at standard conditions using the following equation:

$$Q_{vol} = \frac{Q_{mass} \times 385.3}{MW_t}$$

(Eqn. 6)

Where:
Q_{vol} = Volumetric flow rate, scf/sec.
Q_{mass} = Mass flow rate, pounds per sec.
385.3 = Conversion factor, scf per pound-mole.
MW_t = Molecular weight of the gas at the flow monitoring location, pounds per pound-mole.

(e) For each measurement produced by the monitoring system used to comply with (1)(a)(ii), the operator shall determine the 15-minute block average as the arithmetic average of all measurements made by the monitoring system within the 15-minute period.

(f) The owner or operator must follow the accuracy and calibration procedures according to Table 4. Flares at refineries must meet the accuracy and calibration requirements in the Petroleum Refinery MACT at 40 CFR 63.671(a)(1) and (4) and Table 13. Maintenance periods, instrument adjustments, or checks to maintain precision and accuracy and zero and span adjustments may not exceed 5 percent of the time the flare is receiving regulated material.

TABLE 3—INDIVIDUAL COMPONENT PROPERTIES

Component	Molecular formula	MW_i (pounds per pound-mole)	NHV_i (BTU/scf)	LFL_i (volume %)
Acetylene	C_2H_2	26.04	1,404	2.5
Benzene	C_6H_6	78.11	3,591	1.3
1,2-Butadiene	C_4H_6	54.09	2,794	2.0
1,3-Butadiene	C_4H_6	54.09	2,690	2.0
iso-Butane	C_4H_{10}	58.12	2,957	1.8
n-Butane	C_4H_{10}	58.12	2,968	1.8
cis-Butene	C_4H_8	56.11	2,830	1.6
iso-Butene	C_4H_8	56.11	2,928	1.8
trans-Butene	C_4H_8	56.11	2,826	1.7
Carbon Dioxide	CO_2	44.01	0	∞
Carbon Monoxide	CO	28.01	316	12.5
Cyclopropane	C_3H_6	42.08	2,185	2.4
Ethane	C_2H_6	30.07	1,595	3.0
Ethylene	C_2H_4	28.05	1,477	2.7
Hydrogen	H_2	2.02	*1,212	4.0
Hydrogen Sulfide	H_2S	34.08	587	4.0
Methane	CH_4	16.04	896	5.0
Methyl-Acetylene	C_3H_4	40.06	2,088	1.7
Nitrogen	N_2	28.01	0	∞
Oxygen	O_2	32.00	0	∞
Pentane+ (C5+)	C_5H_{12}	72.15	3,655	1.4
Propadiene	C_3H_4	40.06	2,066	2.16
Propane	C_3H_8	44.10	2,281	2.1
Propylene	C_3H_6	42.08	2,150	2.4

TABLE 3—INDIVIDUAL COMPONENT PROPERTIES—Continued

Component	Molecular formula	MW_i (pounds per pound-mole)	NHV_i (BTU/scf)	LFL_i (volume %)
Water	H_2O	18.02	0	∞

*The theoretical net heating value for hydrogen is 274 BTU/scf, but for the purposes of the flare requirement in this subpart, a net heating value of 1,212 BTU/scf shall be used.

TABLE 4—ACCURACY AND CALIBRATION REQUIREMENTS

Parameter	Accuracy requirements	Calibration requirements
Flare Vent Gas Flow Rate	±20 percent of flow rate at velocities ranging from 0.1 to 1 foot per second. ±5 percent of flow rate at velocities greater than 1 foot per second.	Performance evaluation biennially (every 2 years) and following any period of more than 24 hours throughout which the flow rate exceeded the maximum rated flow rate of the sensor, or the data recorder was off scale. Checks of all mechanical connections for leakage monthly. Visual inspections and checks of system operation every 3 months, unless the system has a redundant flow sensor. Select a representative measurement location where swirling flow or abnormal velocity distributions due to upstream and downstream disturbances at the point of measurement are minimized.
Flow Rate for All Flows Other Than Flare Vent Gas.	±5 percent over the normal range of flow measured or 1.9 liters per minute (0.5 gallons per minute), whichever is greater, for liquid flow. ±5 percent over the normal range of flow measured or 280 liters per minute (10 cubic feet per minute), whichever is greater, for gas flow. ±5 percent over the normal range measured for mass flow.	Conduct a flow sensor calibration check at least biennially (every 2 years); conduct a calibration check following any period of more than 24 hours throughout which the flow rate exceeded the manufacturer's specified maximum rated flow rate or install a new flow sensor. At least quarterly, inspect all components for leakage, unless the continuous parameter monitoring system (CPMS) has a redundant flow sensor. Record the results of each calibration check and inspection. Locate the flow sensor(s) and other necessary equipment (such as straightening vanes) in a position that provides representative flow; reduce swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.
Pressure	±5 percent over the normal range measured or 0.12 kilopascals (0.5 inches of water column), whichever is greater.	Review pressure sensor readings at least once a week for straight-line (unchanging) pressure and perform corrective action to ensure proper pressure sensor operation if blockage is indicated. Performance evaluation annually and following any period of more than 24 hours throughout which the pressure exceeded the maximum rated pressure of the sensor, or the data recorder was off scale. Checks of all mechanical connections for leakage monthly. Visual inspection of all components for integrity, oxidation, and galvanic corrosion every 3 months, unless the system has a redundant pressure sensor. Select a representative measurement location that minimizes or eliminates pulsating pressure, vibration, and internal and external corrosion.
Net Heating Value by Calorimeter.	±2 percent of span	Calibration requirements—follow manufacturer's recommendations at a minimum. Temperature control (heated and/or cooled as necessary) the sampling system to ensure proper year-round operation. Where feasible, select a sampling location at least 2 equivalent diameters downstream from and 0.5 equivalent diameters upstream from the nearest disturbance. Select the sampling location at least 2 equivalent duct diameters from the nearest control device, point of pollutant generation, air in-leakages, or other point at which a change in the pollutant concentration or emission rate occurs.
Net Heating Value by Gas Chromatograph.	As specified in Performance Standard (PS) 9 of 40 CFR part 60, appendix B.	Follow the procedure in PS 9 of 40 CFR part 60, appendix B, except that a single daily mid-level calibration check can be used (rather than triplicate analysis), the multi-point calibration can be conducted quarterly (rather than monthly), and the sampling line temperature must be maintained at a minimum temperature of 60 °C (rather than 120 °C).
Hydrogen Analyzer	±2 percent over the concentration measured, or 0.1 volume, percent, whichever is greater.	Specify calibration requirements in your site specific CPMS monitoring plan. Calibration requirements—follow manufacturer's recommendations at a minimum. Specify the sampling location at least 2 equivalent duct diameters from the nearest control device, point of pollutant generation, air in-leakages, or other point at which a change in the pollutant concentration occurs.

(2) The flare system shall be operated with a flame present at all times when in use. Additionally, each stage that cross-lights must have at least two pilots with a continuously lit pilot flame, except for Chalmette's No. 1 Flare, which has one pilot for each stage, excluding stages 8A and 8B. Each pilot flame must be continuously monitored by a thermocouple or any other equivalent device used to detect the presence of a flame. The time, date, and duration of any complete loss of pilot flame on any of the burners must be recorded. Each monitoring device must be maintained or replaced at a frequency in accordance with the manufacturer's specifications. The ExxonMobil flare, Flare 26, and GBR's LH flare must meet the requirements in the Petroleum Refinery MACT at 40 CFR 63.670(b) instead of the requirements herein in section (2).

(3) Flares at refineries shall comply with the Petroleum Refinery MACT requirements of 40 CFR 63.670(h). For LACC, LLC's MPGFs, the flare system shall be operated with no visible emissions except for periods not to exceed a total of 5 minutes during any

2 consecutive hours. A video camera that is capable of continuously recording (*i.e.,* at least one frame every 15 seconds with time and date stamps) images of the flare flame and a reasonable distance above the flare flame at an angle suitable for visible emissions observations must be used to demonstrate compliance with this requirement. For LACC's enclosed ground flare, LACC must install a video camera that is capable of continuously recording (*i.e.,* at least one frame every 15 seconds with time and date stamps) the stack exhaust exit at a reasonable distance and at an angle suitable for visible emissions observation in order to demonstrate compliance with this requirement. The owner or operator must provide real-time video surveillance camera output to the control room or other continuously manned location where the video camera images may be viewed at any time.

(4) For the MPGFs and Chalmette's No. 1 Flare, the owner or operator of a flare system shall install and operate pressure monitor(s) on the main flare header, as well as a valve position indicator monitoring system capable of monitoring and recording the position for each staging valve to ensure that the flare operates within the range of tested conditions or within the range of the manufacturer's specifications. Flares at refineries must meet the accuracy and calibration requirements in the Petroleum Refinery MACT at 40 CFR 63.671(a)(1) and (4) and Table 13. The pressure monitor at LACC shall meet the accuracy and calibration requirements in Table 4. Maintenance periods, instrument adjustments or checks to maintain precision and accuracy, and zero and span adjustments may not exceed 5 percent of the time the flare is receiving regulated material.

(5) Recordkeeping Requirements

(a) All data must be recorded and maintained for a minimum of 3 years or for as long as required under applicable rule subpart(s), whichever is longer.

(6) Reporting Requirements

(a) The information specified in section III(6)(b) and (c) below must be reported in the timeline specified by the applicable rule subpart(s) for which the flare will control emissions.

(b) Owners or operators shall include the final AMEL operating requirements for each flare in their initial Notification of Compliance status report.

(c) The owner or operator shall notify the Administrator of periods of excess emissions in their Periodic Reports. The owner or operator of refinery flares shall meet the reporting requirements in the Petroleum Refinery MACT in 40 CFR 63.655(g)(11)(i)–(iii), except that the applicable alternative operating conditions listed in Table 2 apply instead of the operating limits specified in 40 CFR 63.670(d) through (f). In addition, for refinery flares that are MPGFs, notification shall also include records specified in section (iv)–(v) below. For LACC MPGFs, the notification shall include the records specified in section (i)–(v) below.

(i) Records of each 15-minute block for all flares during which there was at least 1 minute when regulated material was routed to the flare and a complete loss of pilot flame on a stage of burners occurred, and for all flares, records of each 15-minute block during which there was at least 1 minute when regulated material was routed to the flare and a complete loss of pilot flame on an individual burner occurred.

(ii) Records of visible emissions events (including the time and date stamp) that exceed more than 5 minutes in any 2-hour consecutive period.

(iii) Records of each 15-minute block period for which an applicable combustion zone operating condition (*i.e., NHV_{cz}* or *LFL_{cz}*) is not met for the flare when regulated material is being combusted in the flare. Indicate the date and time for each period, the *NHV_{cz}* and/or *LFL_{cz}* operating parameter for the period, the type of monitoring system used to determine compliance with the operating parameters (*e.g.,* gas chromatograph or calorimeter), and also indicate which high-pressure stages were in use.

(iv) Records of when the pressure monitor(s) on the main flare header show the flare burners are operating outside the range of tested conditions or outside the range of the manufacturer's specifications. Indicate the date and time for each period, the pressure measurement, the stage(s) and number of flare burners affected, and the range of tested conditions or manufacturer's specifications.

(v) Records of when the staging valve position indicator monitoring system indicates a stage of the flare should not be in operation and is or when a stage of the flare should be in operation and is not. Indicate the date and time for each period, whether the stage was supposed to be open, but was closed, or vice versa, and the stage(s) and number of flare burners affected.

Dated: September 11, 2018.

Panagiotis Tsirigotis,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2018–20148 Filed 9–14–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9983–85—Region 3]

Clean Water Act: West Virginia's NPDES Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of revision, public comment period, and opportunity to request a public hearing.

SUMMARY: The State of West Virginia has submitted revisions to its authorized National Pollutant Discharge Elimination System (NPDES) program for the U.S. Environmental Protection Agency's (EPA) review. These revisions consist of amendments to the West Virginia Water Pollution Control Act codified in Senate Bill 357 (SB 357) and to West Virginia's Code of State Regulations codified as House Bill 2283 (HB 2283). The EPA has determined that the submitted revisions constitute a substantial revision to West Virginia's authorized NPDES program. Accordingly, the EPA is requesting public comment and providing a notice of an opportunity to request a public hearing. Copies of SB357 and HB2283 are available for public inspection as indicated below.

DATES: Comments must be submitted in writing to EPA on or before October 17, 2018.

ADDRESSES: Comments on the WV NPDES Program revisions should be sent to Francisco Cruz, Water Protection Division (3WP41), U.S. Environmental Protection Agency Region 3, 1650 Arch Street, Philadelphia, PA 19103–2019 or email to *cruz.francisco@epa.gov.* Oral comments will not be considered. Underlying documents from the administrative record for this decision are available for public inspection at the above address. Please contact Mr. Francisco Cruz to schedule an inspection. The public, during the term of this **Federal Register** notice, can request a public hearing. Such a hearing will be held if there is significant public interest based on requests received.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Francisco Cruz at (215) 814–5734.

SUPPLEMENTARY INFORMATION: Section 402 of the Federal Clean Water Act (CWA) created the NPDES program under which the EPA may issue permits for the discharge of pollutants into waters of the United States under conditions required by the CWA. Section 402(b) allows states to assume NPDES program responsibilities upon approval by the EPA. On May 10, 1982,

West Virginia received approval from the EPA to assume the NPDES program.

EPA's regulations at 40 CFR 123.62 establish procedures for revision of authorized state NPDES programs. Under § 123.62(a) a state may initiate a program revision and must keep EPA informed of proposed modifications to its statutory or regulatory authority. On May 13, 2015, West Virginia notified the EPA of enactment of HB 2283. On July 10, 2015, West Virginia submitted SB 357 for formal review by the EPA. Following additional correspondence between the EPA and the West Virginia Department of Environmental Protection and the West Virginia Environmental Hearing Board, the EPA has determined pursuant to 40 CFR 123.62(b)(1) that it has received such documents as are necessary for its review under the circumstances.

Section 123.62(b)(2) requires the EPA to issue a public notice and to provide at least a 30-day public comment period whenever the EPA determines that a state program revision is substantial. Section 1233.62(b)(2) also requires the EPA to hold a public hearing regarding the proposed revision ''if there is significant public interest based on requests received.'' The EPA has determined that HB 2283 and SB357 constitute substantial revisions to West Virginia's NPDES program.

According to the West Virginia Department of Environmental Protection, SB 537 amends West Virginia Code § 22–11–6(2) and § 22–11–8(a) to prohibit the incorporation or enforcement of water quality standards either expressly or by reference as effluent standards or limitations in West Virginia NPDES permits. SB 537 also adds West Virginia Code § 22–11–22a to establish a mining industry specific procedure to collect civil or administrative penalties and to enjoin violations of the West Virginia Water Pollution Control Act. HB 2283 revises W. Va. CSR 40–30–5f to delete the following language: ''The discharge or discharges covered by a WV/NPDES permit are to be of such quality so as to not cause a violation of applicable water quality standards promulgated by 47 C.S.R. 2.''

The 40 CFR 123.62(b)(3) states that the EPA will approve or disapprove program revisions on the requirements of this part. Furthermore 40 CFR 123.62(b)(4) indicates that a program revision shall become effective upon the approval of the EPA. Notice of approval of any substantial revision shall be published in the **Federal Register**.

The EPA will consider public comments received before October 17, 2018 when determining whether to approve the WV NPDES Program revision.

Catharine R. McManus,

Acting Director, Water Protection Division, U.S. Environmental Protection Agency, Region 3.

[FR Doc. 2018–20037 Filed 9–14–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[IB Docket No. 16–185; DA 18–885]

Sixth Meeting of the World Radiocommunication Conference Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the sixth meeting of the World Radiocommunication Conference Advisory Committee (WAC) will be held on October 1, 2018, at the Federal Communications Commission (FCC). The Advisory Committee will consider any preliminary views or draft proposals introduced by the Advisory Committee's Informal Working Groups.

DATES: October 1, 2018; 11:00 a.m.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Michael Mullinix, Designated Federal Official, World Radiocommunication Conference Advisory Committee, FCC International Bureau, Global Strategy and Negotiation Division, at (202) 418–0491.

SUPPLEMENTARY INFORMATION: The FCC established the Advisory Committee to provide advice, technical support and recommendations relating to the preparation of United States proposals and positions for the 2019 World Radiocommunication Conference (WRC–19).

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the fourth meeting of the Advisory Committee. Additional information regarding the Advisory Committee is available on the Advisory Committee's website, *www.fcc.gov/wrc-19.* The meeting is open to the public. The meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.* Comments may be presented at the Advisory Committee meeting or in advance of the meeting by email to: *WRC-19@fcc.gov.*

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Such requests should include a detailed description of the accommodation needed. In addition, please include a way for the FCC to contact the requester if more information is needed to fill the request. Please allow at least five days' advance notice; last minute requests will be accepted, but may not be possible to accommodate.

The proposed agenda for the fourth meeting is as follows:

Agenda

Sixth Meeting of the World Radiocommunication Conference Advisory Committee, Federal Communications Commission, 445 12th Street SW, Room TW–C305, Washington, DC 20554

October 1, 2018; 11:00 a.m.

1. Opening Remarks
2. Approval of Agenda
3. Approval of the Minutes of the Fifth Meeting
4. NTIA Draft Preliminary Views and Proposals
5. IWG Reports and Documents Relating to Preliminary Views and Draft Proposals
6. Future Meetings
7. Other Business
8. Memory of Alexander Gerdenitsch

Federal Communications Commission.

Troy Tanner,

Deputy Chief, International Bureau.

[FR Doc. 2018–20069 Filed 9–14–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0028]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal

agencies to take this opportunity to comment on the renewal of the existing information collection described below (3064–0028). On May 24, 2018, the FDIC requested comment for 60 days on a proposal to renew the information collection described below. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of this collection, and again invites comment on this renewal.

DATES: Comments must be submitted on or before October 17, 2018.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency website: https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Jennifer Jones (202–898–6768), Counsel, MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jennifer Jones, Counsel, 202–898–6768, *jennjones@fdic.gov,* MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: On May 24, 2018, the FDIC requested comment for 60 days on a proposal to renew the information collection described below. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of this collection, and again invites comment on this renewal.

Proposal to renew the following currently approved collection of information:

1. *Title:* Recordkeeping and Confirmation Requirements for Securities Transactions.

OMB Number: 3064–0028.

Form Number: None.

Affected Public: FDIC-Insured Institutions and Certain Employees of the FDIC-Insured Institutions.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Frequency of response	Total annual estimated burden
Recordkeeping and Confirmation Requirements for Securities Transactions—344.4.	Recordkeeping	Mandatory	680	12	0.25	Monthly	2,040
Maintain Securities Trading Policies and Procedures—344.8.	Recordkeeping	Mandatory	680	12	0.25	Monthly	2,040
Provide Customer with Copy of Broker/Dealer Confirmation and Remuneration Received OR Written Notification or Alternative Notification—344.5 and 344.6.	Third-Party Disclosure.	Mandatory	680	12	5	Monthly	40,800
Officer/Employee Filing of Reports of Personal Securities Trading Transactions—344.9 (assumes 5 officers/employees at each institution with income from securities broker activity).	Third-Party Disclosure.	Mandatory	3,400	4	1.50	Quarterly	20,400
Total Hourly Burden							65,280

General Description of Collection:

The collection of information requirements are contained in 12 CFR part 344. The purpose of the regulation is to ensure that purchasers of securities in transactions affected by insured state nonmember banks are provided with adequate records concerning the transactions. The regulation is also designed to ensure that insured state nonmember banks maintain adequate records and controls with respect to the securities transactions they effect. Finally, this regulation requires officers and employees of FDIC-supervised institutions to report to the FDIC-supervised institution certain personal securities trading activity.

The FDIC has reviewed its previous submission related to the Paperwork Reduction Act of 1995 and has updated its methodology for calculating the burden in order to be consistent with the Federal Reserve Board and the Office of the Comptroller of the Currency. In addition, the FDIC has reviewed and revised its estimated number of respondents to ensure that only those institutions with income from securities brokerage activity are included its respondent count. The overall decrease in burden hours is the result of these changes.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on September 12, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–20125 Filed 9–14–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Interagency Guidance on Managing Compliance and Reputation Risks for Reverse Mortgage Products (FR 4029; OMB No. 7100–0330).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following information collection:

Report title: Interagency Guidance on Managing Compliance and Reputation Risks for Reverse Mortgage Products.

Agency form number: FR 4029.

OMB control number: 7100–0330.

Frequency: Annual.

Respondents: State member banks that originate proprietary reverse mortgages.

Estimated number of respondents: Implementation of policies and procedures, 1 respondent; and Review and maintenance of policies and procedures, 15 respondents.

Estimated average hours per response: Implementation of policies and procedures, 40 hours; and Review and maintenance of policies and procedures, 8 hours.

Estimated annual burden hours: Implementation of policies and procedures, 40 hours; and Review and maintenance of policies and procedures, 120 hours.

General description of report: Reverse mortgages are home-secured loans typically offered to elderly consumers. Financial institutions currently provide two types of reverse mortgage products: The lenders' own proprietary reverse mortgage products and reverse mortgages insured by the U.S. Department of Housing and Urban Development's Federal Housing Administration (FHA). Reverse mortgage loans insured by the FHA are made pursuant to the guidelines and rules established by the U.S. Department of Housing and Urban Development's Home Equity Conversion Mortgage (HECM) program.[1] HECM loans and proprietary reverse mortgages are also subject to consumer financial protection laws and regulations, *e.g.,* the regulations that implement laws such as the Real Estate Settlement Procedures Act (RESPA) and the Truth in Lending Act (TILA).

In August 2010, the Federal Financial Institutions Examination Council (FFIEC), on behalf of its member agencies,[2] published a **Federal Register** notice adopting supervisory guidance titled ''Reverse Mortgage Products: Guidance for Managing Compliance and Reputation Risks.'' [3] The guidance is designed to help financial institutions with risk management and assist financial institutions' efforts to ensure that their reverse mortgage lending practices adequately address consumer compliance and reputation risks.

The reverse mortgage guidance discusses the reporting, recordkeeping, and disclosures required by federal laws and regulations and also discusses consumer disclosures that financial institutions typically provide as a standard business practice. Certain portions of the guidance are ''information collections'' subject to the PRA's requirements.

Legal authorization and confidentiality: The information collection is authorized pursuant to section 11 of the Federal Reserve Act, 12 U.S.C. 248 (state member banks); sections 25 and 25A of the Federal Reserve Act, 12 U.S.C. 625 (Edge and Agreement corporations); section 5 of the Bank Holding Company Act of 1956, 12 U.S.C. 1844 (bank holding companies and, in conjunction with section 8 of the International Banking Act, 12 U.S.C. 3106, foreign banking organizations); section 7(c) of the International Banking Act of 1978, 12 U.S.C. 3105(c) (branches and agencies of foreign banks); and section 10 of the Home Owners' Loan Act, 12 U.S.C. 1467a, (savings and loan holding companies). This guidance is voluntary.

Because the documentation required by the guidance is maintained by each institution, the Freedom of Information Act (FOIA) would only be implicated if the Federal Reserve's examiners retained a copy of this information as part of an examination or as part of its supervision of a financial institution. However, records obtained as a part of an examination or supervision of a financial institution are exempt from disclosure under FOIA exemption (b)(8) (5 U.S.C. 552(b)(8)). In addition, the information may also be kept confidential under exemption 4 of the FOIA which protects commercial or financial information obtained from a person that is privileged or confidential (5 U.S.C. 552(b)(4)).

Current actions: On July 3, 2018, the Board published a notice in the **Federal Register** (83 FR 31146) requesting public comment for 60 days on the extension, without revision, of the Interagency Guidance on Managing Compliance and Reputation Risks for Reverse Mortgage Products. The comment period for this notice expired on September 4, 2018. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, September 12, 2018.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2018–20139 Filed 9–14–18; 8:45 am]

BILLING CODE 6210–01–P

[1] See 12 U.S.C. 1715z–20; 24 CFR part 206.

[2] The Federal Reserve, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision.

[3] 75 FR 50801.

GENERAL SERVICES ADMINISTRATION

[Notice–PBS–2018–09; Docket No. 2018–0002; Sequence No. 25]

Notice of Intent To Prepare an Environmental Assessment for the Edward J. Schwartz Federal Building Structural Enhancements Project

AGENCY: Public Building Service (PBS), General Services Administration (GSA).

ACTION: Notice of intent.

SUMMARY: Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality Regulations, and the GSA PBS NEPA Desk Guide, GSA is issuing this notice to advise the public that an Environmental Assessment (EA) will be prepared for the Edward J. Schwartz Federal Building Structural Enhancements Project (Project).

DATES: Agencies and the public are encouraged to provide written comments regarding the scope of the EA. Comments must be received by October 19, 2018.

ADDRESSES: Please submit written comments by either of the following methods:

- *Email: osmahn.kadri@gsa.gov.*
- *Postal Mail/Commercial Delivery:* ATTN: Osmahn Kadri, 50 United Nations Plaza, Room 3345, Mailbox 9, San Francisco, CA 94102.

FOR FURTHER INFORMATION CONTACT: Osmahn A. Kadri, Regional Environmental Quality Advisor/NEPA Project Manager, General Services Administration, Pacific Rim Region, at 415–522–3617 or email *osmahn.kadri@gsa.gov.*

SUPPLEMENTARY INFORMATION: GSA intends to prepare an EA to analyze the potential impacts resulting from proposed structural enhancements associated with the Edward J. Schwartz Federal Building Structural Enhancements Project.

Background

The Project is located at 880 Front Street in San Diego, California at the Edward J. Schwartz Federal Building and United States Courthouse. The Project is proposed in order to improve structural safety for the public traveling underneath the building and for the tenants occupying the building above the Front Street underpass. The existing building has five stories of federal office building space spanning above the roadway and two levels of parking structure beneath the roadway.

Alternatives Under Consideration

The EA will consider one Action Alternative and one No Action Alternative. The Action Alternative would consist of structural enhancement improvements to the portion of the existing Edward J. Schwartz Federal Building over Front Street between E and F streets. Existing columns and beams supporting the building at the Front Street underpass would be reinforced with new steel beams and column support structures and pre-cast concrete paneling. Construction would require full and partial closure of Front Street between Broadway and F Street. Street closure options during construction of the Action Alternative are being considered, and a comprehensive Traffic Control Plan will be prepared to address the street closure.

The No Action Alternative assumes that structural enhancements to the existing building would not occur.

Scoping Process

Scoping will be accomplished through direct mail correspondence to appropriate federal, state, and local agencies; surrounding property owners; and private organizations and citizens who have previously expressed or are known to have an interest in the Project.

The primary purpose of the scoping process is for the public to assist GSA in determining the scope and content of the environmental analysis.

Dated: September 10, 2018.

Matthew Jear,

Director, Portfolio Management Division, Pacific Rim Region, Public Buildings Service.

[FR Doc. 2018–20165 Filed 9–14–18; 8:45 am]

BILLING CODE 6820–YF–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality; Notice of Meetings

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of five AHRQ subcommittee meetings.

SUMMARY: The subcommittees listed below are part of AHRQ's Health Services Research Initial Review Group Committee. Grant applications are to be reviewed and discussed at these meetings. Each subcommittee meeting will commence in open session before closing to the public for the duration of the meeting.

DATES: See below for dates of meetings:

1. Healthcare Effectiveness and Outcomes Research (HEOR).

Date: October 10, 2018 (Open from 8:30 a.m. to 9 a.m. on October 10th and closed for remainder of the meeting).

2. Health System and Value Research (HSVR).

Date: October 18, 2018 (Open from 8 a.m. to 8:30 a.m. on October 18th and closed for remainder of the meeting).

3. Health Care Research and Training (HCRT).

Date: October 18–19, 2018 (Open from 8 a.m. to 8:30 a.m. on October 18th and closed for remainder of the meeting).

4. Healthcare Safety and Quality Improvement Research (HSQR).

Date: October 24–25, 2018 (Open from 8 a.m. to 8:30 a.m. on October 24th and closed for remainder of the meeting).

5. Healthcare Information Technology Research (HITR).

Date: October 25–26, 2018 (Open from 8 a.m. to 8:30 a.m. on October 25th and closed for remainder of the meeting).

ADDRESSES: Hilton Rockville & Executive Meeting Center, 1750 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: (to obtain a roster of members, agenda or minutes of the non-confidential portions of the meetings.)

Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research Education and Priority Populations, Agency for Healthcare Research and Quality (AHRQ), 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 427–1554.

SUPPLEMENTARY INFORMATION: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), AHRQ announces meetings of the above-listed scientific peer review groups, which are subcommittees of AHRQ's Health Services Research Initial Review Group Committees. Each subcommittee meeting will commence in open session before closing to the public for the duration of the meeting. The subcommittee meetings will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2 section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). 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.

Agenda items for these meetings are subject to change as priorities dictate.

Francis D. Chesley, Jr.

Acting Deputy Director.

[FR Doc. 2018–20126 Filed 9–14–18; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2018–0090]

Draft Update to the Centers for Disease Control and Prevention Infection Prevention and Control Recommendation Categorization Scheme

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), in the Department of Health and Human Services (HHS), announces the opening of a docket to obtain comment on the *Draft Update to the Centers for Disease Control and Prevention Infection Prevention and Control Recommendation Categorization Scheme (Draft Update).* The *Draft Update* provides updated categories that specify the strength of CDC's Infection Prevention and Control Guideline Recommendations. The *Draft Update* also includes recommendation justification tables, a new component of the recommendation development process, that provide transparency into the considerations weighed when developing infection prevention and control recommendations.

DATES: Written comments must be received on or before October 17, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0090 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Division of Healthcare Quality Promotion, National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention, Attn: Docket No. CDC–2018–0090, HICPAC Secretariat, 1600 Clifton Rd. NE, Mailstop A–07, Atlanta, Georgia, 30329.

Instructions: Submissions via *http://regulations.gov* are preferred. All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *http://regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Erin Stone, Division of Healthcare Quality Promotion, National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop A–07, Atlanta, Georgia, 30329; Telephone: (404) 639–4000.

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data.

Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted in preparation of the final *Update to the Centers for Disease Control and Prevention Infection Prevention and Control Recommendation Categorization Scheme* and may revise the final document as appropriate.

Background

This *Draft Update* is a recommendation from the Healthcare Infection Control Practices Advisory Committee (HICPAC) to CDC on the updating of CDC's infection prevention and control recommendation categories. The *Draft Update* is located in the ''Supporting & Related Material'' tab of the docket.

HICPAC is a federal advisory committee charged with providing advice and guidance to the Centers for Disease Control and Prevention, and includes representatives from the public health and infectious diseases fields, regulatory and other federal agencies, professional societies, and other stakeholders. This *Draft Update* is not a Federal rule or regulation.

Once finalized, the Recommendation Categories and supporting Justification Tables will be used by CDC, HICPAC, and HICPAC's workgroups in the development of infection prevention and control guideline recommendations.

Dated: September 12, 2018.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2018–20118 Filed 9–14–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7051–CN]

Medicare & Medicaid Programs, and Other Program Initiatives, and Priorities; Meeting of the Advisory Panel on Outreach and Education (APOE), September 26, 2018; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Correction notice.

SUMMARY: This document corrects a technical error in the meeting notice that appeared in the August 31, 2018 **Federal Register** titled ''Medicare & Medicaid Programs, and Other Program Initiatives, and Priorities; Meeting of the Advisory Panel on Outreach and Education (APOE), September 26, 2018.''

FOR FURTHER INFORMATION CONTACT: Lynne Johnson, (410) 786–0090.

SUPPLEMENTARY INFORMATION:

I. Background and Summary of Errors

In FR Doc. 2018–18961 of August 31, 2018 (83 FR 44632), we made an error in the meeting registration hyperlink.

II. Correction of Errors

In FR Doc. 2018–18961 of August 31, 2018 (83 FR 44632), make the following correction:

1. On page 44632, second column, last paragraph, lines 5 and 6, the hyperlink ''*https://www.regonline.com/apoe2018sept26meeting/*'' is corrected to read ''*https://www.regonline.com/apoe2018sept26meeting*''.

Dated: September 12, 2018.

Kathleen Cantwell,

Director, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–20153 Filed 9–14–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; System of Records

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of a modified system of records.

SUMMARY: The Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS), proposes to modify or alter an existing system of records subject to the Privacy Act, System No. 09–70–0541, titled ''Medicaid Statistical Information System (MSIS).'' This system of records covers the Medicaid dataset. The dataset includes standardized enrollment, eligibility, and paid claims of Medicaid recipients and is used to administer Medicaid at the Federal level, produce statistical reports, support Medicaid related research, and assist in the detection of fraud and abuse in the Medicare and Medicaid programs. CMS is adding two new routine use as numbers three and 10. CMS is including two routine uses that were published on February 14, 2018, and are numbered as eight and nine in the routine use section below. In addition, CMS is changing the name of the system of records to: Transformed-Medicaid Statistical Information System (T–MSIS) and making other modifications which are explained below.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is applicable September 17, 2018, subject to a 30-day period in which to comment on the routine uses. Submit any comments by October 17, 2018.

ADDRESSES: Written comments should be submitted by mail or email to: CMS Privacy Act Officer, Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Information Technology, CMS, Location N1–14–56, 7500 Security Boulevard, Baltimore, MD 21244–1870, or *walter.stone@cms.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: General questions about the system of records may be submitted to Darlene Anderson, Health Insurance Specialist, Data and Systems Group, Center for Medicaid and CHIP Services (CMCS), CMS, Mail Stop S2–22–16, 7500 Security Boulevard, Baltimore, MD 21244, Telephone 410–786- 9828 or email to *Darlene.Anderson@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Program and IT System Changes Prompting This SORN Modification

The Transformed Medicaid Statistical Information System (T–MSIS) is replacing the Medicaid Statistical Information System (MSIS) as the information technology (IT) system housing the national Medicaid dataset. It is a joint effort by the States and CMS to build a Medicaid dataset that addresses problems identified with Medicaid data in MSIS. T–MSIS provides improved program monitoring and oversight, technical assistance with states, policy implementation and data-driven and high-quality Medicaid program and Children's Health Insurance Program (CHIP) that ensure better care, access to coverage, and improved health.

To improve Medicaid program oversight, CMS is requiring States to submit new files and data elements in T–MSIS which were not collected in MSIS, for the purpose of improving the quality of the data extracts the States submit to CMS on a quarterly or other periodic basis. Following consultation with a wide array of stakeholders, CMS established over 1,000 data elements for T–MSIS. This expands on the approximately 400 data elements collected in MSIS. T–MSIS builds on the original five MSIS files (eligibility and four types of claims: Inpatient, long-term care, pharmacy, and other) by adding files for third-party liability, information from managed-care plans, and providers. New T–MSIS Analytic Files (TAF) include: Beneficiary Files: Monthly beneficiary summary, annual beneficiary summary, Claims Files: Inpatients, long-term care, pharmacy and other files: Provider and Managed Care Files.

Currently, each state submits five extracts to CMS on a quarterly basis. These data are used by CMS to assist in federal reporting for the Medicaid and CHIP. Several reasons culminated in the CMS mission to improve the Medicaid dataset repository, including incomplete data, questionable results, multiple data collections from states, multiple federal data platforms and analytic difficulties in interpreting and presenting the results. In addition, timeliness issues have prompted CMS to re-evaluate its processes and move toward a streamlined delivery, along with an enhanced data repository. The new T–MSIS extract format is expected to further CMS goals for improved timeliness, reliability and robustness through monthly updates and an increase in the amount of data requested.

II. Modifications to SORN 09–70–0541

The following modifications have been made to SORN 09–70–0541 in order to reflect changes to the system of records resulting from the IT system change from MSIS to T–MSIS and to update the SORN generally:

- The SORN has been reformatted to conform to the revised template prescribed in Office of Management and Budget (OMB) Circular A–108, issued December 23, 2016.
- The name of the system of records has been changed from ''Medicaid Statistical Information System (MSIS)'' to ''Transformed—Medicaid Statistical Information System (T–MSIS), HHS/CMS/CMCS.''
- Address information in the System Location and System Manager(s) sections has been updated.
- The Authority section now cites applicable U.S. Code provisions instead of public laws.
- The Purpose section added information collecting over 1000 new data elements to perform expanded data analytics. The T–MSIS data set contains: enhanced information about beneficiary eligibility, beneficiary and provider enrollment, service utilization, claims and managed care data, and expenditure data for Medicaid and CHIP.
- The categories of individuals have not changed, but they are now more clearly delineated as Medicaid recipients and Medicaid providers.
- The Categories of Records section now specifies categories of records, in addition to a listing data elements. Including these categories for the existing five categories, the list has been expanded to add new categories (*i.e.,* files for third-party liability, information from managed-care plans, and providers.) and additional examples of data elements (such as tax identification number/employer identification number (TIN/EIN), national provider identifier (NPI), Social Security Number (SSN), prescriber identification number, and other assigned clinician numbers).
- The Record Source Categories section has added non-Medicare individuals, third party data submitter who are individuals; *i.e.,* Third Party Administrators (TPA); contact persons and authorized representatives (such as parents and guardians of Medicare

recipients who are minors) as sources of information.

- The following changes have been made to the Routine Uses section:
  - Two new routine uses have been added, numbered as three and 10.
  - The two breach response-related routine uses which were added February 14, 2018, are now numbered as eight and nine, and
  - CMS grantees were removed from routine use number one.
- There are no changes to the Storage section.
- The Retrieval section now indicates that information will be retrieved by name, address, and Tax Identification Number (TIN)/Employer Identification Number (EIN) pertaining to third party data submitters. Records about contact persons will be retrieved by name, email address and business address.
- The Retention and Disposal section changes retention of Medicaid record to a period of 10 years after the final determination of the case is completed. In addition, any claims-related records encompassed by a document preservation order may be retained longer (*i.e.,* until notification is received from the Department of Justice).
- The Safeguards section has been updated to reflect most recent publications and guidance governing the use and protections of the data maintained in this SOR.
- Records Access, Contesting, and Notification procedures sections has been expanded to provide clarity and better understanding of procedures to follow.

Barbara Demopulos,

CMS Privacy Advisor, Division of Security, Privacy Policy and Governance, Information Security and Privacy Group, Office of Information Technology, Centers for Medicare& Medicaid Services.

SYSTEM NAME AND NUMBER

Transformed—Medicaid Statistical Information System (T–MSIS), HHS/CMS/CMCS, System No. 09–07–0541.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The address of the agency component responsible for the system of records is: The CMS Data Center, 7500 Security Boulevard, North Building, First Floor, Baltimore, Maryland 21244–1850 and at various contractor sites.

SYSTEM MANAGER(S):

Director, Data and Systems Group, Center for Medicaid and CHIP Services, CMS Mail Stop S2–22–16, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The specific authority that authorizes the maintenance of the records in the system is given under § 1902(a)(6) of the Social Security Act (the Act) (42 United States Code (U.S.C.) 1396a (a)(6)), § 4753(a) (1396a (i)(1)(B)) of the Balanced Budget Act of 1997 (Public Law (Pub. L. 105– 33)), § 4201 of the American Reinvestment and Recovery Act of 2009 (ARRA) (Pub. L. 111–5), and in accordance with §§ 402(c), 1561, 2602, 4302, 6402(c), 6504(a), 6504(b) of the Patient Protection and Affordable Care Act (ACA) (Pub. L. 111–148).

PURPOSE(S) OF THE SYSTEM:

The primary purpose of the system is to establish an accurate, current, and comprehensive database containing standardized enrollment, eligibility, and paid claims of Medicaid recipients to be used for the administration of Medicaid at the Federal level, produce statistical reports, support Medicaid related research, and assist in the detection of fraud and abuse in the Medicare and Medicaid programs. T–MSIS will also provide benefits to the states by reducing the number of reports CMS requires of the states, provides data needed to improve beneficiary quality of care, assess beneficiary to care and enrollment, improve program integrity, and support our states, the private market, and stakeholders with key information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The records in this system of records are about the following categories of individuals:

- Medicaid recipients (including individuals in the dual eligible population, individuals enrolled in the CHIP program, and non-Medicare individuals);
- Medicaid providers (*i.e.,* physicians and providers of healthcare services to the Medicaid and CHIP population);
- Any non-Medicare individuals whose information is contained in a record about a Medicaid recipient or Medicaid provider;
- Third party data submitters; *i.e.,* third party administrators or independent insurance company personnel who are required to report claims information pertaining to Medicaid recipients, and
- Contact persons such as parents and guardians of Medicare recipients who are minors, CHIP recipients, and non-Medicare individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. The system of records consists of the following categories of records, which contain information about Medicaid recipients and Medicaid providers, and non-Medicaid individuals and contact persons for CHIP recipients and non-Medicare population.

- Original MSIS files:
  - Eligibility files
  - Claims files (for inpatient claims, long-term care claims, pharmacy claims, and other claims).
- New Files added to T–MSIS database:
  - Third-party liability
  - information from managed care plans
  - providers
- New T–MSIS analytic files (TAF):
  - Beneficiary files (monthly beneficiary summary, annual beneficiary summary);
  - claims files (for inpatients claims, long-term care claims, pharmacy claims, and other claims);
  - providers of healthcare services to the Medicaid and CHIP population); and
  - Managed Care Plans

B. Information about Medicaid recipients, includes data elements such as name, address, assigned Medicaid identification number, SSN, Medicare beneficiary identifier (MBI), date of birth, gender, ethnicity and race, medical services, equipment, and supplies for which Medicaid reimbursement is requested. Information will also include the recipient's individually identifiable health information, *i.e.,* health care utilization and claims data, health insurance claim number (HICN), Medicare beneficiary identifier (MBI), and SSN.

Information about Medicaid providers in the above records includes data elements such as contact information (such as the provider's name, address, phone number, email address, date of birth, business address, Tin/EIN, national provider identifier (NPI), SSN, prescriber identification number, and other assigned clinician numbers) and information about health care services the clinician provided to Medicare recipients and the measures and activities the clinician used in providing the services.

Information about any non-Medicaid individuals would include data elements such as those listed above for Medicaid recipients such as name, address, phone number, email address, and SSN or other identifying number.

Information about contact persons for CHIP recipients and non-Medicare individuals includes data elements such as name, address, phone number, email address, TIN/EIN, or other identifying number.

RECORD SOURCE CATEGORIES:

Information in the system of records is obtained from State Medicaid agencies or Territories, which collect the information directly from Medicaid recipients or their authorized representatives (such as parents and guardians of Medicare recipients who are minors or from Medicaid providers).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

A. The agency may disclose a record about an individual Medicaid recipient or Medicaid provider from this system of records to parties outside HHS, without the individual's prior written consent, pursuant to these routine uses:

1. To support agency contractors, and consultants who have been engaged by the agency to assist in the performance of a service related to the collection and who need to have access to the records in order to perform the activity.

2. To assist another Federal or state agency, agency of a state government, an agency established by state law, or its fiscal agent to:

a. Contribute to the accuracy of CMS' proper management of Medicare/Medicaid benefits;

b. Enable such agency to administer a Federal health benefits program, or as necessary to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds; and/or

c. Assist Federal/state Medicaid programs.

3. To assist another Federal or state agency, agency of a state government, an agency established by state law, or its fiscal agent to enable such agency to administer a Federal benefits program, or as necessary to enable such agency to fulfill a requirement of a Federal statute or regulation funded in whole or in part with Federal funds.

4. To an individual or organization for a research project or in support of an evaluation project related to the prevention of disease or disability, the restoration or maintenance of health, or payment related projects.

5. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof;

b. Any employee of the agency in his or her official capacity;

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee; or

d. The United States Government is a party to litigation or has an interest in such litigation, and by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

6. To a CMS contractor (including, but not necessarily limited to fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, and abuse in such program.

7. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud, waste, and abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, and abuse in such programs.

8. Records may be disclosed to appropriate agencies, entities, and persons when (a) HHS suspects or has confirmed that there has been a breach of the system of records; (b) HHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HHS (including its information systems, programs, and operations), the Federal government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HHS' efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

9. Records may be disclosed to another Federal agency or Federal entity, when HHS determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal government, or national security, resulting from a suspected or confirmed breach.

10. Records may be disclosed to the U.S. Department of Homeland Security (DHS) if captured in an intrusion detection system used by HHS and DHS pursuant to a DHS cybersecurity program that monitors internet traffic to and from Federal government computer networks to prevent a variety of types of cybersecurity incidents.

B. Additional Circumstances Affecting Routine Use Disclosures: To the extent this system contains Protected Health Information (PHI) as defined by HHS regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 Code of Federal Regulations (CFR) Parts 160 and 164, Subparts A and E), disclosures of such PHI that are otherwise authorized by these routine uses may only be made if, and as, permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information'' (see 45 CFR 164.512(a)(1)).

The disclosures authorized by publication of the above routine uses pursuant to 5 U.S.C. 552a(b)(3) are in addition to other disclosures authorized directly in the Privacy Act at 5 U.S.C. 552a(b)(2) and (b)(4)–(11).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

All records are stored on computer diskette, and magnetic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

The data collected on Medicaid recipients, Medicare beneficiaries (and any non-Medicare individuals) are retrieved by the individual's name, Medicare beneficiary identifier (MBI), health insurance claim number (HICN), SSN, address, and date of birth. The data collected on physicians or providers of services will be retrieved by the provider's name, address, NPI, TIN/EIN and other identifying provider numbers. Information about third party data submitters who are individuals will be retrieved by name, address, and TIN/EIN. Records about contact persons will be retrieved by name, email address and business address.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

CMS will retain identifiable T–MSIS data for a total period not to exceed 10 years after the final determination of the case is completed. The final determination decision encompass the potential timeframe it takes for a claims to be finalized as States can sometimes send incomplete claims data or claims not yet fully covered due to dispute or other considerations for Medicaid eligibility. Any claims-related records encompassed by a document

preservation order may be retained longer (*i.e.,* until notification is received from the Department of Justice).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

CMS has safeguards in place to prevent records from being accessed by unauthorized persons and monitors authorized users to ensure against excessive or unauthorized use. Examples of these safeguards include but not limited to: Protecting the facilities where records are stored or accessed with security guards, badges and cameras, securing hard-copy records in locked file cabinets, file rooms or offices during off-duty hours, limiting access to electronic databases to authorized users based on roles and two-factor authentication (user ID and password), using a secured operating system protected by encryption, firewalls, and intrusion detection systems, requiring encryption for records stored on removable media, and training personnel in Privacy Act and information security requirements. Records that are eligible for destruction are disposed of using destruction methods prescribed by NIST SP 800–88. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in the system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems, and to prevent unauthorized access.

The Information Technology (IT) system used to house the records conforms to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations may apply but are not limited to: The Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Federal Information Security Modernization Act of 2014; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002; the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003; and the corresponding implementing regulations.

OMB Circular A–130, Management of Federal Resources, and Security of Federal Automated Information Resources also applies to the SOR. Federal, HHS, and CMS policies and standards include but are not limited to: All pertinent National Institute of Standards and Technology publications; the HHS Information Security and Privacy Policy Handbook (IS2P), the CMS Acceptable Risk Safeguards (ARS), and the CMS Information Security and Privacy Policy (IS2P2).

RECORD ACCESS PROCEDURES:

An individual seeking access to a record about him/her in this system of records must submit a written request to the System Manager indicated above. The request must contain the individual's name and particulars necessary to distinguish between records on subject individuals with the same name, such as NPI or TIN, and should also reasonably specify the record(s) to which access is sought. To verify the requester's identity, the signature must be notarized or the request must include the requester's written certification that he/she is the person he/she claims to be and that he/she understands that the knowing and willful request for or acquisition of records pertaining to an individual under false pretenses is a criminal offense subject to a $5,000 fine.

CONTESTING RECORD PROCEDURES:

Any subject individual may request that his/her record be corrected or amended if he/she believes that the record is not accurate, timely, complete, or relevant or necessary to accomplish a Department function. A subject individual making a request to amend or correct his record shall address his request to the-System Manager indicated, in writing, and must verify his/her identity in the same manner required for an access request. The subject individual shall specify in each request: (1) The system of records from which the record is retrieved; (2) The particular record and specific portion which he/she is seeking to correct or amend; (3) The corrective action sought (*e.g.,* whether he/she is seeking an addition to or a deletion or substitution of the record); and, (4) His/her reasons for requesting correction or amendment of the record. The request should include any supporting documentation to show how the record is inaccurate, incomplete, untimely, or irrelevant.

NOTIFICATION PROCEDURES:

Individuals wishing to know if this system contains records about them should write to the System Manager indicated above and follow the same instructions under Record Access Procedures.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

• Medicaid Statistical Information System (MSIS), System No. 09–07–0541 last published in full at 71 FR 65527 (Nov. 8, 2006), as amended 78 FR 32257 (May 29, 2013), and updated 83 FR 6591 (Feb. 14, 2018).

[FR Doc. 2018–20063 Filed 9–14–18; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: How TANF Agencies Support Families Experiencing Homelessness.

OMB No.: New Collection.

Description: The Office of Planning, Research, and Evaluation (OPRE), Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) is conducting the, ''How TANF Agencies Support Families Experiencing Homelessness,'' project through a contract with Abt Associates in partnership with MEF Associates. This project will assist HHS in understanding the extent to which TANF agencies across the country are using TANF funds to serve and support families experiencing or are at-risk of homelessness. It also will document the approaches and strategies used by TANF agencies to serve these families. We are seeking OMB approval for four elements of the study: (1) The TANF Administrator Web Survey (tailored for both state and county respondents), (2) a Site Visit Discussion Guide for TANF staff, (3) a Site Visit Discussion Guide for Staff at Continuums of Care (CoC)/Partner Organizations, and (4) a Site Visit Focus Group Guide.

TANF Administrator Web Survey. We will administer an online survey to all state and territory TANF administrators as well as a selection of three county TANF administrators from each state. The survey will collect information about the agencies' overall approaches toward addressing family homelessness and the extent to which TANF funds, assessments, tools, additional services, and partners are used in these efforts.

Discussion protocols during site visits to TANF agencies. The study team will visit five purposefully selected TANF agencies. During these two-day visits, the project staff will use the Site Visit Discussion Guide for TANF Staff to conduct interviews with TANF office staff, use the Site Visit Focus Group

Guide to convene focus groups of TANF participants experiencing or at-risk of homelessness, and use the Site Visit Discussion Guide for Staff at CoC/Partner Organizations to interview representatives from relevant homelessness organization partners, including CoCs.

Respondents: State, territory, and selected county TANF administrators; TANF agency staff who provide case management or services to address family homelessness; representatives from the local CoC, and as applicable, staff from other partner organizations that serve homeless families; TANF recipients experiencing or at-risk of homelessness.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
TANF Administrator Web Survey (State and County)	206	69	1	.5	35
Site Visit Discussion Guide for TANF Staff	50	17	1	1.5	26
Site Visit Discussion Guide for Staff at CoC/Partner Organizations	20	7	1	1.5	11
Site Visit Focus Group Guide	20	7	1	1.5	11

Estimated Total Annual Burden Hours: 83.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Emily B. Jabbour,

ACF/OPRE Certifying Officer.

[FR Doc. 2018–20087 Filed 9–14–18; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Temporary Assistance for Needy Families (TANF) Data Innovations (TDI) Project (New Collection)

AGENCY: Office of Planning, Research, and Evaluation; ACF; HHS.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services (HHS) proposes to collect information as part of the TANF Data Innovations (TDI) project. TDI is an investment to expand the integration, analysis, and use of TANF data to improve program administration, payment integrity, and outcomes for participants.

TDI will start by assessing the needs and readiness of TANF agencies across the country to set up and operate data systems to support program improvement. A key goal of the needs assessment is to help categorize states' readiness to effectively use data and produce evidence. Informed by this assessment and discussions with key stakeholders, TDI will support a broad learning collaborative of state agencies and other entities related to the TANF program, including a range of Technical Assistance (TA) options to help states improve their use of TANF and other program data. This information collection request will consist of a needs assessment survey to be completed by state TANF agency administrators and staff to gather detailed information about their capacities and needs. These data will help HHS to better understand the challenges and barriers states face in using data and research to inform program decision-making, and they will help the TDI team design future technical assistance activities for TANF agencies to address states' challenges.

Respondents: State TANF Administrators and TANF agency staff. We expect four respondents per state or territory.

ANNUAL BURDEN ESTIMATES

Instrument	Total/annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Needs Assessment Survey	216	2	0.25	108

Estimated Total Annual Burden Hours: 108.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

Authority: Sec. 413, Pub. L. 115–31.

Emily B. Jabbour,

ACF/OPRE Certifying Officer.

[FR Doc. 2018–20085 Filed 9–14–18; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Descriptive Study of the Unaccompanied Refugee Minors Program (New Collection)

AGENCY: Office of Planning, Research, and Evaluation; ACF; HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Planning, Research, and Evaluation (OPRE) at the Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is proposing data collection activities as part of a project to better understand the range of child welfare services and benefits provided through the Unaccompanied Refugee Minors (URM) Program.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: 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: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION: The information collection activities to be submitted in the package include:

1. Survey of State Refugee Coordinators (SRCs) from the 15 states with URM programs.

2. Survey of URM Program Directors from all 22 URM programs.

3. Survey of Private Custody Child Welfare Agency Administrators from nine states with private custody arrangements.

4. Interviews with URM Program Managers from six URM programs.

5. Interviews with URM Program Staff (*e.g.* case managers, data managers) from six URM programs.

6. Interviews with Child Welfare Agency Administrators who have contact with six URM programs.

7. Interviews with Community Partners including leadership and line staff from local organizations, such as health care and mental health care providers, legal aid organizations, and faith-based groups serving the URM population at six URM program sites.

8. Interviews with Community Partners in the field of education, such as school administrators and counselors, and organizations providing English language education and support at six URM program sites.

9. Focus Groups for URM Youth from six URM programs.

10. Focus Groups for URM Foster Families from six URM programs.

Respondents: State Refugee Coordinators and supporting staff, URM Program Directors and supporting staff, Child Welfare Agency Administrators and supporting staff, URM program staff (case workers, data managers, and other staff), staff from community partner organizations (*e.g.* health and mental health service providers, education service providers, faith-based organizations), URM youth, and URM foster families.

ANNUAL BURDEN ESTIMATES

Instrument	Total/annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Survey of State Refugee Coordinators	37.5	1	0.67	25
Survey of URM Program Directors	55	1	1	55
Survey of Private Custody Child Welfare Agency Administrators	21	1	0.67	14
Interviews with URM Program Managers	9	1	1.5	14
Interviews with URM Program Staff	36	1	1.25	45
Interviews with Child Welfare Agency Administrators	26	1	1	26
Interviews with Community Partners [General]	48	1	1	48
Interviews with Community Partners [Education]	12	1	1	12
Focus Groups with URM Youth	54	1	1.5	81
Focus Groups with URM Foster Families	54	1	1.5	81

Estimated Total Annual Burden Hours: 401.

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.

Authority: Section 1110 of the Social Security Act.

Emily B. Jabbour,

ACF/OPRE Certifying Officer.

[FR Doc. 2018–20068 Filed 9–14–18; 8:45 am]

BILLING CODE 4184–07–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–2973]

Agency Information Collection Activities; Proposed Collection; Comment Request; Obtaining Information for Evaluating Nominated Bulk Drug Substances for Use in Compounding Drug Products Under Section 503B of the Federal Food, Drug, and Cosmetic Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection associated with FDA research in obtaining information from medical specialty groups and/or medical experts regarding compounded drug products that contain certain bulk drug substances to support establishment of a list of bulk drug substances under section 503B of the Federal Food, Drug, and Cosmetic Act (FD&C Act).

DATES: Submit either electronic or written comments on the collection of information by November 16, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before November 16, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of November 16, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–N–2973 for ''Obtaining Information for Evaluating Nominated Bulk Drug Substances for Use in Compounding Drug Products Under Section 503B of the Federal Food, Drug, and Cosmetic Act.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this

requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Clinical Use of Bulk Drug Substances Nominated for Use in Compounding by Outsourcing Facilities

OMB Control Number 0910—NEW

This information collection supports Agency-sponsored research. Section 503B of the FD&C Act requires FDA to develop a list of bulk drug substances that may be used in compounding under that section (503B bulks list). Compounding includes the combining, admixing, mixing, diluting, pooling, reconstituting, or otherwise altering of a drug or bulk drug substance to create a drug. If certain conditions are met, drug products compounded by entities known as outsourcing facilities are exempt from the following requirements of the FD&C Act: Requirements for FDA approval of drugs, labeling with adequate directions for use, and drug supply chain security requirements. Outsourcing facilities can only use a bulk drug substance to compound drugs if: (1) The substance appears on a list developed by FDA of bulk drug substances for which there is a clinical need (''bulks list'') or (2) the substance is used to compound a drug on FDA's drug shortage list at the time of compounding, distribution, and dispensing.

Many bulk drug substances have been nominated by the public for use in compounding by outsourcing facilities with adequate supporting information for FDA to evaluate them. The substances were nominated to treat a variety of conditions, ranging in degree of severity from treatment of warts to treatment of cancer. To inform our evaluation of bulk drug substances for inclusion on the 503B bulks list, we have proposed a research study with the University of Maryland (UMD) Center of Excellence in Regulatory Science and Innovation (CERSI) and the Johns Hopkins University (JHU) CERSI. We intend to seek input from the CERSI–UMD on the use of these bulk drug substances in clinical practice by examining their current and historical use in compounding. Information regarding the historical and current use of the substances in compounding obtained by this research will help inform our assessments as to the clinical need for outsourcing facilities to use the substance in compounding.

FDA's analysis concerning clinical need of nominated bulk drug substances consists of two parts. The collaboration with CERSI–UMD and CERSI–JHU pertains to part 2 of the analysis, which applies to bulk drug substances that are not components of FDA-approved drug products, as well as certain bulk drug substances that are components of FDA-approved drug products and have successfully completed part 1. One of the factors that FDA considers under part 2 is ''current and historical use of the substance in compounded drug products, including information about the medical condition(s) that the substance has been used to treat and any references in peer-reviewed medical literature.''

As needed, researchers will also engage outsourcing facilities that have compounded using the bulk drug substance. Researchers may use surveys, interviews, focus groups, and other information collect tools, as appropriate, to obtain information concerning the use of compounded product(s) from medical experts and outsourcing facilities. Within this context, the following questions may be posed:

1. What are the health conditions that the compounded drug is currently and has been historically used to treat? What is the patient population for which the compound drug has been used to treat?

2. What are the characteristics of the compounded drugs using the bulk drug substance (*e.g.,* dosage form, strength, route of administration)?

3. Is the compounded drug considered standard therapy by healthcare practitioners, and is it recommended in clinical practice guidelines? If so, under what circumstances?

4. Does an approved drug exist for the health condition that the compounded drug product is used to treat? If so, what are the circumstances under which a compounded drug product using the bulk drug substance would be used in lieu of the approved drug product?

5. What is the historical use of the compounded drug to treat the health conditions identified, including the number of years during which the compounded drug has been prescribed for each use, and any change regarding its use over time?

6. To what extent do practitioners prescribe the compounded drug to treat each health condition identified? How many such prescriptions and/or orders have been written in the past 5 years? Have there been any notable changes in the number of prescriptions and/or orders written over this time?

7. How widespread is the use of the compounded drug product, including use in other countries?

8. Do practitioners order the compounded drug to maintain on hand before a patient presents with a need for the drug (''office stock''), or do practitioners typically write prescriptions for a patient after the patient presents with a need for the compounded drug? If the former, why (*e.g.,* emergency situations, convenience)?

9. What, if any, information exists regarding the effectiveness of the compounded drug product in treating the specified health condition?

We estimate the burden of the collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Information collection	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Focus groups and interviews	150	10	1,500	2	3,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our estimate of the average burden per response on review activities familiar to the Agency. Noting that 2 hours per response is a significant amount of time, we are particularly interested in feedback regarding this estimate, including comments regarding how an alternative estimate might be derived.

Dated: September 11, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–20092 Filed 9–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3431]

Anesthetic and Analgesic Drug Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration is correcting a notice entitled ''Anesthetic and Analgesic Drug Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments'' that appeared in the **Federal Register** of September 11, 2018. The document announced a forthcoming public advisory committee meeting of the Anesthetic and Analgesic Drug Products Advisory Committee and establishment of a public docket for comments. The document was published with the incorrect docket number. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Lisa Granger, Office of Policy and Planning, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 3330, Silver Spring, MD 20993–0002, 301–796–9115.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of Tuesday, September 11, 2018 (83 FR 45941), in FR Doc. 2018–19667, on page 45941, the following correction is made:

On page 45941, in the first column, in the header of the document, and also in the third column under *Instructions,* ''Docket No. FDA–2018–N–3276'' is corrected to read ''Docket No. FDA–2018–N–3431''.

Dated: September 11, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–20091 Filed 9–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3236]

Advisory Committee; Oncologic Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Oncologic Drugs Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Oncologic Drugs Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until September 1, 2020.

DATES: Authority for the Oncologic Drugs Advisory Committee will expire on September 1, 2020, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Lauren Tesh, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, email: *ODAC@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department of Health and Human Services pursuant to 45 CFR part 11 and by the General Services Administration, FDA is announcing the renewal of the Oncologic Drugs Advisory Committee. The committee is a discretionary Federal advisory committee established to provide advice to the Commissioner.

The Oncologic Drugs Advisory Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which FDA has regulatory responsibility.

The committee reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of cancer and makes appropriate recommendations to the Commissioner.

The committee shall consist of a core of 13 voting members including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of general oncology, pediatric oncology, hematologic oncology, immunology oncology, biostatistics, and other related professions. Members will be invited to serve for overlapping terms of up to 4 years. Almost all non-Federal members of this committee serve as Special Government Employees. The core of voting members may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests and is recommended by either a consortium of consumer-oriented organizations or other interested persons. In addition to the voting members, the committee may include one non-voting member who is identified with industry interests.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/Drugs/OncologicDrugsAdvisoryCommittee/ucm107395.htm* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100.

This document is issued under the Federal Advisory Committee Act (5 U.S.C. app.). For general information related to FDA advisory committees, please check *https://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: September 11, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–20108 Filed 9–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0001]

Pathogen Reduction Technologies for Blood Safety; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following public workshop entitled ''Pathogen Reduction Technologies for

Blood Safety.'' The purpose of the public workshop is to foster the development and implementation of pathogen reduction technologies for blood components intended for transfusion. The workshop will include presentations and panel discussions by experts from academic institutions, industry, and government agencies.

DATES: The public workshop will be held on November 29, 2018, from 8 a.m. to 5 p.m., and on November 30, 2018, from 9 a.m. to 1 p.m. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public workshop will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503, sections B and C), Silver Spring, MD 20993. Entrance for the public workshop participants (non-FDA employees) is through Building 1, where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

FOR FURTHER INFORMATION CONTACT: Loni Warren Henderson or Sherri Revell, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 240–402–8010, email: *CBERPublicEvents@fda.hhs.gov* (subject line: Pathogen Reduction Technology and Blood Safety).

SUPPLEMENTARY INFORMATION:

I. Background

Pathogen reduction technology has the potential to improve blood safety by reducing or eliminating infectious organisms, including bacteria, viruses, and parasites, from blood components intended for transfusion. FDA granted approvals for use of a pathogen reduction technology platform in manufacturing plasma and apheresis platelets for transfusion. Ideally, pathogen reduction technology should also be available for whole blood and red blood cells. Implementation of safe and effective pathogen reduction technology may also permit alternative donor screening or donation testing strategies in the future. The purpose of the public workshop is to foster the development and implementation of pathogen reduction technologies for all blood components intended for transfusion.

II. Topics for Discussion at the Public Workshop

The first day of the workshop will include presentations and panel discussions on the following topics: (1) Transfusion-transmitted infectious agents and their impact on blood safety; (2) status of pathogen reduction technology for blood components intended for transfusion, including challenges to implementation in the United States; and (3) the development of pathogen reduction technology for whole blood and red blood cells.

The second day of the workshop will include presentations and panel discussions on the following topics: (1) Emerging pathogen reduction technologies and alternative approaches to controlling risk; (2) potential funding opportunities for research; and (3) a summary of all workshop sessions, panel discussions, and future directions.

III. Participating in the Public Workshop

Registration: To register for the public workshop, please visit the following website: *https://www.eventbrite.com/e/pathogen-reduction-technologies-for-blood-safety-public-workshop-tickets-4464956605.* Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public workshop must register by November 8, 2018, midnight Eastern Time. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. If time and space permit, onsite registration on the day of the public workshop will be provided, beginning at 7 a.m.

If you need special accommodations, due to a disability, please contact Loni Warren Henderson or Sherri Revell no later than November 19, 2018 (see **FOR FURTHER INFORMATION CONTACT**). Request for sign language interpretation or Computer Aided Realtime Translation (CART)/captioning should be made 2 weeks in advance of the event, no later than November 15, 2018. A request for either interpreting or captioning should be sent directly to the FDA Interpreting Services Staff email account: *interpreting.services@oc.fda.gov.*

Streaming Webcast of the Public Workshop: This public workshop will also be webcast. Individuals who wish to view the webcast should register for the workshop at *https://www.eventbrite.com/e/pathogen-reduction-technologies-for-blood-safety-public-workshop-tickets-4464956605.* A link to the live webcast will be provided upon registration.

If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/go/connectpro_overview.* FDA has verified the website addresses in this document as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

Transcripts: Please be advised that as soon as a transcript of the public workshop is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. A link to the transcript will also be available on the internet at *https://www.fda.gov/BiologicsBloodVaccines/NewsEvents/WorkshopsMeetingsConferences/default.htm.*

Dated: September 11, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–20090 Filed 9–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Council on Alzheimer's Research, Care, and Services; Meeting

AGENCY: Assistant Secretary for Planning and Evaluation, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the public meeting of the Advisory Council on Alzheimer's Research, Care, and Services (Advisory Council). The Advisory Council on Alzheimer's Research, Care, and Services provides advice on how to prevent or reduce the burden of Alzheimer's disease and related dementias on people with the disease and their caregivers. During the October meeting, the Long-Term Services and Supports Subcommittee will be taking charge of the theme. The topics covered will include: (1) The experience of people with dementia who have special needs due to issues like diversity, geography, and concurrent disorders; (2) How clinical care can be better integrated with community-based supports and services; and (3) Evidence-based behavioral approaches that mitigate the impact of behavioral symptoms of dementia. The meeting will also include

updates on work from the previous meetings and federal workgroup updates.

DATES: The meeting will be held on October 19, 2018 from 9 a.m. to 5 p.m. EDT.

ADDRESSES: The meeting will be held in Room 800 in the Hubert H. Humphrey Building, 200 Independence Avenue SW, Washington, DC 20201.

Comments: Time is allocated in the afternoon on the agenda to hear public comments. The time for oral comments will be limited to two (2) minutes per individual. In lieu of oral comments, formal written comments may be submitted for the record to Rohini Khillan, OASPE, 200 Independence Avenue SW, Room 424E, Washington, DC 20201. Comments may also be sent to *napa@hhs.gov.* Those submitting written comments should identify themselves and any relevant organizational affiliations.

FOR FURTHER INFORMATION CONTACT: Rohini Khillan (202) 690–5932, *rohini.khillan@hhs.gov.* Note: Seating may be limited. Those wishing to attend the meeting must send an email to *napa@hhs.gov* and put ''October 19 Meeting Attendance'' in the Subject line by Wednesday, October 10, so that their names may be put on a list of expected attendees and forwarded to the security officers at the Department of Health and Human Services. Any interested member of the public who is a non-U.S. citizen should include this information at the time of registration to ensure that the appropriate security procedure to gain entry to the building is carried out. Although the meeting is open to the public, procedures governing security and the entrance to Federal buildings may change without notice. If you wish to make a public comment, you must note that within your email.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)). Topics of the Meeting: During the October meeting, the Long-Term Services and Supports Subcommittee will be taking charge of the theme. The topics covered will include: (1) The experience of people with dementia who have special needs due to issues like diversity, geography, and concurrent disorders; (2) How clinical care can be better integrated with community-based supports and services; and (3) Evidence-based behavioral approaches that mitigate the impact of behavioral symptoms of dementia. The meeting will also include updates on work from the previous meetings and federal workgroup updates.

Procedure and Agenda: This meeting is open to the public. Please allow 30 minutes to go through security and walk to the meeting room. The meeting will also be webcast at *www.hhs.gov/live.*

Authority: 42 U.S.C. 11225; Section 2(e)(3) of the National Alzheimer's Project Act. The panel is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: September 10, 2018.

Brenda Destro,

Deputy Assistant Secretary for Planning and Evaluation, Office of Human Services Policy.

[FR Doc. 2018–20110 Filed 9–14–18; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting 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 on Aging Special Emphasis Panel; Next Generation of Basic Alzheimer's Disease Researchers.

Date: October 17–18, 2018.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ramesh Vemuri, Ph.D., Chief, Scientific Review Branch, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C–212, Bethesda, MD 20892, 301–402–7700, *rv23r@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 11, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–20111 Filed 9–14–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative Physiology of Obesity and Diabetes Study Section.

Date: October 9–10, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 E Wacker Drive, Chicago, IL 60601.

Contact Person: Raul Rojas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6185, Bethesda, MD 20892, (301) 451–6319, *rojasr@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Behavioral Genetics and Epidemiology.

Date: October 10, 2018.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW, Washington, DC 20036.

Contact Person: Karen Nieves Lugo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20892, *karen.nieveslugo@nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Radiation Therapeutics and Biology Study Section.

Date: October 11–12, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Warwick Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.

Contact Person: Bo Hong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–996–6208, *hongb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Hypersensitivity, Allergies and Mucosal Immunology.

Date: October 11, 2018.

Time: 8:00 a.m. to 11:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Georgetown, 2201 M Street, Washington, DC 20037.

Contact Person: Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4203, Bethesda, MD 20892, (301) 435–3566, a*lok.mulky@nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Drug Discovery and Molecular Pharmacology Study Section.

Date: October 11–12, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Kabuki, 1625 Post Street, San Francisco, CA 94115.

Contact Person: Jeffrey Smiley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–594–7945, *smileyja@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR17–029: Dynamic Interactions between Systemic or Non-Neuronal Systems and the Brain in Aging and in Alzheimer's Disease (R01).

Date: October 11, 2018.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call)

Contact Person: Inese Z. Beitins, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7892, Bethesda, MD 20892, 301–435–1034, *beitinsi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–18–018: Stimulating Innovations in Intervention Research for Cancer Prevention and Control.

Date: October 12, 2018.

Time: 10:30 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Baltimore Marriott Waterfront, 700 Aliceanna Street, Baltimore, MD 21202.

Contact Person: Lee S. Mann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, 301–435–0677, *mannl@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 10, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–20113 Filed 9–14–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genomics, Computational Biology and Technology Study Section.

Date: October 10–11, 2018.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Crystal City, 300 Army Navy Drive, Arlington, VA 22202.

Contact Person: Baishali Maskeri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–2864, *maskerib@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Risk Prevention and Social Development.

Date: October 10, 2018.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Weijia Ni, Ph.D., Chief/Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3100, MSC 7808, Bethesda, MD 20892, 301–594–3292, *niw@csr.nih.gov.*

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Tumor Progression and Metastasis Study Section.

Date: October 11–12, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites DC Convention Center, 900 10th Street NW, Washington, DC 20001.

Contact Person: Rolf Jakobi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7806, Bethesda, MD 20892, 301–495–1718, *jakobir@mail.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Development and Disease Study Section.

Date: October 11–12, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.

Contact Person: Aruna K. Behera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, 301–435–6809, *beheraak@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative Nutrition and Metabolic Processes Study Section.

Date: October 11–12, 2018.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard Seattle Downtown/Pioneer Square, 612 2nd Avenue, Seattle, WA 98104.

Contact Person: Gregory S. Shelness, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6156, Bethesda, MD 20892–7892, 301–755–4335, *greg.shelness@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR18–840/PAR 17–058: Global Infectious Disease Research Training Program.

Date: October 12, 2018.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Tamara Lyn McNealy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, Bethesda, MD 20892, 301–827–2372, *tamara.mcnealy@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 15–326: Imaging—Science Track Award for Research Transition (I/Start) R03.

Date: October 12, 2018.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Yvonne Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5199, MSC 7846, Bethesda, MD 20892, 301–379–3793, *bennetty@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 10, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–20112 Filed 9–14–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Thionville Surveying Company, Inc., (Harahan, LA) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Thionville Surveying Company, Inc., (Harahan, LA), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Thionville Surveying Company, Inc., (Harahan, LA), has been approved to gauge animal and vegetable oils and accredited to test certain animal and vegetable oils for customs purposes for the next three years as of June 14, 2017.

DATES: Thionville Surveying Company, Inc., (Harahan, LA) was approved and accredited as a commercial gauger and laboratory as of June 14, 2017. The next triennial inspection date will be scheduled for June 2020.

FOR FURTHER INFORMATION CONTACT: Melanie A. Glass, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Thionville Surveying Company, Inc., 5440 Pepsi Street, Harahan, LA 70123, has been approved to gauge animal and vegetable oils and accredited to test certain animal and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13.

Thionville Surveying Company, Inc., (Harahan, LA) is approved for the following gauging procedures for animal and vegetable oils per the National Institute of Oilseed Products (NIOP) standards:

Method	Title
NIOP 5.10.5	Weight Determination/Gauging.
ISO 5555	Animal and vegetable fats and oils—Sampling.

Thionville Surveying Company, Inc., (Harahan, LA) is accredited for the following laboratory analysis procedures and methods for certain animal and vegetable oils set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL), the International Standards Organization (ISO), and the American Oil Chemists' Society (AOCS):

CBPL No.	Method	Title
15–02	AOCS Ca 5a–40	Free Fatty Acids.
15–12	AOCS Ce 1h–05	Determination of *cis-, trans-,* Saturated, Monounsaturated and Polyunsaturated Fatty Acids in Vegetable or Non-Ruminant Animal Oils and Fats by Capillary GLC.
27–48	ASTM D–4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
33–08	USP 621	Chromatography.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: September 7, 2018.

Dave Fluty,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2018–20177 Filed 9–14–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0053]

Homeland Security Science and Technology Advisory Committee

AGENCY: Science and Technology Directorate, DHS.

ACTION: Committee management; notice of open Federal Advisory Committee meeting.

SUMMARY: The Homeland Security Science and Technology Advisory Committee (HSSTAC) will meet via teleconference Friday, September 28, 2018. The meeting will be open to the public.

DATES: The HSSTAC meeting will take place Friday, September 28, 2018 from 10:30 a.m. to 12:00 p.m.

ADDRESSES: The meeting will be a virtual meeting conducted via webinar. Members of the public may participate via webinar but must register. Please see the ''Registration'' section below.

For information on services for individuals with disabilities or to request special assistance at the meeting, please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

You may send comments, identified by docket number DHS–2018–0053 by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: hsstac@hq.dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* 202–254–6176.
- *Mail:* Michel Kareis, HSSTAC Designated Federal Official, S&T IAO, STOP 0205, Department of Homeland

Security, 245 Murray Lane, Washington, DC 20528–0205.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number. Comments received will be posted without alteration at *http://www.regulations.gov.*

Docket: For access to the docket to read the background documents or comments received by the HSSTAC, go to *http://www.regulations.gov* and enter the docket number into the search function: DHS–2018–0053.

FOR FURTHER INFORMATION CONTACT: Michel Kareis, HSSTAC Designated Federal Official, Science and Technology Directorate (S&T) Interagency Office (IAO), STOP 0205, Department of Homeland Security, 245 Murray Lane, Washington, DC 20528–0205, 202–254–8778 (Office), 202–254–6176 (Fax), *HSSTAC@hq.dhs.gov* (Email).

SUPPLEMENTARY INFORMATION:

I. Background

Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (Pub. L. 92–463). The committee addresses areas of interest and importance to the Senior Official Performing the Duties of the Under Secretary for S&T, such as new developments in systems engineering, cyber-security, knowledge management and how best to leverage related technologies funded by other Federal agencies and by the private sector. It also advises the Senior Official Performing the Duties of the Under Secretary for S&T on policies, management processes, and organizational constructs as needed.

II. Registration

To register for the teleconference please send an email to: *HSSTAC@hq.dhs.gov* with the following subject line: RSVP to HSSTAC meeting. The email should include the name(s), title, organization/affiliation, email address, and telephone number of those interested in attending. You must RSVP by September 26, 2017.

III. Public Comment

At the end of the open session, there will be a thirty minute period for oral statements. The public is limited to 2 minutes per speaker. Please note that the comment period may end before the time indicated, following the last call for oral statements, and the meeting may close early if the committee has completed its business. To register as a speaker, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

To facilitate public participation, we invite public comment on the issues to be considered by the committee as listed in the ''Agenda'' below. Anyone is permitted to submit comments at any time, including orally during the meeting. However, those who would like their comments reviewed by committee members prior to the meeting must submit them in written form no later than September 24, 2018 per the instructions in the **ADDRESSES** section above.

IV. Agenda

This webinar is a follow on to the preceding September 13, 2018 in-person meeting, at which the Technology Scouting Partnerships Report and recommendations will be briefed. During the webinar, the committee will be voting on approval of the report, which was a collaborative effort of the Technology Scouting Partnerships subcommittee. The report can be found on the following website: *https://www.dhs.gov/science-and-technology/hsstac.* A copy may also be requested by emailing *HSSTAC@HQ.DHS.GOV.*

We will begin with an overview and discussion of the Technology Scouting Partnerships Report, followed by a thirty minute period for oral statements. The public is limited to 2 minutes per speaker. Please note that the comments period may end before the time indicated, following the last call for oral statements.

Meeting materials and the final meeting agenda will be posted on the following website by September 16, 2018: *https://www.dhs.gov/science-and-technology/hsstac.*

Dated: September 11, 2018.

Michel Kareis,

Designated Federal Official for the HSSTAC.

[FR Doc. 2018–20055 Filed 9–14–18; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–R–2018–N120; FXGO1664091HCC0–FF09D00000–189]

Hunting and Shooting Sports Conservation Council Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a public meeting of the Hunting and Shooting Sports Conservation Council (Council), in accordance with the Federal Advisory Committee Act. The Council's purpose is to provide recommendations to the Federal Government, through the Secretary of the Interior and the Secretary of Agriculture, regarding policies and endeavors that benefit wildlife resources; encourage partnership among the public; sporting conservation organizations; and Federal, state, tribal, and territorial governments; and benefit recreational hunting and recreational shooting sports.

DATES:

Meeting: Tuesday, October 2, 2018, from 9 a.m. to 4:30 p.m. The meeting is open to the public.

Deadline for Attendance or Participation: For security purposes, signup or request for accommodations is required no later than September 25, 2018. For more information, contact the Council Designated Federal Officer (**FOR FURTHER INFORMATION CONTACT**). For more information regarding participation during the meeting, see Public Input under **SUPPLEMENTARY INFORMATION**.

ADDRESSES:

Meeting Location: Hilton Charlotte University Place, 8629 JM Keynes Drive, Charlotte, NC 28262.

Comment Submission: You may submit written comments in advance of the meeting by emailing them to the Council Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Douglas Hobbs, Designated Federal Officer, HSSCC, by telephone at 703–358–2336, or by email at *doug_hobbs@fws.gov.* The U.S. Fish and Wildlife Service is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpretation service, closed captioning, or other accommodations to Douglas Hobbs by close of business on Wednesday, September 19, 2018. If you are hearing impaired or speech impaired, contact Douglas Hobbs via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce a public meeting of the Hunting and Shooting Sports Conservation Council (Council). The Council was established to further the provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd), other Acts applicable to specific bureaus, and Executive Order 13443 (August 17, 2007), ''Facilitation of Hunting Heritage

and Wildlife Conservation.'' The Council's membership is composed of 18 discretionary members. The HSSCC's purpose is to provide recommendations to the Federal Government, through the Secretary of the Interior and the Secretary of Agriculture, regarding policies and endeavors that (a) benefit wildlife resources; (b) encourage partnership among the public; sporting conservation organizations; and Federal, state, tribal, and territorial governments; and (c) benefit recreational hunting and recreational shooting sports.

Meeting Agenda

- Overview and update on the implementation of outdoor recreation Secretarial Orders.
- Update from the Department of the Interior and Department of Agriculture and bureaus from both agencies regarding efforts to create or expand hunting and recreational shooting opportunities on Federal lands.
- Hunting and Shooting Sports Conservation Council subcommittee reports.
- Consideration of subcommittee reports and discussion of strategic issues and possible recommendations.
- Other miscellaneous Council business.
- Public comment period.

The final agenda and other related meeting information will be posted on the Council website at *http://www.fws.gov/hsscc.* The Designated Federal Officer will maintain detailed minutes of the meeting, which will be posted for public inspection within 90 days after the meeting at *http://www.fws.gov/hsscc.*

Public Input

If you wish to	You must contact the Council Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**) no later than
Attend the meeting	September 25, 2018.
Submit written information before the meeting for the Council to consider during the meeting.	September 25, 2018.
Give an oral presentation during the public comment period	September 25, 2018.

Submitting Written Information

Interested members of the public may submit relevant information for the Council to consider during the public meeting. Written statements must be received by the date in Public Input, so that the information may be made available to the Council for their consideration prior to this meeting. Written statements must be supplied to the Council Designated Federal Officer in the following formats: One hard copy with original signature, and/or one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Depending on the number of people wishing to comment and the time available, the amount of time for individual oral comments may be limited. Interested parties should contact the Council Designated Federal Officer, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), for advance placement on the public speaker list for this meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written statements to the Council Designated Federal Officer up to 30 days following the meeting. Requests to address the Council during the public comment period will be accommodated in the order the requests are received.

Availability of Public Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: Federal Advisory Committee Act (5 U.S.C. Appendix 2).

Dated: August 30, 2018.

James W. Kurth,

Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director for the U.S. Fish and Wildlife Service.

[FR Doc. 2018–20129 Filed 9–14–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2018–0054; FXIA16710900000–178–FF09A30000]

Foreign Endangered Species; Marine Mammals; Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service, have issued permits to conduct certain activities with endangered species under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities involving listed species unless a Federal permit is issued to allow such activity.

ADDRESSES: Information about the applications for the permits listed in this notice is available online at *www.regulations.gov.* See **SUPPLEMENTARY INFORMATION** for details.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, by phone at 703–358–2104, via email at *DMAFR@fws.gov,* or via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have issued permits to conduct certain activities with endangered species in response to permit applications that we received under the authority of section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

After considering the information submitted with each permit application and the public comments received, we issued the requested permits subject to certain conditions set forth in each permit. For each application for an endangered species, we found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

Availability of Documents

The permittees' original permit application materials, along with public comments we received during public comment periods for the applications,

are available for review. To locate the application materials and received comments, go to *www.regulations.gov* and search for the appropriate permit number (*e.g.,* 12345C) provided in the following table:

Permit No.	Applicant	Permit issuance date
115344	Forrest Simpson	April 17, 2018.
58260C	Northeastern University/Ocean Genome Legacy Center	April 11, 2018.
125284	Smithsonian Institution/National Museum of Natural History	April 12, 2018.
42528C	Miami-Dade Zoological Park and Gardens	March 20, 2018.
51951C	East Texas Ranch, LP	July 24, 2018.
37142A	East Texas Ranch, LP	July 24, 2018.
32977C	Denver Zoological Foundation, d/b/a Denver Zoo	June 20, 2018.

Permit Issued Under Emergency Exemption

On May 23, 2017, the Service issued a permit (Permit No. 90984C) to the Wildlife Conservation Society, New York, New York, to import biological samples from confiscated wild-caught specimens of radiated tortoise (*Astrochelys radiata*) in Madagascar, for the purpose of enhancement of the survival of the species. This action was authorized under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The Service determined that an emergency affecting the health and well-being of these confiscated tortoises existed, and that no reasonable alternative was available to the applicant for the following reason:

The Wildlife Conservation Society requested a permit to import biological samples from Dr. Randriamahazo Herilala in Analamanga, Madagascar, due to the pending review of their request for a blanket import permit covering biological samples from multiple species (Permit No. 85317C) for scientific research and diagnostics purposes. The length of time involved in reviewing this application, as well as the regulatory requirement for a 30-day public comment period associated with this proposed activity, would have caused an undue delay in analyzing these samples for the presence of any potential pathogens, diseases, or nutritional deficiencies relating to these confiscated specimens. This analysis is needed to help facilitate the placement and care of these confiscated specimens within Madagascar, mitigating further mortalities and improving the conditions under which these specimens are currently being held.

Authority

We issue this notice under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations, and the Marine Mammal Protection Act, as amended (16 U.S.C. 1361 *et seq.*), and its implementing regulations.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2018–20078 Filed 9–14–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

Submission of Information Collections Under the Paperwork Reduction Act

AGENCY: National Indian Gaming Commission, Interior.

ACTION: Second notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Indian Gaming Commission (NIGC or Commission) is announcing its submission, concurrently with the publication of this notice or soon thereafter, of the following information collection requests to the Office of Management and Budget (OMB) for review and approval.

The Commission is seeking comments on the renewal of information collections for the following activities: (i) Indian gaming management contract-related submissions, as authorized by OMB Control Number 3141–0004 (expires on November 30, 2018); (ii) Indian gaming fee payments-related submissions, as authorized by OMB Control Number 3141–0007 (expires on November 30, 2018); (iii) minimum internal control standards for class II gaming submission and recordkeeping requirements, as authorized by OMB Control Number 3141–0009 (expires on November 30, 2018); (iv) facility license-related submission and recordkeeping requirements, as authorized by OMB Control Number 3141–0012 (expires on November 30, 2018); and (v) minimum technical standards for class II gaming systems and equipment submission and recordkeeping requirements, as authorized by OMB Control Number 3141–0014 (expires on November 30, 2018).

DATES: The OMB has up to 60 days to approve or disapprove the information collection requests, but may respond after 30 days. Therefore, public comments should be submitted to OMB by October 17, 2018 in order to be assured of consideration.

ADDRESSES: Submit comments directly to OMB's Office of Information and Regulatory Affairs, Attn: Policy Analyst/Desk Officer for the National Indian Gaming Commission. Comments can also be emailed to *OIRA_Submission@omb.eop.gov*, include reference to ''NIGC PRA Renewals'' in the subject line.

FOR FURTHER INFORMATION CONTACT: For further information, including copies of the proposed information collection requests and supporting documentation, contact Tim Osumi at (202) 632–7003; fax (202) 632–7066 (not toll-free numbers). You may also review these information collection requests by going to *http://www.reginfo.gov* (Information Collection Review, Currently Under Review, Agency: National Indian Gaming Commission).

SUPPLEMENTARY INFORMATION:

I. Abstract

The gathering of this information is in keeping with the purposes of the Indian Gaming Regulatory Act of 1988 (IGRA or the Act), Public Law 100–497, 25 U.S.C. 2701, *et seq.,* which include: Providing a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments; ensuring that the Indian tribe is the primary beneficiary of the gaming operation; and declaring that the establishment of independent federal regulatory authority for gaming on Indian lands, the establishment of federal standards for gaming on Indian lands, and the establishment of the Commission are necessary to meet congressional concerns regarding gaming and to protect such gaming as a means of

generating tribal revenue. 25 U.S.C. 2702. The Act established the Commission and laid out a comprehensive framework for the regulation of gaming on Indian lands.

II. Data

Title: Management Contract Provisions.

OMB Control Number: 3141–0004.

Brief Description of Collection: Amongst other actions necessary to carry out the Commission's statutory duties, the Act requires the NIGC Chairman to review and approve all management contracts for the operation and management of class II and/or class III gaming activities, and to conduct background investigations of persons with direct or indirect financial interests in, and management responsibility for, management contracts. 25 U.S.C. 2710, 2711. The Commission is authorized to ''promulgate such regulations and guidelines as it deems appropriate to implement'' IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated parts 533, 535, and 537 of title 25, Code of Federal Regulations, to implement these statutory requirements.

Section 533.2 requires a tribe or management contractor to submit a management contract for review within 60 days of execution, and to submit all of the items specified in § 533.3. Section 535.1 requires a tribe to submit an amendment to a management contract within 30 days of execution, and to submit all of the items specified in § 535.1(c). Section 535.2 requires a tribe or a management contractor, upon execution, to submit the assignment by a management contractor of its rights under a previously approved management contract. Section 537.1 requires a management contractor to submit all of the items specified in § 537.1(b), (c) in order for the Commission to conduct background investigations on: Each person with management responsibility for a management contract; each person who is a director of a corporation that is a party to a management contract; the ten persons who have the greatest direct or indirect financial interest in a management contract; any entity with a financial interest in a management contract; and any other person with a direct or indirect financial interest in a management contract, as otherwise designated by the Commission. This collection is mandatory, and the benefit to the respondents is the approval of Indian gaming management contracts, and any amendments thereto.

Respondents: Tribal governing bodies and management contractors.

Estimated Annual Responses: 51 (submissions of contracts, contract amendments, contract assignments, and background investigation material).

Estimated Time per Response: Depending on the type of submission, the range of time can vary from 8 burden hours to 14 burden hours for one item.

Frequency of Response: Usually no more than once per year.

Estimated Total Annual Burden Hours on Respondents: 440.

Estimated Total Non-Hour Cost Burden: $379,480.

Title: Fees.

OMB Control Number: 3141–0007.

Brief Description of Collection: Amongst other actions necessary to carry out the Commission's statutory duties, the Act requires Indian tribes that conduct a class II and/or class III gaming activity to pay annual fees to the Commission on the basis of the assessable gross revenues of each gaming operation using rates established by the Commission. 25 U.S.C. 2717. The Commission is authorized to ''promulgate such regulations and guidelines as it deems appropriate to implement'' IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated part 514 of title 25, Code of Federal Regulations, to implement these statutory requirements.

Section 514.6 requires a tribe to submit, along with its fee payments, quarterly fee statements (worksheets) showing its assessable gross revenues for the previous fiscal year in order to support the computation of fees paid by each gaming operation. Section 514.7 requires a tribe to submit a notice within 30 days after a gaming operation changes its fiscal year. Section 514.15 allows a tribe to submit fingerprint cards to the Commission for processing by the Federal Bureau of Investigation (FBI), along with a fee to cover the NIGC's and FBI's respective costs to process the fingerprint cards on behalf of the tribes. Part of this collection is mandatory and the other part is voluntary. The required submission of the fee worksheets allows the Commission to both set and adjust fee rates, and to support the computation of fees paid by each gaming operation. In addition, the voluntary submission of fingerprint cards allows a tribe to conduct statutorily mandated background investigations on applicants for key employee and primary management official positions.

Respondents: Indian gaming operations.

Estimated Number of Respondents: 664.

Estimated Annual Responses: 74,706.

Estimated Time per Response: Depending on the type of submission, the range of time can vary from 0.5 burden hours to 2.0 burden hours for one item.

Frequency of Response: Quarterly (for fee worksheets); varies (for fingerprint cards and fiscal year change notices).

Estimated Total Annual Burden on Respondents: 47,498.

Estimated Total Non-Hour Cost Burden: $1,312,857.

Title: Minimum Internal Control Standards for Class II Gaming.

OMB Control Number: 3141–0009.

Brief Description of Collection: Amongst other actions necessary to carry out the Commission's statutory duties, the Act directs the Commission to monitor class II gaming conducted on Indian lands on a continuing basis in order to adequately shield Indian gaming from organized crime and other corrupting influences, to ensure that the Indian tribe is the primary beneficiary of the gaming operation, and to assure that gaming is conducted fairly and honestly by both the operator and players. 25 U.S.C. 2702(2), 2706(b)(1). The Commission is also authorized to ''promulgate such regulations and guidelines as it deems appropriate to implement'' IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated part 543 of title 25, Code of Federal Regulations, to aid it in monitoring class II gaming on a continuing basis.

Section 543.3 requires a tribal gaming regulatory authority (TGRA) to submit to the Commission a notice requesting an extension to the deadline (by an additional six months) to achieve compliance with the requirements of the new tier after a gaming operation has moved from one tier to another. Section 543.5 requires a TGRA to submit a detailed report after the TGRA has approved an alternate standard to any of the NIGC's minimum internal control standards, and the report must contain all of the items specified in § 543.5(a)(2). Section 543.23(c) requires a tribe to maintain internal audit reports and to make such reports available to the Commission upon request. Section 543.23(d) requires a tribe to submit two copies of the agreed-upon procedures (AUP) report within 120 days of the gaming operation's fiscal year end. This collection is mandatory and allows the NIGC to confirm tribal compliance with the minimum internal control standards in the AUP reports.

Respondents: Tribal governing bodies.

Estimated Number of Respondents: 424.

Estimated Annual Responses: 798.

Estimated Time per Response: Depending on the tier level of the gaming facility, the range of time can vary from 1 burden hour to 108 burden hours for one AUP audit report.

Frequency of Response: Annually.

Estimated Total Annual Hourly Burden to Respondents: 8,467.

Estimated Total Non-Hour Cost Burden: $8,359,234.

Title: Facility License Notifications and Submissions.

OMB Control Number: 3141–0012.

Brief Description of Collection: Amongst other actions necessary to carry out the Commission's statutory duties, the Act requires Indian tribes that conduct class II and/or class III gaming to issue ''a separate license . . . for each place, facility, or location on Indian lands at which class II [and class III] gaming is conducted,'' 25 U.S.C. 2710(b)(1), (d)(1), and to ensure that ''the construction and maintenance of the gaming facilities, and the operation of that gaming is conducted in a manner which adequately protects the environment and public health and safety.'' 25 U.S.C. 2710(b)(2)(E). The Commission is authorized to ''promulgate such regulations and guidelines as it deems appropriate to implement'' IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated part 559 of title 25, Code of Federal Regulations, to implement these requirements.

Section 559.2 requires a tribe to submit a notice (that a facility license is under consideration for issuance) at least 120 days before opening any new facility on Indian lands where class II and/or class III gaming will occur, with the notice containing all of the items specified in § 559.2(b). Section 559.3 requires a tribe to submit a copy of each newly issued or renewed facility license within 30 days of issuance. Section 559.4 requires a tribe to submit an attestation certifying that by issuing the facility license, the tribe has determined that the construction, maintenance, and operation of that gaming facility is conducted in a manner that adequately protects the environment and the public health and safety. Section 559.5 requires a tribe to submit a notice within 30 days if a facility license is terminated or expires or if a gaming operation closes or reopens. Section 559.6 requires a tribe to maintain and provide applicable and available Indian lands or environmental and public health and safety documentation, if requested by the NIGC. This collection is mandatory and enables the Commission to perform its statutory duty by ensuring that tribal gaming facilities on Indian lands are properly licensed by the tribes.

Respondents: Indian tribal gaming operations.

Estimated Annual Respondents: 544.

Estimated Annual Responses: 847.

Estimated Time per Response: Depending on the type of submission, the range of time can vary from 0.5 burden hours to 22.0 burden hours for one item.

Frequency of Response: Varies.

Estimated Total Annual Hourly Burden to Respondents: 4,351.

Estimated Total Non-Hour Cost Burden: $0.

Title: Minimum Technical Standards for Class II Gaming Systems and Equipment.

OMB Control Number: 3141–0014.

Brief Description of Collection: Amongst other actions necessary to carry out the Commission's statutory duties, the Act directs the Commission to monitor class II gaming conducted on Indian lands on a continuing basis in order to adequately shield Indian gaming from organized crime and other corrupting influences, to ensure that the Indian tribe is the primary beneficiary of the gaming operation, and to assure that gaming is conducted fairly and honestly by both the operator and players. 25 U.S.C. 2702(2), 2706(b)(1). The Act allows Indian tribes to use ''electronic, computer, or other technologic aids'' to conduct class II gaming activities. 25 U.S.C. 2703(7)(A). The Commission is authorized to ''promulgate such regulations and guidelines as it deems appropriate to implement'' IGRA. 25 U.S.C. 2706(b)(10). The Commission has promulgated part 547 of title 25, Code of Federal Regulations, to aid it in monitoring class II gaming facilities that are using electronic, computer, or other technologic aids to conduct class II gaming.

Section 547.5(a)(2) requires that, for any grandfathered class II gaming system made available for use at any tribal gaming operation, the tribal gaming regulatory authority (TGRA): Must retain copies of the gaming system's testing laboratory report, the TGRA's compliance certificate, and the TGRA's approval of its use; and must maintain records identifying these grandfathered class II gaming systems and their components. Section 547.5(b)(2) requires that, for any class II gaming system generally, the TGRA must retain a copy of the system's testing laboratory report, and maintain records identifying the system and its components. As long as a class II gaming system is available to the public for play, section 547.5(c)(3) requires a TGRA to maintain records of any modification to such gaming system and a copy of its testing laboratory report. Section 547.5(d)(3) requires a TGRA to maintain records of approved emergency hardware and software modifications to a class II gaming system (and a copy of the testing laboratory report) so long as the gaming system remains available to the public for play, and must make the records available to the Commission upon request. Section 547.5(f) requires a TGRA to maintain records of its following determinations: (i) Regarding a testing laboratory's (that is owned or operated or affiliated with a tribe) independence from the manufacturer and gaming operator for whom it is providing the testing, evaluating, and reporting functions; (ii) regarding a testing laboratory's suitability determination based upon standards no less stringent than those set out in 25 CFR 533.6(b)(1)(ii) through (v) and based upon no less information than that required by 25 CFR 537.1; and/or (iii) the TGRA's acceptance of a testing laboratory's suitability determination made by any other gaming regulatory authority in the United States. The TGRA must maintain said records for a minimum of three years and must make the records available to the Commission upon request. Section 547.17 requires a TGRA to submit a detailed report for each enumerated standard for which the TGRA approves an alternate standard, and the report must include: (i) An explanation of how the alternate standard achieves a level of security and integrity sufficient to accomplish the purpose of the standard it is to replace; and (ii) the alternate standard as approved and the record on which the approval is based. This collection is mandatory and allows the NIGC to confirm tribal compliance with NIGC regulations on ''electronic, computer, or other technologic aids'' to conduct class II gaming activities.

Respondents: Tribal governing bodies.

Estimated Number of Respondents: 685.

Estimated Annual Responses: 685.

Estimated Time per Response: Depending on the type of submission, the range of time can vary from 1.0 burden hours to 16.0 burden hours for one item.

Frequency of Response: Annually.

Estimated Total Annual Hourly Burden to Respondents: 1,651.

Estimated Total Non-Hour Cost Burden: $0.

Dated: September 12, 2018.

Christinia Thomas,

Chief of Staff (Acting).

[FR Doc. 2018–20130 Filed 9–14–18; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2018–0013; 189E1700D2 ET1SF0000.PSB000.EEEE500000; OMB Control Number 1014–0023]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Pollution Prevention and Control

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 17, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to the Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Kelly Odom; 45600 Woodland Road, Sterling, VA 20166; or by email to *kelly.odom@bsee.gov.* Please reference OMB Control Number 1014–0023 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kelly Odom by email at *kelly.odom@bsee.gov,* or by telephone at (703) 787–1775. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on May 24, 2018 (83 FR 24139). We received one comment in response to the **Federal Register** notice; however, it was not germane to the information collection.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comments addressing the following issues: (1) Is the collection necessary to the proper functions of BSEE; (2) Will this information be processed and used in a timely manner; (3) Is the estimate of burden accurate; (4) How might BSEE enhance the quality, utility, and clarity of the information to be collected; and (5) How might BSEE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The regulations at 30 CFR part 250, subpart C, concern pollution prevention and control and are the subject of this collection. This request also covers any related Notices to Lessees and Operators (NTLs) that BSEE issues to clarify, supplement, or provide additional guidance on some aspects of our regulations.

In general, BSEE uses the information collected under subpart C to ensure that:

- The lessee or operator records the location of items lost overboard to aid in recovery during site clearance activities on the lease;
- Operations are conducted according to all applicable regulations, requirements, and in a safe and workmanlike manner;
- Discharge or disposal of drill cuttings, sand, and other well solids, including those containing naturally occurring radioactive materials (NORM), are properly handled for the protection of OCS workers and the environment; and
- Facilities are inspected daily for the prevention of pollution, and problems observed are corrected.

Title of Collection: 30 CFR part 250, subpart C, *Pollution Prevention and Control.*

OMB Control Number: 1014–0023.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Potential respondents comprise Federal OCS oil, gas, and sulphur lessees/operators and holders of pipeline rights-of-way.

Total Estimated Number of Annual Respondents: Varies, not all of the potential respondents will submit information in any given year and some may submit multiple times.

Total Estimated Number of Annual Responses: 3,273.

Estimated Completion Time per Response: Varies from 5 minutes to 3 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 137,940.

Respondent's Obligation: Responses are mandatory.

Frequency of Collection: On occasion, weekly, and daily.

Total Estimated Annual Nonhour Burden Cost: We have not identified any non-hour cost burdens associated with this collection of information.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Dated: August 9, 2018.

Doug Morris,

Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2018–20094 Filed 9–14–18; 8:45 am]

BILLING CODE 4310–VH–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–598 and 600 and 731–TA–1408 and 1410 (Final)]

Rubber Bands From China and Thailand; Scheduling of the Final Phase of Countervailing Duty and Anti-Dumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–598 and 600 and 731–TA–1408 and 1410 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by

reason of imports of rubber bands from China and Thailand, provided for in subheading 4016.99.35 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (''Commerce'') to be subsidized and sold at less-than-fair-value.

DATES: August 29, 2018.

FOR FURTHER INFORMATION CONTACT: Christopher W. Robinson (202) 205–2542), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.— For purposes of these investigations, Commerce has defined the subject merchandise as ''. . . bands made of vulcanized rubber, with a flat length, as actually measured end-to-end by the band lying flat, no less than ½ inch and no greater than 10 inches; with a width, which measures the dimension perpendicular to the length, actually of at least 3/64 inch and no greater than 2 inches; and a wall thickness actually from 0.020 inch to 0.125 inch. Vulcanized rubber has been chemically processed into a more durable material by the addition of sulfur or other equivalent curatives or accelerators. Subject products are included regardless of color or inclusion of printed material on the rubber band's surface, including but not limited to, rubber bands with printing on them, such as a product name, advertising, or slogan, and printed material (*e.g.,* a tag) fastened to the rubber band by an adhesive or another temporary type of connection. The scope includes vulcanized rubber bands which are contained or otherwise exist in various forms and packages, such as, without limitation, vulcanized rubber bands included within a desk accessory set or other type of set or package, and vulcanized rubber band balls. The scope excludes products that consist of an elastomer loop and durable tag all-in-one, and bands that are being used at the time of import to fasten an imported product. Excluded from the scope of this investigation are vulcanized rubber bands of various sizes with arrow shaped rubber protrusions from the outer diameter that exceeds at the anchor point a wall thickness of 0.125 inches and where the protrusion is used to loop around, secure and lock in place. Excluded from the scope of this investigation are yarn/fabric-covered vulcanized rubber hair bands, regardless of size.''

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China and Thailand of rubber bands, and that such products are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on January 30, 2018, by Alliance Rubber Co., Hot Springs, Arkansas.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on October 30, 2018, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Tuesday, November 13, 2018, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before November 7, 2018. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on November 9, 2018, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is November 6, 2018. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is November 20, 2018. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations,

including statements of support or opposition to the petition, on or before November 20, 2018. On December 7, 2018, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before December 11, 2018, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: September 11, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–20086 Filed 9–14–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Border Security Technology Consortium

Notice is hereby given that, on August 21, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Border Security Technology Consortium (''BSTC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Advanced Technology Systems Company (ATSC), McLean, VA; Ardent Management Consulting, Inc., Reston, VA; BlackSky Geospatial Solutions, Inc., Herndon, VA; Brillient Corporation, Reston, VA; Copious Imaging LLC, Lexington, MA; DetectaChem LLC, Stafford, TX; Federal Resources Supply Company, Stevensville, MD; InCadence Strategic Solutions, Manassas, VA; Integrated Defense and Security Solutions (IDSS), Armonk, NY; Integration Innovation, Inc. (i3), Huntsville, AL; McQ Inc., Fredericksburg, PA; Net Vision Consultants, Inc., Stevensville, MD; Parsons Government Services Inc., Centreville, VA; Percipient.ai, Reston, VA; Qual-Tron, Inc., Tulsa, OK; QuickFlex, Inc., San Antonio, TX; Rapiscan Systems, Inc., Torrance, CA; Sentrillion Corporation, Reston, VA; Spectral Labs Incorporated, San Diego, CA; Thruvision, Inc., Ashburn, VA; Tygart Technology, Inc., Fairmont, VA; and Verizon Business Network Services, Inc., Ashburn, VA, have been added as parties to this venture.

Also, Rumpf Associates International, Alexandria, VA, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and BSTC intends to file additional written notifications disclosing all changes in membership.

On May 30, 2012, BSTC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 18, 2012 (77 FR 36292).

The last notification was filed with the Department on May 2, 2018. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 19, 2018 (83 FR 28447).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–20135 Filed 9–14–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Open Group, L.L.C.

Notice is hereby given that, on August 31, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Open Group, L.L.C. (''TOG'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Adventium Enterprises LLC, Minneapolis, MN; Ajman Municipality Planning Department, Ajman, INDIA; Alaska Airlines, Inc., Seattle, WA; Anurag Group of Institutions, Hyderabad, INDIA; Castlenet Consulting Limited, Lagos, NIGERIA; FIOS Insight LLC, Houston, TX; Frazer-Nash Consultancy Ltd., Basingstoke, UNITED KINGDOM; Global Interop S.A. de C.V., Mexico City, MEXICO; Innoitus Austech Institute PTY Ltd., Moonee Ponds, AUSTRALIA; IAG GBS, Ltd., London, UNITED KINGDOM; iRF-Intelligent RF Solutions, LLC, Sparks, MD; IT Service Management Forum International Limited, Copenhagen, DENMARK; Kerala State IT Mission, Thiruvananthapuram, INDIA; Ohio Associated Enterprises, LLC, Plainsville, OH; PLCOpen, Gorinchem, THE NETHERLANDS; Rantec Power Systems Inc., Los Osos, CA; Reserve Bank of New Zealand, Wellington, NEW ZEALAND; Sopra Steria Denmark, Copenhagen, DENMARK; Texas Department of Motor Vehicles, Austin, TX; Twin Oaks Computing, Inc., Castle Rock, CO; University of the Witwatersrand, Johannesburg, SOUTH AFRICA; UTC Aerospace Systems, Westford, MA; ValueBlue BV, Ultrecht, THE NETHERLANDS; Vendata Group, Gurgaon, INDIA; VIStology, Inc., Framingham, MA; and VSTP Educação LTDA, São Paulo, BRAZIL, have been added as parties to this venture.

Also, Acando AS, Trondheim, NORWAY; alphabet AG, Berlin, GERMANY; CTC TrainCanada, Inc., Ottawa, CANADA; Information Professionals Group, Brisbane, AUSTRALIA; Lonmin Platinum, Mooinooi, SOUTH AFRICA; and the University of Luxembourg, Luxembourg,

LUXEMBOURG, have withdrawn as parties to this venture.

In addition, Impetus Consulting FZE–LLC has changed its name to Impetus FZE, Ras Al Khaimah, UNITED ARAB EMIRATES; and Statoil ASA to Equinor ASA, Fornebu, NORWAY.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and TOG intends to file additional written notifications disclosing all changes in membership.

On April 21, 1997, TOG filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 13, 1997 (62 FR 32371).

The last notification was filed with the Department on June 18, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 18, 2018 (83 FR 33948).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–20156 Filed 9–14–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Corrosion Under Insulation

Notice is hereby given that, on September 6, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Corrosion Under Insulation (''CUI–JIP'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Shell Global Solutions International B.V., Amsterdam, NETHERLANDS, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CUI–JIP intends to file additional written notifications disclosing all changes in membership.

On March 22, 2018, CUI–JIP filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 24, 2018 (83 FR 17851).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–20137 Filed 9–14–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *LaPant,* Civil Action Number 2:16–cv–01498–KJM–DB, was lodged with the United States District Court for the Eastern District of California on September 11, 2018.

This proposed Consent Decree concerns a complaint filed by the United States on June 30, 2016, against Goose Pond Ag, Inc. and Farmland Management Services, pursuant to Sections 301 and 404 of the Clean Water Act, 33 U.S.C. 1311 and 1344, to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations against these Defendants by requiring them to perform mitigation and other injunctive relief and to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice, however we encourage the submission of all comments by October 10, 2018. Please address comments to Andrew Doyle, Senior Attorney, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044, and refer to *United States* v. *LaPant,* DJ #90–5–1–1–20800.

The proposed Consent Decree may be examined at the Clerk's Office at the United States District Court for the Eastern District of California, Robert T. Matsui Federal Courthouse, 501 I Street, Room 4–200, Sacramento, CA, 95814. In addition, the proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/consent-decrees.*

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2018–20088 Filed 9–14–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2018–0012]

Advisory Committee on Construction Safety and Health

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for nominations for membership on ACCSH.

SUMMARY: The Secretary of Labor requests nominations for membership on ACCSH.

DATES: *Nominations for ACCSH membership:* Submit (postmark, send, transmit) nominations for ACCSH membership by November 16, 2018.

ADDRESSES: You may submit nominations and supporting materials by one of the following methods:

Electronically: You may submit nominations, including attachments, electronically at: *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the on-line instructions for submissions.

Facsimile (Fax): If your nomination and supporting materials, including attachments, do not exceed 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Regular mail, express mail, hand delivery, or messenger (courier) service: Submit materials to the OSHA Docket Office, Docket No. OSHA–2017–0007, Room N–3653, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–2350 (TTY (877) 889–5627). OSHA's Docket Office accepts deliveries (hand deliveries, express mail, and messenger service) during normal business hours, 10:00 a.m.–3:00 p.m., ET.

Instructions: All nominations and supporting materials must include the agency name and docket number for this **Federal Register** document (Docket No. OSHA–2018–0012). Because of security-related procedures, submitting nominations by regular mail may result in a significant delay in their receipt. Please contact the OSHA Docket Office for information about security

procedures for submitting nominations by hand delivery, express delivery, and messenger or courier service.

OSHA will post submissions in response to this **Federal Register** document, including personal information provided, without change at *http://www.regulations.gov.* Therefore, OSHA cautions interested parties about submitting personal information such as Social Security Numbers and birthdates.

Access to docket: The *http://www.regulations.gov* index lists all submissions provided in response to this **Federal Register** document; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from that web page. All submissions, including materials not available on-line, are available for inspection at the OSHA Docket Office. For information about accessing materials in Docket No. OSHA–2018–0012, including materials not available on-line, contact the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT: *For press inquiries:* Mr. Frank Meilinger, Director, OSHA Office of Communications; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

For general information about ACCSH and ACCSH membership: Mr. Damon Bonneau, OSHA, Directorate of Construction; telephone: (202) 693–2020; email: *bonneau.damon@dol.gov.*

Copies of this ***Federal Register*** *document:* Electronic copies of this **Federal Register** notice are available at: *http://www.regulations.gov.* This document, as well as news releases and other relevant information are also available on the OSHA web page at: *http://www.osha.gov.*

SUPPLEMENTARY INFORMATION: The Secretary of Labor invites interested persons to submit nominations for membership on ACCSH.

Background: ACCSH advises the Secretary of Labor and the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) in the formulation of standards affecting the construction industry, and on policy matters arising in the administration of the safety and health provisions under the Contract Work Hours and Safety Standards Act (Construction Safety Act (CSA)) (40 U.S.C. 3701 *et seq.*) and the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) (see also 29 CFR 1911.10 and 1912.3). In addition, the OSH Act and CSA require the Assistant Secretary to consult with ACCSH before the Agency proposes any occupational safety and health standard affecting construction activities (29 CFR 1911.10; 40 U.S.C. 3704).

ACCSH operates in accordance with the CSA, the OSH Act, the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), and regulations issued pursuant to those statutes (29 CFR part 1912, 41 CFR part 102–3). ACCSH generally meets two to four times a year.

ACCSH membership: ACCSH consists of 15 members whom the Secretary appoints. ACCSH members generally serve staggered two-year terms, unless they resign, cease to be qualified, become unable to serve, or the Secretary removes them (29 CFR 1912.3(e)). The Secretary may appoint ACCSH members to successive terms. No member of ACCSH, other than members who represent employers or employees, shall have an economic interest in any proposed rule that affects the construction industry (29 CFR 1912.6).

The categories of ACCSH membership, and the number of new members to be appointed to replace members whose terms will expire, are:

- Five members who are qualified by experience and affiliation to present the viewpoint of employers in the construction industry—five employer representatives will be appointed;
- Five members who are similarly qualified to present the viewpoint of employees in the construction industry—five employee representatives will be appointed;
- Two representatives of State safety and health agencies—two representatives from a State safety and health agency will be appointed;
- Two public members, qualified by knowledge and experience to make a useful contribution to the work of ACCSH, such as those who have professional or technical experience and competence with occupational safety and health in the construction industry—two public representatives will be appointed; and
- One representative designated by the Secretary of the Department of Health and Human Services and appointed by the Secretary—no new appointment will be made.

The Department of Labor is committed to equal opportunity in the workplace and seeks broad-based and diverse ACCSH membership. Any interested person or organization may nominate one or more individuals for membership on ACCSH. Interested persons also are invited and encouraged to submit statements in support of nominees.

Submission requirements: Nominations must include the following information:

- Nominee's contact information and current employment or position;
- Nominee's résumé or curriculum vitae, including prior membership on ACCSH and other relevant organizations and associations;
- Category of membership (employer, employee, public, State safety and health agency) that the nominee is qualified to represent;
- A summary of the background, experience, and qualifications that addresses the nominee's suitability for each of the nominated membership categories;
- Articles or other documents the nominee has authored that indicate the nominee's knowledge, experience, and expertise in occupational safety and health, particularly as it pertains to the construction industry; and
- A statement that the nominee is aware of the nomination, is willing to regularly attend and participate in ACCSH meetings, and has no conflicts of interest that would preclude membership on ACCSH.

Member selection: The Secretary will select ACCSH members on the basis of their experience, knowledge, and competence in the field of occupational safety and health, particularly as it pertains to the construction industry. Information received through this nomination process, in addition to other relevant sources of information, will assist the Secretary in appointing members to ACCSH. In selecting ACCSH members, the Secretary will consider individuals nominated in response to this **Federal Register** document, as well as other qualified individuals.

Authority and Signature

Loren Sweatt, Deputy Assistant Secretary for Occupational Safety and Health, authorized the preparation of this document under the authority granted by 29 U.S.C. 656; 40 U.S.C. 3704; 5 U.S.C. App. 2; 29 CFR parts 1911 and 1912; 41 CFR 102–3; and Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012).

Signed at Washington, DC, on September 11, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–20117 Filed 9–14–18; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act: Notice of Agency Meeting

TIME AND DATE: 10:00 a.m., Thursday, September 20, 2018.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Share Insurance Fund Quarterly Report.
2. Board Briefing, Appointment of Administrative Law Judges.
3. NCUA Rules and Regulations, Real Estate Appraisals.
4. Texas Member Business Loan Rule.

RECESS: 11:00 a.m.

TIME AND DATE: 11:15 a.m., Thursday, September 20, 2018.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Supervisory Action. Closed pursuant to Exemptions (4), and (8).

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2018–20290 Filed 9–13–18; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for International Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub., L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for International Science and Engineering—PIRE '' DUST stimulated drawn-down of atmospheric CO_2 as a trigger for Northern Hemisphere Glaciation'' Site Visit (#10749).

Date and Time:

October 15, 2018, 8:00 a.m.–8:30 p.m.
October 16, 2018, 8:00 a.m.–1:30 p.m.

Place: University of Rochester River Campus, Hutchison Hall, Room 229, Hutchison Road, Rochester, NY 14620.

Type of Meeting: Part Open.

Contact Person: Charles Estabrook, PIRE Program Manager, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; Telephone 703/292–7222.

Purpose of Meeting: NSF site visit to conduct a review during year 2 of the five-year award period. To conduct an in-depth evaluation of performance, to assess progress towards goals, and to provide recommendations.

Agenda: See attached.

Reason for Closing: Topics to be discussed and evaluated during closed portions of the site review will include information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C.552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 12, 2018.

Crystal Robinson,

Committee Management Officer.

PIRE Site Visit Agenda—Garzione—University of Rochester

Day 1

8:00 a.m.–10:00 a.m. Introductions
PIRE Rationale and Goals
Administration, Management, and Budget Plans
10:00 a.m.–10:20 a.m. NSF Executive Session/Break (CLOSED)
10:20 a.m.–Noon Research Accomplishments and Impacts to date
Facilities and Physical Infrastructure
Noon–12:30 p.m. NSF Executive Session (CLOSED)
12:30 p.m.–1:30 p.m. Lunch—Discussion with Students (CLOSED)
1:30 p.m.–3:00 p.m. Integrating Research and Education
Program Assessment and Improvement Based on Feedback
Integrating diversity and fostering cross-cultural and interdisciplinary collaborations
3:00 p.m.–3:30 p.m. NSF Executive Session/Break (CLOSED)
3:30 p.m.–4:15 p.m. International Partnerships
4:15 p.m.–5:15 p.m. Wrap up
5:15 p.m.–6:15 p.m. Executive Session/Break-Develop issues for clarification (CLOSED)
6:15 p.m.–6:30 p.m. Critical Feedback Provided to PI (CLOSED)
6:30 p.m.–8:30 p.m. NSF Executive Session/Working Dinner (CLOSED)

Day 2

8:00 a.m.–9:00 a.m. Summary/Proposing Team Response to Critical Feedback (CLOSED)
9:00 a.m.–10:00 a.m. Institutional Support
10:00 a.m.–1:00 p.m. Site Review Team Prepares Site Visit Report (CLOSED)
(Working Lunch Provided)
1:00 p.m.–1:30 p.m. Presentation of Site Visit Report to Principal Investigator (CLOSED)

[FR Doc. 2018–20155 Filed 9–14–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Extend an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request clearance of this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than three years.

DATES: Written comments on this notice must be received by November 16, 2018 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

For Additional Information or Comments: Contact Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays). You also may obtain a copy of the data collection instrument and instructions from Ms. Plimpton.

SUPPLEMENTARY INFORMATION:

Title of Collection: Grantee Reporting Requirements for Science and Technology Centers (STC): Integrative Partnerships.

OMB Number: 3145–0194.

Expiration Date of Approval: October 31, 2018.

Type of Request: Intent to seek approval to extend an information collection.

Abstract:

Proposed Project: The Science and Technology Centers (STC): Integrative Partnerships Program supports innovation in the integrative conduct of research, education and knowledge transfer. Science and Technology Centers build intellectual and physical infrastructure within and between disciplines, weaving together knowledge creation, knowledge integration, and knowledge transfer. STCs conduct world-class research through partnerships of academic institutions, national laboratories, industrial organizations, and/or other

public/private entities. New knowledge thus created is meaningfully linked to society.

STCs enable and foster excellent education, integrate research and education, and create bonds between learning and inquiry so that discovery and creativity more fully support the learning process. STCs capitalize on diversity through participation in center activities and demonstrate leadership in the involvement of groups underrepresented in science and engineering.

Centers selected will be required to submit annual reports on progress and plans, which will be used as a basis for performance review and determining the level of continued funding. To support this review and the management of a Center, STCs will be required to develop a set of management and performance indicators for submission annually to NSF via an NSF evaluation technical assistance contractor. These indicators are both quantitative and descriptive and may include, for example, the characteristics of center personnel and students; sources of financial support and in-kind support; expenditures by operational component; characteristics of industrial and/or other sector participation; research activities; education activities; knowledge transfer activities; patents, licenses; publications; degrees granted to students involved in Center activities; descriptions of significant advances and other outcomes of the STC effort. Part of this reporting will take the form of a database which will be owned by the institution and eventually made available to an evaluation contractor. This database will capture specific information to demonstrate progress towards achieving the goals of the program. Such reporting requirements will be included in the cooperative agreement which is binding between the academic institution and the NSF.

Each Center's annual report will address the following categories of activities: (1) Research, (2) education, (3) knowledge transfer, (4) partnerships, (5) diversity, (6) management and (7) budget issues.

For each of the categories the report will describe overall objectives for the year, problems the Center has encountered in making progress towards goals, anticipated problems in the following year, and specific outputs and outcomes.

Use of the Information: NSF will use the information to continue funding of the Centers, and to evaluate the progress of the program.

Estimate of Burden: 100 hours per center for twelve centers for a total of 1,200 hours.

Respondents: Non-profit institutions; federal government.

Estimated Number of Responses per Report: One from each of the twelve centers.

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 of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: September 12, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–20147 Filed 9–14–18; 8:45 am]

BILLING CODE 7555–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84077; File No. SR–NYSE–2018–33]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Approving a Proposed Rule Change To Amend Rule 2 To Remove Requirement That a Registered Broker-Dealer Be a Member of the Financial Industry Regulatory Authority, Inc. or Another National Securities Exchange

September 11, 2018.

I. Introduction

On July 25, 2018, the New York Stock Exchange LLC (''Exchange'' or ''NYSE'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b-4 thereunder,[2] a proposed rule change to amend Rule 2, ''Member,'' ''Membership,'' ''Member Firm,'' etc., to remove the requirement that a registered broker-dealer be a member of the Financial Industry Regulatory Authority, Inc. (''FINRA'') or another national securities exchange. The proposed rule change was published for comment in the **Federal Register** on August 3, 2018.[3] The Commission received one comment letter on the proposed rule change.[4] This order approves the proposed rule change.

II. Description of the Proposed Rule Change

As described in more detail in the Notice,[5] the Exchange proposes to amend Rule 2 to remove a requirement that a registered broker-dealer be a member of FINRA or another national securities exchange to become a member of the Exchange. The Exchange proposes to amend Rule 2(b)(i) to define ''member organization'' as a ''registered broker or dealer (unless exempt pursuant to the Securities Exchange Act of 1934) . . . , including sole proprietors, partnerships, limited liability partnerships, corporations, and limited liability corporations, approved by the Exchange pursuant to Rule 311. A registered broker or dealer must also be approved by the Exchange and authorized to designate an associated natural person to effect transactions on the floor of the Exchange or any facility thereof.'' Furthermore, the Exchange proposes to amend Rule 2(b)(ii) to state: ''[t]he term 'member organization' also includes any registered broker or dealer which does not own a trading license and agrees to be regulated by the Exchange as a member organization and which the Exchange has agreed to regulate.'' The Exchange noted that this proposed change will not result in ''any regulatory impact because member organizations will continue to be subject to a comprehensive regulatory regime regardless of whether they are a member of another [self-regulatory organization] or not'' and that the Exchange ''performs the necessary regulatory oversight of member organizations.'' [6]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act [7] and the rules and regulations thereunder applicable to a national

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] *See* Securities Exchange Act Release No. 83740 (July 30, 2018), 83 FR 38195 (August 3, 2018) (''Notice'').

[4] *See* Letter from Ray Delao, The Michael's Copanys.Inc [sic], dated August 15, 2018. The letter does not address the change that the NYSE is proposing to make to Rule 2.

[5] *See* Notice, *supra* note 3.

[6] *Id.* at 38196.

[7] 15 U.S.C. 78f.

securities exchange.[8] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(2) of the Act,[9] which states that ''any registered broker or dealer or natural person associated with a registered broker or dealer may become a member of such exchange and any person may become associated with a member thereof.'' The rule, as revised, is consistent with the statutory requirement. Thus, the Commission finds that the proposed amendment to Rule 2 is consistent with the Act.

IV. Conclusion

It is therefor ordered, pursuant to Section 19(b)(2) of the Act,[10] that the proposed rule change (SR–NYSE–2018–33) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–20076 Filed 9–14–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84076; File No. SR–NFA–2018–04]

Self-Regulatory Organizations; National Futures Association; Notice of Filing and Immediate Effectiveness of Proposed Change to the Interpretive Notice to National Futures Association Compliance Rule 2–30(b): Risk Disclosure Statement for Security Futures Contracts

September 11, 2018.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Exchange Act''),[1] and Rule 19b–7 thereunder,[2] notice is hereby given that on August 31, 2018, National Futures Association (''NFA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by NFA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

On August 21, 2018, NFA also filed this proposed rule change with the Commodity Futures Trading Commission (''CFTC'') and requested that the CFTC make a determination that review of the proposed rule change of NFA is not necessary.[3] The CFTC has not yet made such determination.

I. Self-Regulatory Organization's Description and Text of the Proposed Rule Change

NFA's Interpretive Notice 9050 entitled ''NFA Compliance Rule 2–30(b): Risk Disclosure Statement for Security Futures Contracts'' (''Interpretive Notice 9050'') requires NFA Members and Associates (''Member'') who are registered as brokers or dealers under Section 15(b)(11) of the Exchange Act [4] to provide a disclosure statement for security futures products (''SFPs'') to a customer at or before the time the Member approves the account to trade SFPs. The risk disclosure statement contains, among other things, a section on Securities Investor Protection Corporation (''SIPC'') coverage for cash protection. NFA is amending Section 6.1 of Interpretive Notice 9050 to reflect that SIPC coverage for cash protection has increased from $100,000 to $250,000.

NFA is also amending Interpretive Notice 9050 to incorporate one other non-substantive change. The text of the proposed rule changes to Interpretive Notice 9050 is found in Exhibit 4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, NFA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NFA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

1. Purpose

Section 15A(k) of the Exchange Act [5] makes NFA a national securities association for the limited purpose of regulating the activities of Members who are registered as brokers or dealers in SFPs under Section 15(b)(11) of the Exchange Act.[6] NFA's Interpretive Notice 9050 applies to all Members who meet the criteria outlined in Interpretive Notice 9050, including those that are registered as security futures brokers or dealers under Section 15(b)(11) of the Exchange Act.[7]

The risk disclosure statement for SFPs is a uniform statement that was jointly developed in 2002 by NFA, FINRA, and a number of securities and futures exchanges. SEC staff recently contacted NFA and requested a change to Section 6.1 of the Risk Disclosure Statement to reflect that SIPC coverage for cash protection has increased from $100,000 to $250,000. Accordingly, NFA's amendment to Section 6.1 of Interpretive Notice 9050 is a minor amendment to correct the limit of SIPC cash protection.

NFA is also amending Section 5.2 of Interpretive Notice 9050 to make a stylistic change to delete a set of quotation marks around the qualifying abbreviation for National Securities Clearing Corporation—NSCC. FINRA staff notified NFA that it also intends to make the same modifications to its risk disclosure statement to cover its members.

Amendments to NFA Interpretive Notice 9050 were previously filed with the SEC in SR–NFA–2002–05, Exchange Act Release No. 34–46613 (Oct. 7, 2002), 67 FR 64176 (Oct. 17, 2002); SR–NFA–2002–06, Exchange Act Release No. 34–47150 (Jan. 9, 2003), 68 FR 2381 (Jan. 16, 2003); SR–NFA–2007–07, Exchange Act Release No. 34–57142 (Jan. 14, 2008), 73 FR 3502 (Jan. 18, 2008); SR–NFA–2010–02, Exchange Act Release No. 34–62624 (Aug. 2, 2010), 75 FR 47666 (Aug. 6, 2010); SR–NFA–2010–03, Exchange Act Release No. 34–62651 (Aug. 4, 2010), 75 FR 48393 (Aug. 10, 2010); and [sic] SR–NFA–2014–02, Exchange Act Release No. 34–71980 (Apr. 21, 2014), 79 FR 23027 (Apr. 25, 2014); and SR–NFA–2018–03, Exchange Act Release No. 34–83589 (July 3, 2018), 83 FR 31804 (July 9, 2018).

2. Statutory Basis

The proposed rule change is authorized by, and consistent with, Section 15A(k)(2)(B) of the Exchange Act.[8] That Section requires NFA to have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to

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[8] 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).

[9] 15 U.S.C. 78f(b)(2).

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(7).

[2] 17 CFR 240.19b–7.

[3] *See* Letter dated August 21, 2018 from Carol A. Wooding, NFA's Vice President and General Counsel to Christopher J. Kirkpatrick, Office of the Secretariat, CFTC.

[4] 15 U.S.C. 78o(b)(11).

[5] 15 U.S.C. 78o–3(k).

[6] 15 U.S.C. 78o(b)(11).

[7] *Id.*

[8] 15 U.S.C. 78o–3(k)(2)(B).

protect investors and the public interest, in connection with SFPs. The proposed rule change accomplishes this by requiring Members to provide customers trading in SFPs with a risk disclosure statement which correctly reflects the SIPC coverage for cash protection. Accordingly, NFA is amending Interpretive Notice 9050 to update the risk disclosure statement to reflect that SIPC coverage for cash protection has increased from $100,000 to $250,000. Further, NFA is amending Interpretive Notice 9050 to reflect one other non-substantive stylistic change. This proposal is not designed to regulate, by virtue of any authority conferred by the Exchange Act, matters not related to the purposes of the Exchange Act or the administration of the association.

B. Self-Regulatory Organization's Statement on Burden on Competition

NFA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change would not impose any additional reporting requirements or costs on Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NFA did not publish the rule change to the membership for comment. NFA did not receive comment letters concerning the rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On August 21, 2018, NFA requested that the CFTC make a determination that review of the proposed rule change of NFA is not necessary. The CFTC has not yet made such determination. At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Exchange Act.[9]

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–NFA–2018–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NFA–2018–04. 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 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of NFA. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NFA–2018–04 and should be submitted on or before October 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–20075 Filed 9–14–18; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(1).

[10] 17 CFR 200.30–3(a)(73).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84097; File No. SR–NYSE–2018–40]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Price List

September 12, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 31, 2018, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange to amend its Price List to (1) modify the Tier 1 and Tier 3 Adding Credit requirements; (2) amend its routing fees; (3) introduce a new incremental step up tier for Supplemental Liquidity Providers (''SLP''); and (4) modify the Tier 1 and Tier 2 Adding Tier and SLP Provide Tier requirements for securities traded pursuant to Unlisted Trading Privileges (''UTP'') (Tapes B and C). The Exchange proposes to implement these changes to its Price List effective September 4, 2018. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to (1) modify the Tier 1 and Tier 3 Adding Credit requirements; (2) amend its routing fees; (3) introduce a new incremental SLP step up tier; and (4) modify the Tier 1 and Tier 2 Adding Tier and SLP Provide Tier requirements for UTP Securities (Tapes B and C).

The Exchange proposes to implement these changes to its Price List effective September 4, 2018.

Adding Tiers

The Exchange currently provides an equity per share credit of $0.0022 per transaction for all orders, other than MPL and Non-Display Reserve orders, for transactions in stocks with a share price of $1.00 or more when adding liquidity to the Exchange if the member organization (1) executes an average daily trading volume (''ADV'') that adds liquidity to the Exchange during the billing month (''Adding ADV'')[4] that is at least 1.10% of NYSE consolidated average daily volume (''CADV''), excluding liquidity added by a Designated Market Maker (''DMM''), and (2) executes MOC and LOC orders of at least 0.12% of NYSE CADV.

The Exchange proposes to modify the Adding ADV requirement for the Tier 1 Adding Credit to require an Adding ADV, excluding liquidity added by a DMM, of at least 1.20% of NYSE CADV.

Similarly, the Exchange currently provides an equity per share credit of $0.0018 per transaction for all orders, other than MPL and Non-Display Reserve orders, that add liquidity to the NYSE if the member organization (i) has Adding ADV that is at least 0.35% of NYSE CADV, and (ii) executes market at-the-close (''MOC'') and limit at-the-close (''LOC'') of at least 0.05% of NYSE CADV.

The Exchange proposes to modify the Adding ADV requirement for the Tier 3 Adding Credit to require an Adding ADV that is at least 0.40% of NYSE CADV.

Routing Fees

The Exchange proposes the following modifications to its routing fees.

The Exchange currently charges a $0.0030 per share fee to route in Tape A securities. The Exchange proposes to charge $0.0035 per share fee to route and a lower $0.0030 per share fee if the member organization has adding ADV in Tapes A, B, and C combined that is at least 0.20% of Tapes A, B and C CADV combined.

For orders in UTP Securities that are routed, the Exchange currently charges a fee of $0.0005 per share for executions in securities with a price at or above $1.00 that route to and execute in an auction on the Exchange's affiliate NYSE American. For executions in securities with a price at or above $1.00 that route to and execute in an auction on an Away Market[5] other than NYSE American, the Exchange charges a fee of $0.0010 per share, and a fee of $0.0030 per share for all other executions.[6]

The Exchange proposes to charge a fee of $0.0035 per share for all other executions in securities with a price at or above $1.00. The Exchange also proposes a fee of $0.0030 if the member organization has adding ADV[7] in Tapes A, B, and C combined that is at least 0.20% of Tapes A, B and C CADV combined.

Incremental SLP Step Up Tier

The Exchange proposes a new, incremental SLP step up tier designated the ''Incremental SLP Step Up Tier'' that would provide an SLP a credit in addition to the tiered or non-tiered SLP credit up to a maximum combined credit when adding liquidity to the NYSE with orders (other than MPL orders or Retail orders) in securities with a per share price of $1.00 or more.

Specifically, the Exchange would provide a credit of $0.0002 to a SLP in addition to the SLP's tiered or non-tiered credit for adding displayed liquidity provided that such combined credits do not exceed $0.0031 per share, if the SLP (1) meets the 10% average or more quoting requirement in an assigned security pursuant to Rule 107B (quotes of an SLP-Prop and an SLMM of the same member organization shall not be aggregated), and (2) adds liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) of an ADV of more than 0.15% of NYSE CADV in the billing month over the SLP's adding liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) as a percent of NYSE CADV in the second quarter of 2018.

For example, assume a SLP adds liquidity of 0.50% in the second quarter of 2018, which qualifies them for the SLP Tier 2 adding credit of $0.0026 per share, based on the SLP Tier 2 adding requirement of 0.45%. If that SLP adds liquidity in the billing month of at least 0.65%, or 0.15% above their baseline, that SLP would qualify for the Incremental Step Up credit of $0.0002 in addition to the SLP Tier 1A credit of $0.00275 based on the SLP Tier 1A requirement of 0.60%, for a combined SLP credit of $0.00295 in that billing month. Further assume that same SLP adds liquidity in UTP Securities of at least 0.30% of Tape B and Tape C CADV combined, which would receive an additional $0.0001 per share. That same SLP would then qualify for a combined credit of $0.00305 ($0.00275 Tier 1A credit plus the $0.0002 Incremental Step Up credit plus the $0.0001 credit from Tape B and C).

If in the following month, assume that same SLP adds liquidity in the billing month of at least 0.90%, then that SLP would qualify for an Incremental Step Up credit of $0.0002, as well as the SLP Tier 1 credit of $0.0029, based on the SLP Tier 1 requirement of 0.90%, for a combined SLP credit of $0.0031 in that billing month. If that SLP in that same billing month adds liquidity in UTP Securities of at least 0.30% of Tape B and Tape C CADV combined, the SLP would qualify to receive an additional $0.00005 per share for SLP Tier 1. However, since the combined credit would be $0.00315, the combined credit would be capped at $0.0031.

Tier 1 and Tier 2 Adding Credits for UTP Securities

The current Tier 1 Adding Credit for UTP Securities offers a per tape credit of $0.0026 per share ($0.0025 if an MPL order) on a per tape basis for transactions in stocks with a per share price of $1.00 or more when adding liquidity to the Exchange if the member organization has at least 0.05% of Adding CADV in Tape B or C. For purposes of qualifying for this tier, the 0.05% of Adding CADV could include

[4] Footnote 2 to the Price List defines ADV as ''average daily volume'' and ''Adding ADV'' as ADV that adds liquidity to the Exchange during the billing month. The Exchange is not proposing to change these definitions.

[5] The term ''Away Market'' is defined in Rule 1.1(ff) to mean any exchange, alternative trading system (''ATS'') or other broker-dealer (1) with which the Exchange maintains an electronic linkage, and (2) that provides instantaneous responses to orders routed from the Exchange.

[6] For securities priced below $1.00 that route to and execute on an Away Market, the Exchange charges a fee of 0.30% of the total dollar value of the transaction for executions in an Away Market auction as well as all other executions. The Exchange proposes no changes to these routing fees.

[7] The Exchange proposes to use ''adding ADV'' in connection with the routing fees for UTP Securities to distinguish it from the defined term ''Adding ADV'' that only applies to Tape A securities. *See* NYSE Price List, notes 2 & 4 and note 3, *supra*.

shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization.

The Exchange proposes to require at least 0.10% of Adding CADV in Tape B or C in order to qualify for this credit.

Similarly, the current Tier 2 Adding Credit offers a per tape credit of $0.0023 per share for transactions in stocks with a per share price of $1.00 or more when adding liquidity to the Exchange if the member organization has at least 0.01% of Adding CADV in Tape B or C. For purposes of qualifying for this tier, the 0.01% of Adding CADV could include shares of both an SLP-Prop and an SLMM [8] of the same or an affiliated member organization.

The Exchange proposes to require at least 0.03% of Adding CADV in Tape B or C in order to qualify for this credit.

SLP Provide Tiers for UTP Securities

Current SLP Provide Tier 2 provides a $0.0029 per share credit per tape in an assigned UTP Security for SLPs adding displayed liquidity to the Exchange if the SLP (1) adds liquidity for all assigned UTP Securities in the aggregate of an CADV of at least 0.01% per tape, and (2) meets the 10% average or more quoting requirement in 250 or more assigned UTP Securities in Tapes B and C combined pursuant to Rule 107B, and (3) meets the 10% average or more quoting requirement in an assigned UTP Security pursuant to Rule 107B.

The Exchange proposes to require SLPs to add liquidity for all assigned UTP Securities in the aggregate of an CADV of at least 0.03% per tape. The Exchange would also require SLPs to meet the 10% average or more quoting requirement in 200 or more assigned UTP Securities in Tapes B and C combined pursuant to Rule 107B. The other requirement for qualifying for this tier would remain unchanged.

Current SLP Provide Tier 1 offers a $0.0032 per share credit per tape in an assigned UTP Security for SLPs adding displayed liquidity to the Exchange if the SLP (1) adds liquidity for all assigned UTP Securities in the aggregate of an CADV of at least 0.05% per tape, and (2) meets the 10% average or more quoting requirement in 500 or more assigned UTP Securities in Tapes B and C combined pursuant to Rule 107B, and (3) meets the 10% average or more quoting requirement in an assigned UTP Security pursuant to Rule 107B.

The Exchange proposes to modify the adding liquidity requirement to require SLPs to add liquidity for all assigned UTP Securities in the aggregate of an CADV of at least 0.10% per tape. The remaining requirements for qualifying for this tier would remain unchanged.

* * * * *

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

Adding Tiers

The Exchange believes that increasing the Adding ADV requirement for the Tier 1 Adding Credit and the Tier 3 Adding Credit is reasonable, equitable and not an unfairly discriminatory allocation of fees because it would encourage additional liquidity on the Exchange and because members and member organizations benefit from the substantial amounts of liquidity that are present on the Exchange. The Exchange believes the proposed changes are equitable and not unfairly discriminatory because it would continue to encourage member organizations to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants. The proposed changes will encourage the submission of additional liquidity to a national securities exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organizations from the substantial amounts of liquidity that are present on the Exchange. Moreover, the proposed changes are equitable and not unfairly discriminatory because they would apply equally to all qualifying member organizations, including Floor brokers, that submit orders to the NYSE and add liquidity to the Exchange.

Routing Fees

The Exchange believes that its proposed routing fees for Tape A and UTP Securities are a reasonable, equitable and not an unfairly discriminatory allocation of fees because the fee would be applicable to all member organizations in an equivalent manner.

The proposed fees for routing shares Tape A securities are also reasonable, equitable and not unfairly discriminatory because they are consistent with fees charged on other exchanges. In particular, the Exchange's proposal to charge $0.0035 per share fee to route in Tape A securities is consistent with the fees to route charged on other exchanges.[11] The Exchange's proposal to charge a lower fee of $0.0030 per share fee if the member organization has adding ADV in Tapes A, B, and C combined that is at least 0.20% of Tapes A, B and C CADV combined is reasonable, equitable and not unfairly discriminatory because it is in line with the fees charged on NYSE Arca, which charges a fee of $0.0030 for ETP Holders and Market Makers meeting the requirements of Tier 1, Tier 2 and Tier 3.

Further, the proposal to charge $0.0035 for all other executions in UTP Securities priced at or above $1.00 that route to and execute on Away Market auctions is reasonable, equitable and not unfairly discriminatory because it is consistent with fees charged on other exchanges.[12] The proposal to charge $0.0030 if the member organization has adding ADV in Tapes A, B, and C combined that is at least 0.20% of Tapes A, B and C CADV combined is reasonable, equitable and not unfairly discriminatory because it is in line with the fees charged on NYSE Arca, which charges a fee of $0.0035 for Basic Rates (applicable when tier rates do not apply).

Incremental SLP Step Up Tier

The Exchange believes that the proposal to introduce a new incremental SLP Step Up Tier is reasonable because it provides SLPs as well as SLPs that are also DMMs with added incentive to bring additional order flow to a public market. In particular, the Exchange believes that the new tier will provide

[8] Under Rule 107B, a SLP can be either a proprietary trading unit of a member organization (''SLP-Prop'') or a registered market maker at the Exchange (''SLMM''). For purposes of the 10% average or more quoting requirement in assigned securities pursuant to Rule 107B, quotes of an SLP-Prop and an SLMM of the same member organization are not aggregated. However, for purposes of adding liquidity for assigned SLP securities in the aggregate, shares of both an SLP-Prop and an SLMM of the same member organization are included.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) & (5).

[11] *See* page 14 of the NYSE Arca, Inc. (''NYSE Arca'') Equities Fees and Charges, available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf.*

[12] *See id.; see also https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf.*

greater incentives for more active SLPs to add liquidity to the Exchange, to the benefit of the investing public and all market participants. Moreover, offering an additional credit, up to a $0.0031 per share maximum, in addition to the SLP's tiered or non-tiered credit for adding displayed liquidity for SLPS that add liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) of an ADV of more than 0.15% of NYSE CADV over that SLPs' second quarter of 2018 adding liquidity and that meet the SLP quoting requirements would provide an incentive for less active SLPs to add displayed liquidity in order to meet the SLP quoting requirements, thereby contributing to additional levels of liquidity to a public exchange, which benefits all market participants. Finally, the Exchange believes that the proposed tier is equitable and not unfairly discriminatory because it would apply equally to all SLPs that would submit additional adding liquidity to the Exchange in order to qualify for the additional credit.

UTP Securities

The Exchange believes that increasing the Adding ADV requirement for Tier 1 and Tier 2 Adding Credits per share for transactions in UTP Securities with a per share stock price of $1.00 or more when adding liquidity is reasonable because it would further contribute to incenting member organizations to provide additional amounts of liquidity on the Exchange. The Exchange believes that the proposed modifications to the Tier 1 and Tier 2 Adding Credit requirement are thus reasonable, equitable and not unfairly discriminatory because all member organizations would benefit from such increased levels of liquidity. For the same reasons, the Exchange believes that increasing the SLP Provide Tier 1 and Tier 2 adding liquidity requirements is also reasonable, equitable and not unfairly discriminatory because the proposed requirements will encourage the SLPs to add liquidity to the market in UTP Securities, thereby providing customers with a higher quality venue for price discovery, liquidity, competitive quotes and price improvement.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[13] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed change would foster liquidity provision and stability in the marketplace, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organizations. In this regard, the Exchange believes that the transparency and competitiveness of attracting additional executions on an exchange market would encourage competition. The Exchange also believes that the proposed rule change is designed to provide the public and investors with a Price List that is clear and consistent, thereby reducing burdens on the marketplace and facilitating investor protection.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of member organizations or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[13] 15 U.S.C. 78f(b)(8).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [14] of the Act and subparagraph (f)(2) of Rule 19b–4 [15] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [16] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2018–40 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2018–40. 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

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(2).

[16] 15 U.S.C. 78s(b)(2)(B).

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2018–40 and should be submitted on or before October 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–20192 Filed 9–14–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84079; File No. SR–NYSEArca–2018–63]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Amend NYSE Arca Rule 1.1 Official Closing Price To Exclude From the TWAP Calculation a Midpoint That Is Based on an NBBO That Is Not Reflective of the Security's True and Current Value

September 11, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on August 29, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Rule 1.1(ll) (''Official Closing Price''). The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange recently amended Rule 1.1(ll) to establish how the Official Closing Price is determined for an Exchange-listed security that is a Derivative Securities Product[4] if the Exchange does not conduct a Closing Auction or if a Closing Auction trade is less than a round lot.[5] The purpose of the OCP Filing was to adopt a method for deriving the Official Closing Price that would be more indicative of the actual value of the securities that are subject to the rule, in particular for listed securities that are thinly traded or generally illiquid. Prior to the recent rule change, the Official Closing Price for such securities would have been based on a last-sale trade that may have been hours, days, or even months old and therefore not necessarily indicative of their true and current value. The OCP Filing adopted a revised calculation to derive the value for securities that have a stale last-price. Specifically, for such securities, the Official Closing Price would be derived by adding a percentage of the time-weighted average price (''TWAP'') of the NBBO midpoint measured over the last five minutes before the end of Core Trading Hours and a percentage of the last consolidated last-sale eligible trade before the end of Core Trading Hours on that trading day.[6]

The Exchange proposes to further refine Rule 1.1(ll)(1)(B) to exclude from the TWAP calculation a midpoint that is based on an NBBO that is not reflective of the security's true and current value. As proposed, the Exchange would exclude a NBBO midpoint from the calculation of the Official Closing Price if that midpoint, when multiplied by ten percent (10%), is less than the spread of that NBBO. The Exchange would also exclude a crossed NBBO from the calculation.

The proposed amendment to adopt a NBBO midpoint check is designed to validate whether an NBBO used in the calculation of the Official Closing Price bears a relation to the value of the underlying security. Under the proposal, the Exchange would calculate the midpoint of the NBBO and then multiply the midpoint by ten percent (10%) and compare this value to the spread of the NBBO. If the value of the midpoint when multiplied by ten percent (10%) is less than the spread of that NBBO, the Exchange would exclude the NBBO midpoint from the calculation. The Exchange believes that if the NBBO spread is greater than the value of the midpoint when multiplied by ten percent (10%), it would indicate that the spread is too wide, and therefore not representative of the value of the security. For example, assume the percentage for purposes of the NBBO midpoint calculation is set at 10%. Assume further that the NBBO is $9.00 × $11.00. The NBBO spread is therefore $2.00, the midpoint of the NBBO is $10.00, and the value of the midpoint is $1.00 (10% of $10.00). Given that the spread of the NBBO ($2.00) is greater than the value of the NBBO midpoint ($1.00), the $9.00 × $11.00 NBBO would be excluded from the calculation. Conversely, assume the NBBO is $9.51 × $10.49. The NBBO spread is therefore $0.98, the midpoint of the NBBO is $10.00, and the value of the midpoint is $1.00 (10% of 10.00). Given that the spread of the NBBO ($0.98) is less than the value of the NBBO midpoint ($1.00),

[17] 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] With respect to equities traded on the Exchange, the term ''Derivative Securities Product'' means a security that meets the definition of ''derivative securities product'' in Rule 19b–4(e) under the Securities Exchange Act of 1934. *See* NYSE Arca Rule 1.1(k). For purposes of Rule 19b–4(e), a ''derivative securities product'' means any type of option, warrant, hybrid securities product or any other security, other than a single equity option or a security futures product, whose value is based, in whole or in part, upon the performance of, or interest in, an underlying instrument. 17 CFR 240.19b–4(e).

[5] *See* Securities Exchange Act Release No. 82907 (March 20, 2018), 83 FR 12980 (March 26, 2018) (SR–NYSEArca–2018–08) (Approval Order) (the ''OCP Filing'').

[6] *See* Rule 1.1(ll)(1)(B)(i)–(vi).

the $9.51 × $10.49 NBBO would be included in the calculation.

The proposed amendment is similar to, and based on, the term ''Auction NBBO'' as defined in Rule 7.35–E(a)(5).[7] The Exchange currently uses the Auction NBBO as a basis for determining the Auction Reference Price for the Core Open Auction.[8] If there is no Auction NBBO, then the Exchange uses the prior trading day's Official Closing Price. To qualify as an Auction NBBO for the Core Open Auction, there must be both a bid and an offer that is not zero, the NBBO cannot be crossed, and the midpoint of the NBBO when multiplied by a designated percentage, cannot be greater than or equal to the spread of the NBBO.[9] Although Rule 7.35–E(a)(5) currently specifies that the designated percentage used for determining the Auction NBBO for the Core Open Auction would be determined by the Exchange upon prior notice to ETP Holders, the Exchange proposes to codify within the proposed amendment to Rule 1.1(ll)(1)(B) the percentage used in the TWAP calculation for the Official Closing Price at ten percent (10%).

The Exchange believes that the proposed NBBO midpoint check, which uses the same methodology as determining an Auction NBBO for the Core Open Auction, achieves the same purpose as the Auction NBBO because it would eliminate use of an NBBO that does not reflect the true value of a security. For the same reasons that the Exchange would not use an NBBO that does not pass the Auction NBBO test as an Auction Reference Price, the Exchange similarly proposes that if an NBBO fails that same test, it would not be used for determining the TWAP calculation for the Official Closing Price of a security.

The Exchange also proposes a non-substantive clarifying change to Rule 1.1(ll). Under Rule 1.1(ll), if the Official Closing Price cannot be determined under paragraph (A) of Rule 1.1(ll), then the procedure under paragraph (B) would be utilized. If the Official Closing Price cannot be determined under paragraphs (A) and (B) of Rule 1.1(ll), then the procedure under paragraph (C) would be utilized. And lastly, if the Official Closing Price cannot be determined under paragraphs (A), (B), or (C) of Rule 1.1(ll) then the procedure under paragraph (D) would be utilized. To reflect this decision tree methodology, the Exchange proposes to adopt rule text to reflect that the process under paragraph (D) of Rule 1.1(ll)(1) would be utilized if the Official Closing Price cannot be determined under paragraphs (1)(A), (B) or (C) of the Rule. The Exchange is not proposing any substantive change to paragraph (D) of Rule 1.1(ll)(1). The Exchange believes that the proposed rule change would provide additional clarity in the Rules and reflect current practice for the purpose of determining the Official Closing Price.

Because of the technology changes associated with this proposed rule change, the Exchange will announce the implementation date of this proposed rule change by Trader Update. The Exchange anticipates that the implementation date will be in the first quarter of 2019.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(5) of the Act,[11] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system because creating a process to validate the NBBO midpoint to determine the Official Closing Price by comparing the midpoint value to the spread of the NBBO, and if the NBBO midpoint is not valid, to exclude it from the calculation, would ensure that the NBBO is sufficiently tight to guarantee that the midpoint of the NBBO would be a meaningful and accurate basis for determining the Official Closing Price. The Exchange also believes the proposed refined methodology for determining the Official Closing Price would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would provide for a more up-to-date indication of the value of the underlying security if there have not been any last-sale eligible trades leading in to the close of trading. The Exchange believes the proposed NBBO midpoint check for purposes of determining the Official Closing Price would also provide a closing price that more accurately reflects the most recent and reliable market information possible. As noted above, the Exchange already uses this methodology for determining whether an NBBO can be used as an Auction Reference Price for the Core Open Auction.

The Exchange further believes that the proposed TWAP calculation would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would provide for a more robust mechanism to determine the value of an affected security for purposes of determining an Official Closing Price. By calculating the midpoint of the NBBO and then multiplying the midpoint by ten percent (10%) and comparing this value to the spread of the NBBO, the Exchange believes that the proposed methodology would result in the price of a security that is even more reflective of the true and current value of such security than the methodology in place today.

The Exchange believes the proposed non-substantive amendment to current Rule 1.1(ll)(1)(D) is intended to provide additional clarity and detail and will eliminate confusion among market participants, which is in the interests of all investors and the general public.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will not impose any burden on competition because the proposal would simply provide for a more efficient manner to determine the Official Closing Price for a Derivative Securities Product.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the

[7] *See* Rule 7.35–E(a)(5). The term ''Auction NBBO'' means an NBBO that is used for purposes of pricing an auction.

[8] The Exchange also uses the Auction NBBO for determining the Indicative Match Price in specified situations for the Closing Auction. *See* Rule 7.35–E(a)(8)(C).

[9] *See* Rule 7.35–E(a)(5).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov* . Please include File NumberSR–NYSEArca–2018–63 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2018–63. 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 a.m. and 3 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–NYSEArca–2018–63 and should be submitted on or before October 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–20073 Filed 9–14–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84078; File No. SR–C2–2018–018]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Its Fees Schedule

September 11, 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 September 4, 2018 Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2 Options'') proposes to amend its Fees Schedule.

The text of the proposed rule change is also available on the Exchange's website (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule, effective September 4, 2018.

The Exchange first proposes to reduce fees for Public Customer, Market-Maker and Non-Customer, Non-Market Maker orders that remove liquidity in Penny Classes. Particularly, the Exchange proposes to reduce the Penny Class Remove rate for Public Customers (which orders yield fee code PC) from $0.49 per contract to $0.43 per contract and reduce the Penny Class Remove rate for Market-Maker and Non-Customer, Non-Market Maker orders (which orders yield fee codes PR and PP, respectively) from $0.50 per contract to $0.49 per contract.

The Exchange also proposes to reduce the current rebates given to Market Maker and Non-Customer, Non-Market Maker orders that add liquidity in Penny Classes. Specifically, the Exchange proposes reduce the Penny Class Add rebate for Market-Maker orders (which orders yield fee code PM) from $0.45 per contract to $0.41 per contract. The Exchange also proposes to reduce the Penny Class Add rebate for Non-Customer, Non-Market Maker orders (which orders yield fee code PN) from $0.40 per contract to $0.36 per contract.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[3] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[4] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirement that

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(4).

[5] 15 U.S.C. 78f(b)(5).

the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed fee changes to reduce transaction fees for orders that remove liquidity in Penny Classes is reasonable because the respective market participants would pay lower fees for these transactions. The Exchange believes the proposed rule change is equitable and not unfairly discriminatory because similarly situated market participants would be paying the same fees.

The Exchange believes that reducing the rebates for Market-Maker and Non-Customer, Non-Market Maker orders that add liquidity in Penny Classes is reasonable because it still provides these market participants an opportunity to receive rebates for these transactions (now just a smaller amount). The Exchange believes the proposed rule change is equitable and not unfairly discriminatory because similarly situated market participants receive the same rebate.

Additionally, the Exchange believes that it is equitable and not unfairly discriminatory to assess lower fees and provide higher rebates to Public Customers as compared to other market participants because Public Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Specifically, Public Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market-Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. The Exchange believes it's appropriate to provide a higher rebate to Market-Makers who add liquidity as compared to Non-Customer, Non-Market Makers because Market-Makers are valuable market participants that provide liquidity in the marketplace and incur costs that other market participants do not incur.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while different fees and rebates are assessed to different market participants in some circumstances, these different market participants have different obligations and different circumstances as discussed above. The Exchange believes this proposal will not cause an unnecessary burden on intermarket competition because the Exchange does not believe that the proposed changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Market Participants may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. To the extent that the proposed changes make C2 a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become C2 market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and paragraph (f) of Rule 19b–4[7] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–C2–2018–018 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2018–018. 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 a.m. and 3 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–C2–2018–018 and should be submitted on or before October 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–20072 Filed 9–14–18; 8:45 am]

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[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84093; File No. SR–PEARL–2018–18]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404A, Select Provisions of Options Listing Procedures Plan, and Rule 406, Long-Term Option Contracts

September 12, 2018

Pursuant to the provisions of 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 August 30, 2018, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change '') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Rule 404A, Select Provisions of Options Listing Procedures Plan, and Rule 406, Long-Term Option Contracts.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend MIAX PEARL Rule 404A, Select Provisions of Options Listing Procedures Plan, and Rule 406, Long-Term Option Contracts, to conform its rules to the recently approved changes to the Options Listing Procedures Plan (''OLPP''), as well as to the rules of other exchanges.[3] The Exchange, which is one of the Participant Exchanges to the OLPP, currently has rules that are designed to incorporate the requirements of the OLPP.[4] All Participant Exchanges have similar (essentially uniform) rules to ensure consistency and compliance with the OLPP. The Exchange proposes to modify its rules to reflect the recent updates described below, as well as to conform to the rules of the other exchanges.

Addition of Long-Term Equity Options (''LEAPS'')

First, the OLPP has been amended to change the earliest date on which new January LEAPS on equity options, options on Exchange Traded Funds (''ETF''), or options on Trust Issued Receipts (''TIR'') may be added to a single date (from three separate months). As noted in the OLPP Notice, in the past, there were operational concerns related to adding new January LEAPs series for all options classes on which LEAPs were listed on a single trading day.[5] And, the addition of new series in a pre-electronic environment was a manual process. To accommodate this, the addition of new January LEAPs series was spread across three months (September, October, and November). Today, however, these operational concerns related to January LEAPs have been alleviated as new series can be added in bulk electronically. The Plan Participants, including the Exchange, believe that moving the addition of new January LEAPs series to no earlier than the Monday prior to the September expiration would reduce marketplace confusion about available January LEAPs series. Where previously January LEAPs series for options classes on the February or March expiration cycles would not have been available as early as January LEAPs series for options classes on the January expiration cycle, under the proposed change, all January LEAPs series will be available concurrently. Accordingly, to conform to this change, the Exchange proposes to modify current Rule 406(b) to reflect that new January LEAPS series on equity options classes, options on ETFs, or options on TIRs, may not be added on a currently listed and traded option class earlier than the Monday prior to the September expiration (which is 28 months before the expiration).[6]

Addition of Equity, ETF, and TIR Option Series After Regular Trading Hours

Second, the OLPP has been amended to allow equity, ETF, and TIR option series to be added based on trading after regular trading hours (*i.e.,* after-market). As noted in the OLPP Notice, the prior version of the OLPP did not allow for option series to be added based on trading following regular trading hours.[7] As such, the Exchange Participants were unable to add new option series that may result from trading following regular trading hours until the next morning, depending on the range of prices in pre-market trading, which is significant because events that occur after regular trading hours, such as earnings releases, often have an important impact on the price of an underlying security. In addition, there are operational difficulties for market participants throughout the industry adding series after system startup. To avoid the potential burden that would result from the inability to add series as a result of trading following regular trading hours, the OLPP was amended to allow an additional category by which the price of an underlying security may be measured. Specifically, to conform to the amended OLPP, the Exchange proposes to add subparagraph (b)(1)(iv) to Rule 404A to provide that ''for options series to be added based on trading following regular trading hours,'' the price of the underlying security is measured by ''the most recent share price reported by all national securities exchanges between 4:15 p.m. and 6:00 p.m. Eastern Time.'' [8]

[3] *See* Securities Exchange Act Release Nos. 82235 (December 7, 2017), 82 FR 58688 (December 13, 2017) (order approving the Fourth Amendment to the OLPP); 81893 (October 18, 2017), 82 FR 49249 (''OLPP Notice'').

[4] In addition to the Exchange, the ''Participant Exchanges'' are: Cboe Exchange, Inc.; Cboe BZX Exchange, Inc.; BOX Options Exchange, LLC; Cboe C2 Exchange, Inc.; Cboe EDGX Exchange, Inc.; Miami International Securities Exchange, LLC; Nasdaq BX, Inc.; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; Nasdaq MRX, LLC; Nasdaq Options Market, LLC; Nasdaq PHLX, LLC; NYSE Arca, Inc.; and NYSE American, LLC.

[5] *See* OLPP Notice at 49249.

[6] *See* proposed Rule 406(b).

[7] *See* OLPP Notice at 49250.

[8] *See* proposed Rule 404A(b)(1)(iv). The Exchange proposes to relocate ''and'' from subparagraph (ii)

Continued

Technical Changes

The Exchange proposes to modify Rule 406(b) to delete now obsolete operational language, which dates back to when LEAPs were first adopted. The language in question provides that:

> After a new long-term option contract series is listed, such series will be opened for trading either when there is buying or selling interest, or forty (40) minutes prior to the close, whichever occurs first. No quotations will be posted for such options series until they are opened for trading.

The Exchange proposes to delete this language because when this language was adopted LEAPs were not opened for trading until late in the trading day unless there was buying or selling interest. Today, however, technological improvements allow the Exchange to open all LEAP series at the same time as all other series in an option class.

Conforming Changes

The Exchange proposes to make certain changes to conform its rules to the rules of other exchanges and to codify a certain provision in the OLPP that is not currently included in its rules. First, the Exchange proposes to add additional clarifying language to Rule 406(b). Specifically, the Exchange proposes to add a paragraph to note that, pursuant to the OLPP, ''exchanges that list and trade the same equity option class, ETF option class, or TIR option class are authorized to jointly determine and coordinate with the Options Clearing Corporation on the date of introduction of new LEAP series for that option class consistent with this paragraph (b).'' This clarifying language is identical to language contained in other exchanges' rules.[9]

Second, Amendment 2 to the OLPP [10] provided for a uniform minimum volume threshold per underlying class to qualify for the introduction of a new expiration year of LEAPS on equity, ETF and TIR classes. The Exchange proposes to codify this change made to the OLPP by Amendment 2 as new subparagraph (c) to Rule 406 of the Exchange's rules. Specifically, this provision will provide: ''The Exchange shall not list new LEAP series on equity option classes, options on ETFs, or options on TIRs in a new expiration year if the national average daily contract volume, excluding LEAP and FLEX series, for that option class during the preceding three (3) calendar months is less than 1,000 contracts, unless the new LEAP series has an expiration year that has already been listed on another exchange for that option class. The preceding volume threshold does not apply to the first six (6) months an equity option class, option on an ETF or option on a TIR is listed on any exchange.'' The Exchange notes that this conforming change is necessary to align the rules of the Exchange with the OLPP and with other exchanges.[11]

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act [12] in general, and furthers the objectives of Section 6(b)(5) of the Act [13] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change, which conforms to the recently adopted provisions of the OLPP, as amended, allows the Exchange to continue to list extended far term option series that have been viewed as beneficial to traders, investors and public customers. Accordingly, the Exchange believes that the proposal is consistent with the Act because it will allow the Exchange to list all January 2021 expiration series on the Monday prior to the September 2018 expiration. Moreover, this change would simplify the process for adding new January LEAP options series and reduce potential for investor confusion because all new January LEAP options would be made available beginning at the same time, consistent with the amended OLPP. The Exchange notes that this proposal does not propose any new provisions that have not already been approved by the Commission in the amended OLPP, but instead maintains series listing rules that conform to the amended OLPP.

The proposal to permit series to be added based on after-market trading is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, by allowing the Exchange to make series available for trading with reduced operational difficulties. The Exchange notes that this proposed change, which is consistent with the amended OLPP should provide market participants with earlier notice regarding what options series will be available for trading the following day, and should help to enhance investors' ability to plan their options trading. The Exchange also believes that the proposed technical changes, including deleting obsolete language and reorganizing and consolidating the rule, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market and a national market system. Furthermore, the Exchange believes that the proposed conforming changes, adding language to Rule 406, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market and a national market system by providing clarity and consistency to the rules, and creating uniformity amongst exchanges with respect to rules related to the OLPP.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that by conforming Exchange rules to the amended OLPP, the Exchange would promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. The Exchange believes that adopting rules, which it anticipates will likewise be adopted by Participant Exchanges, would allow for continued competition between Exchange market participants trading

to (iii) to conform to the change. *See* proposed Rule 404A(b)(1)(ii) and (iii).

[9] For example, *see* Cboe Rule 5.8(b); *see also* NYSE Arca Rule 6.4–O(d)(ii).

[10] *See* Securities Exchange Act Release No. 58630 (September 24, 2008), 73 FR 57166 (October 1, 2008) (Order granting permanent approval to Amendment No. 2 to the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options).

[11] For example, *see* Cboe Rule 5.8(c); *see also* NYSE Arca Rule 6.4–O(d)(iii).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [15] and Rule 19b–4(f)(6) thereunder.[16] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[17]

A proposed rule change filed under Rule 19b–4(f)(6) [18] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[19] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that the Exchange's proposal would conform the Exchange's rules to the amended OLPP, which the Commission previously approved.[20] Accordingly, the Commission believes that the proposal raises no new or novel regulatory issues and waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission therefore waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[21]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [22] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PEARL–2018–18 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–PEARL–2018–18. 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–PEARL–2018–18 and should be submitted on or before October 9, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–20191 Filed 9–14–18; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A)(iii).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] *See* OLPP Notice, *supra* note 3.

[21] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[22] 15 U.S.C. 78s(b)(2)(B).

[23] 17 CFR 200.30–3(a)(12).

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 October 17, 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: SBA's Office of Credit Risk Management (OCRM) is responsible for the oversight and supervision of the SBA operations of approximately 4000 7(a) Lenders, Certified Development Companies (''CDCs''), and Microloan Intermediaries (''Intermediaries''), that participate in SBA's business loan programs and, for enforcement of the applicable rules and regulations. Currently, the agency guarantees more than $90 billion dollars in small business loans through these programs. The information collection described in detail below helps OCRM protect the safety and soundness of the business loan programs and taxpayer dollars.

In general, SBA collects information in connection with PARRiS [1] reviews for 7(a) Federally-regulated Lenders, SMART [2] reviews for CDCs, and PARRiS Safety and Soundness Examinations for SBA Supervised Lenders including Small Business Lending Companies (SBLCs) and Non-Federally Regulated Lenders (NFRLs).[3] SBA also requests certain information when it conducts Delegated Authority Reviews of 7(a) Lenders and CDCs, and Microloan Intermediary Site Visits. The discussion below identifies the nature of the information to be collected for each type of lender and the related review or examination. In addition, SBA has created separate lists, which are also discussed below, to clearly identify the information to be collected.

I. 7(a) Lender and CDC PARRIS and SMART Analytical and Full Reviews and Safety and Soundness Exams

A. Common Information Collected

For all Analytical Reviews, Full Reviews, and Safety and Soundness examinations [4] of 7(a) lenders and CDCs, as applicable, in general, SBA requests information related to the lender's or CDC's management and operation, eligibility of its SBA loans for SBA guaranty, compliance with SBA Loan Program Requirements, credit administration, and performance of its SBA loan portfolio.

1. *Management and Operations:* The information requested generally includes the SBA program organization chart with responsibilities, business plan, financial and program audits, evidence of lender compliance with regulatory orders and agreements (if applicable and as appropriate), and staff training on SBA lending.

2. *Eligibility and Credit Administration:* In reviewing these areas, SBA primarily requests lender's or CDC's policies, loan sample files; independent loan reviews; loan credit scoring and risk rating methodologies; and information on loans approved as exceptions to policy.

3. *Compliance with Loan Program Requirements:* Here, SBA collects information on services and fees charged for Third-party vendors,[5] lender's FTA[6] trust account, and lender's use of the System of Awards Management to perform agent due diligence.

4. *Portfolio Performance:* In considering lender or CDC portfolio performance, SBA requests that lenders provide a listing of loans indicating those past due, those with servicing actions, individual risk ratings, and those in liquidation or purchased for SBA to compare with SBA data. SBA also requests that lenders provide an explanation for risks identified (*e.g.,* identified by high risk metrics or PARRiS flags triggered).

Further detail on the information SBA collects in Analytical and Full Reviews and Safety and Soundness Exams is contained in the SBA Supervised Lender Safety and Soundness Examination/Full Review Information Request; 7(a) Lender PARRiS Analytical Review Information Request; CDC SMART Analytical Review Information Request; 7(a) Lender PARRiS Full Review Information Request; and, CDC SMART Full Review Information Request. Each Information Request document is available upon request.

B. SBA Supervised Lender Supplemental Information for Safety and Soundness Exams

SBA is the primary federal regulator for SBA licensed SBLCs and NFRLs that participate in the 7(a) program.[7] Because SBA is the primary federal regulator, SBA performs comprehensive exams that require information in addition to that referenced in Section I.A. Specifically, for SBA Supervised Lender examinations, SBA additionally requests corporate governance documents and information on the lender's financial condition, internal controls and risk mitigation. SBA also requests information on higher risk loans, payments related to loans in loan sample, fidelity insurance, credit scoring model validation and lender self-testing for compliance with SBA Loan Program Requirements. SBA Supervised Lender safety and soundness examinations include review of capital, earnings, and liquidity in accordance with 13 CFR 120.1050(b) and accordingly, SBA requests information on the lender's financing, asset account calculations, and dividend policy. Further detail on the information that SBA requests for SBA Supervised Lender examinations is contained in SBA Supervised Lender Safety and Soundness Examination/Full Review Information Request. This document is available upon request.

C. CDC Supplemental Information

SBA is also the primary federal regulator for CDCs. SBA guarantees 100% of 504 program debentures. Therefore, SBA also requests additional information to prudently oversee CDCs, as it does for SBA Supervised Lenders. The additional information generally requested includes corporate governance documents and information on lender's financial condition, internal controls and risk mitigation practices, and the CDC's plan for investment in other local economic development. In addition, SBA requests, as applicable, information on a CDC's Premier Certified Lenders Program (PCLP) Loan Loss Reserve Account and loans that a CDC packages for other 7(a) lenders. You may request a copy of the CDC SMART Analytical Review Information Request and CDC SMART Full Review

[1] PARRiS refers to the specific risk components reviewed for 7(a) Lenders: (i) Portfolio Performance; (ii) Asset Management; (iii) Regulatory Compliance; (iv) Risk Management; and (v) Special Items.

[2] SMART refers to the specific risk components reviewed for Certified Development Companies: (i) Solvency and Financial Condition; (ii) Management and Board Governance; (iii) Asset Quality and Servicing; (iv) Regulatory Compliance; and (v) Technical Issues and Mission.

[3] SBLCs and NFRLs are defined in 15 U.S.C. 632(r) and 13 CFR 120.10.

[4] Safety and Soundness Examinations are only performed on SBA Supervised Lenders in the 7(a) program. SBA Supervised Lenders include SBA licensed Small Business Lending Companies and Non-Federally Regulated Lenders as defined in 13 CFR 120.10. Analytical Reviews and Full Reviews are performed on 7(a) Lenders and CDCs.

[5] For purposes of this notice, Third-party vendors include, for example, Loan Agents (*e.g.,* Packagers and Lender Service Providers) and Professional Managers with management contracts.

[6] FTA refers to SBA's Fiscal and Transfer Agent. 7(a) Lenders that sell SBA loans in the Secondary Market are required by the terms of the Form 1086, Secondary Participation Guaranty Agreement, to deposit the guaranteed portion of loan payments in a segregated account for the benefit of investors.

[7] SBA Supervised Lenders are a relatively small subset of 7(a) Lenders. 7(a) Lenders include SBA Supervised Lenders and Federally Regulated 7(a) Lenders (*i.e.,* those lenders regulated by the federal bank regulators—Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Federal Reserve Board, the National Credit Union Administration, and the Farm Credit Administration).

Information Request for more details on this supplemental information request.

I. 7(a) Lender and CDC Delegated Authority Reviews

SBA collects information for Delegated Authority Reviews performed, in general, every two years for lenders applying or reapplying to SBA's Delegated Authority Programs (*e.g.,* Preferred Lender Program for 7(a) Lenders and Accredited Lender Program or PCLP for CDCs).[8] If a lender is scheduled to receive an Analytical or Full Review or a Safety and Soundness Examination during the same review cycle as a Delegated Authority Review, generally SBA will coordinate the timing of the reviews and the related information collections to lessen the burden.

For 7(a) delegated authority reviews, SBA requests information on organizational changes, staff training and experience, lender explanation for risk indicators triggered, lender risk mitigation efforts, lender's financial condition, lender's deficiencies underlying regulatory orders (if applicable and as appropriate), and loan sample files (as requested).

For CDC delegated authority reviews, SBA requests corporate governance documents and additional information on organization/staff, financial condition, internal controls and risk mitigation. SBA also requests a CDC's policies including its no-adverse-change determination, loan reviews, and lender explanation for its higher risk metrics.

For more detail on Delegated Authority Review collections, you may request a copy of the 7(a) Lender Nomination for Delegated Authority Information Request; and, the ALP/PCLP Renewal Guide and Information Request.

II. Microloan Intermediary Reviews

For Microloan Program Intermediary oversight, SBA District Offices perform an annual site visit for active Intermediaries. SBA requests information on SBA program management and operations including organizational chart with responsibilities, business plan, staff training on SBA lending, and risk mitigation practices. SBA primarily reviews the Intermediary's credit administration through a loan sample file request. Specifics on the information collected are contained in SBA's Microloan Intermediary Site Visit/Review Information Request document, a copy of which is available upon request.

III. Other Reviews, Corrective Action Plans, and Increased Supervision for 7(a) Lenders, CDCs, and Intermediaries

SBA may pose additional information requests for its Other Reviews,[9] generally of higher risk lenders. For example, for 7(a) lenders under a public regulatory order or agreement, SBA may request information relating to the status of the underlying deficiencies, as appropriate, or request loan files for SBA to review to mitigate risk before the loan can be sold into the secondary market. SBA may also request corrective action plans from lenders following reviews where findings and deficiencies are identified. Finally, SBA may request additional information of lenders under increased supervision. However, information requests for increased supervision tend to be lender specific.

In general, for information that has already been provided by a 7(a) lender, a CDC, or a Microloan Intermediary but is unchanged, a lender may certify that the information was already provided and is unchanged in lieu of resubmitting the information. The certification must also state to whom and on what date the information was provided to SBA.

Summary of Information Collection

Title: SBA Lender and Microloan Intermediary Reporting Requirements OMB Control Number: 3245–0365.

Description of Respondents: SBA 7(A) Lenders, Certified Development Companies, and Microloan Intermediary lenders.

Form Numbers: N/A.

Total Estimated Annual Responses: 1,861.

Total Estimated Annual Hour Burden: 14,573.

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.

Curtis Rich,

Management Analyst.

[FR Doc. 2018–20180 Filed 9–14–18; 8:45 am]

BILLING CODE 8025–01–P

[8] Through SBA's Delegated Authority programs, qualified lenders may process SBA loans with further autonomy and reduced paperwork than through regular SBA loan processing.

[9] Other Reviews may include, for example, Secondary Market loan reviews, reviews of lender self-assessments, or Agreed Upon Procedures Reviews performed by third-party practitioners or an independent office within the Lender to which SBA and the Lender agree, that follow a review protocol as prescribed or approved by SBA.

DEPARTMENT OF STATE

[Public Notice: 10545]

Notice of Intent To Prepare a Supplemental Environmental Impact Statement for the Proposed Keystone XL Pipeline Mainline Alternative Route in Nebraska

ACTION: Notice of intent.

SUMMARY: The U.S. Department of State (Department) issues this Notice of Intent (NOI) to announce that it will prepare a Supplemental Environmental Impact Statement (SEIS)—consistent with the National Environmental Policy Act (NEPA) of 1969—to analyze the potential environmental impacts of the Keystone XL Mainline Alternative Route (MAR).

FOR FURTHER INFORMATION CONTACT: Detailed records on the proposed Project are available at: *https://keystonepipeline-xl.state.gov*.

Marko Velikonja, Keystone XL Program Manager, Office of Environmental Quality and Transboundary Issues, U.S. Department of State, 2201 C Street NW, Washington DC 20520. (202) 647–4828, *VelikonjaMG@state.gov*.

SUPPLEMENTARY INFORMATION: On January 26, 2017, TransCanada Keystone Pipeline, L.P. (TransCanada) resubmitted its 2012 Presidential permit application for the border facilities for the proposed Keystone XL Pipeline. The Under Secretary of State for Political Affairs determined that issuance of a Presidential permit to TransCanada to construct, connect, operate, and maintain pipeline facilities at the northern border of the United States to transport crude oil from Canada to the United States would serve the national interest. Accordingly, on March 23, 2017, the Under Secretary issued a Presidential permit to TransCanada for the Keystone XL Pipeline border facilities. Subsequently, on November 20, 2017, the Nebraska Public Service Commission approved the Mainline Alternative Route for that pipeline in the State of Nebraska. TransCanada's application to the Bureau of Land Management for a right-of-way remains pending with that agency.

On May 25, 2018, the Department issued a *Notice of Intent to Prepare an*

Environmental Assessment for the Proposed Keystone XL Pipeline Mainline Alternative Route in Nebraska (83 FR 24383) which provided for a 30-day public scoping period. On July 30, 2018, the Department issued a *Notice of Availability of the Draft Environmental Assessment for the Proposed Keystone XL Pipeline Mainline Alternative Route in Nebraska* (83 FR 36659) which provided for a 30-day public comment period. The Department intends to consider comments received regarding the Environmental Assessment in the Final SEIS document.

Brian P. Doherty,

Director, Office of Environmental Quality and Transboundary Issues, Department of State.

[FR Doc. 2018–20064 Filed 9–14–18; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 10546]

Cessation of Operations of the Office of the General Delegation of the Palestine Liberation Organization Located in Washington, DC

SUMMARY: This provides notice to persons and entities that, as required by the Department of State, the Office of the General Delegation of the Palestine Liberation Organization (''General Delegation'') located in Washington, DC, must cease all public operations and take certain measures by the times and dates shown and that benefits formerly extended to the General Delegation by the Department of State will no longer be approved.

DATES: The General Delegation was notified of this action on September 10, 2018.

FOR FURTHER INFORMATION CONTACT: Cliff Seagroves, 202–647–3417 and *OFMInfo@state.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to legal authorities, including the Antiterrorism Act of 1987 (title X of Pub. L. 100–204), the Foreign Missions Act of 1982 (22 U.S.C. 4301–4316), and the Department of State's Designation and Determination of June 21, 1994 (U.S. Department of State, Public Notice 2035, 59 FR 37121, 37122 (July 20, 1994)), the Department of State notified the Office of the General Delegation of the Palestine Liberation Organization (''General Delegation'') that it must cease all public operations not later than 5:00 p.m. EDT on September 13, 2018 and resolve any outstanding obligations, including all its financial obligations, vacate the property located at 1732 Wisconsin Avenue NW, Washington DC, terminate staff, and close its U.S. bank account, not later than 11:59 p.m. EDT on October 10, 2018. Accordingly, benefits formerly extended to the General Delegation by the Department of State under the Foreign Missions Act will no longer be approved by the Department, in accordance with the above-listed schedule.

Publication of this Notice in the **Federal Register** constitutes notice to persons and entities of this change in the terms and conditions with respect to benefits formerly extended to the General Delegation, and its agents and employees acting on its behalf. Persons wishing clarification on the applicability of this Notice may contact the Office of Foreign Missions, U.S. Department of State, 2201 C Street NW, Room 2236, Washington, DC 20520 at 202–647–3417 and *OFMInfo@state.gov*.

Clifton C. Seagroves,

Director, Acting Office of Foreign Missions.

[FR Doc. 2018–20065 Filed 9–14–18; 8:45 am]

BILLING CODE 4710–43–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2009–0671]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Safety Management Systems for Domestic, Flag, and Supplemental Operations Certificate Holders

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Federal Aviation Administration (FAA) invites public comments about our intention to request Office of Management and Budget (OMB) approval to renew an information collection. The collection involves information on a Domestic, Flag, and Supplemental Operations certificate holder's Safety Management System (SMS). The certificate holder collects information to determine and identify hazards in an aviation operation, measure the effectiveness of hazard identification and mitigation and the prevention unforeseen hazards, and the maintenance of training records and communications documentation used to promote safety. This collection by Domestic, Flag, and Supplemental Operations certificate holders is for compliance with FAA SMS requirements. The **Federal Register** Notice with a 60-Day comment period soliciting comments on the renewal of this previously approved information collection was published on June 20, 2018 (83 FR 28758). No comments were received.

DATES: Comments must reach OMB on or before October 17, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection renewal to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the FAA's performance; (b) the accuracy of the estimated burden; (c) ways for the FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information request.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: (940) 594–5913.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0763.

Title: Safety Management Systems for Domestic, Flag, and Supplemental Operations Certificate Holders.

Form Numbers: None.

Type of Review: Renewal of an information collection with changes.

Background: The ongoing information collection requirement for Domestic, Flag, and Supplemental Operations certificate holders supports the regulatory requirements of an SMS program to determine and identify hazards in an aviation operation, measure the effectiveness of hazard identification and mitigation and the prevention unforeseen hazards, and the maintenance of training records and communications documentation used the promote safety.

Respondents: All Domestic, Flag, and Supplemental Operations certificate holders.

Implementation plan collection: 3 future applicants for a Domestic, Flag, and Supplemental Operations certificate (anticipate no more than one per year).

Continuing SMS program collection: 72 current Domestic, Flag, and Supplemental Operations certificate holders.

Frequency:

Implementation plan collection: Yearly responses for the 3 future applicants.

Continuing SMS program collection: Monthly responses for the 72 current Domestic, Flag, and Supplemental Operations certificate holders.

Number of Responses:

Implementation plan collection: 1 future applicant per year submitting yearly responses would total 6 responses over the three year period. (1 new applicant in the first year × 3 responses + 1 applicant in second year × 2 responses + 1 applicant in the third year × 1 response).

Continuing SMS program collection: 72 current Domestic, Flag, and Supplemental Operations certificate holders × 12 responses = 864 responses per year.

Total Annual Burden:

Implementation plan collection: Total burden for new applicants estimated to be 20,040 hours or 6,680 hours per year.

Continuing SMS program collection: As of March 9, 2018, all current Domestic, Flag, and Supplemental Operations certificate holders were validated as having an SMS in compliance with FAA Certification and Safety Management System requirements. Therefore, all implementation plans have been completed and will, therefore, have no continuing burden on current Domestic, Flag, and Supplemental Operations certificate holders.

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 September 8, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2018–20145 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of the Final Environmental Assessment (EA) and Finding of No Significant Impact/ Record of Decision (FONSI/ROD) for the Runway 14/32 Relocation/ Extension and Associated Improvements Project for the Lake Elmo Airport (21D) in Lake Elmo, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is issuing this notice to advise the public that the FAA has prepared and approved (August 31, 2018) a FONSI/ROD based on the Final EA for a Runway 14/32 Relocation/ Extension and Associated Improvements Project at the Lake Elmo Airport. The Final EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, FAA Orders 1050.1F, ''Environmental Impacts: Policies and Procedures'' and 5050.4B, ''NEPA Implementing Instructions for Airport Actions''.

DATE: This notice is applicable September 17, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. Josh Fitzpatrick, Environmental Protection Specialist, FAA Dakota-Minnesota Airports District Office (ADO), 6020 28th Avenue South, Suite 102, Minneapolis, Minnesota 55450. Telephone number is (612) 253–4639. Copies of the FONSI/ROD and/or Final EA are available upon written request by contacting Mr. Josh Fitzpatrick through the contact information above.

SUPPLEMENTARY INFORMATION: The FAA and the Metropolitan Airports Commission (MAC) jointly prepared the Final EA/State of Minnesota Environmental Assessment Worksheet (EAW), pursuant to the requirements of the NEPA and the Minnesota Environmental Policy Act.

The Final EA evaluated the 21D Runway 14/32 Relocation/Extension and Associated Improvements Project. The purpose of the proposed action is to address failing, end of life infrastructure; enhance safety for airport users and neighbors; and improve facilities for the family of aircraft using the airport. The proposed action is needed based on the following four deficiencies at the existing facility: The existing runway and taxiway pavement is deteriorating and needs to be replaced; Runway 14/32 has several incompatible land uses within its runway protection zones (RPZs), including a railroad and two public roads; the existing pavement and airfield geometry do not meet the needs of airport users and aircraft; and the existing instrument approach procedures do not use the latest available navigational technology.

The Final EA identified and evaluated reasonable alternatives. Numerous alternatives were considered, but eventually discarded for not meeting the purpose and need. For the primary runway, Alternatives B, B1, and the No Action were examined in detail. For the crosswind runway, the No Action and one other alternative were examined. For roadway relocation, Alternatives 1, 2, 4A, 4B, and the No Action were examined. After careful analysis and consultation with various resource agencies, the MAC selected Primary Runway Alternative B1, the Crosswind Runway Alternative, and Roadway Alternative 3 as the proposed action. Primary Runway Alternative B1, the Crosswind Runway Alternative, and Roadway Alternative 3 satisfies the purpose and need while minimizing impacts.

The Proposed Action includes the following elements: Relocate Runway 14/32 by shifting 615 feet to the northeast and extend to 3,500 feet, including grading, clearing, and runway lighting; extinguish existing prescriptive easement for 30th Street North and seek a land release for non-aeronautical use from the FAA to allow realignment of 30th Street North around the new Runway 32 RPZ to reconnect with the existing Neal Avenue North intersection; relocate the Airport perimeter fence to reflect the new Runway 32 RPZ; remove the existing north side taxiway and compass calibration pad and construct a new crossfield taxiway to serve the new Runway 14 end, including taxiway lighting; convert existing Runway 14/32 to a partial parallel taxiway and remove the portion of the existing parallel taxiway south of the Runway 04 threshold; reconstruct Runway 4/22 and extend to 2,750 feet, including necessary lighting and taxiway connectors; construct other taxiways and engine run-up pads as needed to support the relocated Runway 14/32 and extended Runway 04/22, including connector taxiways and a full-length parallel taxiway on the north side of the relocated Runway 14/32, and install taxiway lighting and/or reflectors; relocate the compass calibration pad adjacent to the new partial parallel taxiway (converted Runway 14/32); establish non-precision GPS-based instrument approach procedures to all runway ends not already equipped;

provide Runway 14/32 lighting systems with the relocated runway; install Medium Intensity Runway Lights (MIRLs) on Runway 04/22, Precision Approach Path Indicators (PAPIs) on the Runway 04, 14, and 22 ends, and Runway End Identifier Lights (REILs) on each end of Runway 04/22; remove approximately 20 acres of on-Airport trees and individual off-Airport trees as necessary to clear trees that penetrate FAA Threshold Siting Surface (TSS)/Part 77 approach and transitional surfaces; install obstruction lighting on Fixed Based Operator (FBO) and hangar buildings in the Terminal Instrument Procedures (TERPS) departure surface areas beyond Runway 04, 14, and 22 ends; construct an on-Airport access road connecting the north and west building areas; voluntarily explore creation of Rusty Patched Bumble Bee/pollinator habitat on airport property southwest of proposed 30th Street North realignment.

Based on the analysis in the Final EA, the FAA has determined that the proposed action will not result in significant impacts to resources identified in accordance with FAA Orders 1050.1F and 5050.4B. Therefore, an environmental impact statement will not be prepared.

Issued in Minneapolis, Minnesota, on August 31, 2018.

Andy Peek,

Manager, Dakota-Minnesota Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2018–20144 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2018–0008]

Surface Transportation Project Delivery Program; Utah Department of Transportation Audit Report

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation.

ACTION: Notice.

SUMMARY: The Moving Ahead for Progress in the 21st Century Act (MAP–21) established the Surface Transportation Project Delivery Program that allows a State to assume FHWA's environmental responsibilities for environmental review, consultation, and compliance under the National Environmental Policy Act (NEPA) for Federal highway projects. When a State assumes these Federal responsibilities, the State becomes solely responsible and liable for the responsibilities it has assumed, in lieu of FHWA. This program mandates annual audits during each of the first 4 years to ensure the State's compliance with program requirements. This notice finalizes the findings of the first audit report for the Utah Department of Transportation (UDOT).

FOR FURTHER INFORMATION CONTACT: Ms. Deirdre Remley, Office of Project Development and Environmental Review, (202) 366–0524, *Deirdre.Remley@dot.gov,* or Mr. Jomar Maldonado, Office of the Chief Counsel, (202) 366–1373, *Jomar.Maldonado@dot.gov,* Federal Highway Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this notice and all comments received may be downloaded from the specific docket page at *www.regulations.gov.*

Background

The Surface Transportation Project Delivery Program, codified at 23 United States Code (U.S.C). 327, commonly known as the NEPA Assignment Program, allows a State to assume FHWA's environmental responsibilities for review, consultation, and compliance for Federal highway projects. When a State assumes these Federal responsibilities, the State becomes solely liable for carrying out the responsibilities, in lieu of the FHWA. The UDOT published its application for NEPA assumption on October 9, 2015, and made it available for public comment for 30 days. After considering public comments, UDOT submitted its application to FHWA on December 1, 2015. The application served as the basis for developing a Memorandum of Understanding (MOU) that identifies the responsibilities and obligations that UDOT would assume. The FHWA published a notice of the draft MOU in the **Federal Register** on November 16, 2016, with a 30-day comment period to solicit the views of the public and Federal agencies. After the end of the comment period, FHWA and UDOT considered comments and proceeded to execute the MOU. Effective January 17, 2017, UDOT assumed FHWA's responsibilities under NEPA, and the responsibilities for NEPA-related Federal environmental laws described in the MOU.

Section 327(g) of Title 23, U.S.C., requires the Secretary to conduct annual audits during each of the first 4 years of State participation. After the fourth year, the Secretary shall monitor the State's compliance with the written agreement. The results of each audit must be made available for public comment. This notice finalizes the findings of the first audit report for UDOT participation in the NEPA Assignment program. The FHWA published a draft version of this report in the **Federal Register** on April 13, 2018, at 83 FR 16170, and made it available for public review and comment for 30 days in accordance with 23 U.S.C. 327(g). The FHWA received two responses to the **Federal Register** notice during the public comment period for the draft report. Neither of the comments were substantive. One comment from the American Road and Transportation Builders Association outlined their general support for this program. The second comment was from an anonymous individual and the comment was unrelated to the report. The FHWA considered both comments and determined that neither comment triggered changes in the content of the report. This notice includes the final version of the audit report.

Authority: Section 1313 of Public Law 112–141; Section 6005 of Public Law 109–59; 23 U.S.C. 327; 23 CFR 773.

Brandye L. Hendrickson,

Deputy Administrator, Federal Highway Administration.

Surface Transportation Project Delivery Program

FHWA Audit of the Utah Department of Transportation

January 17–June 9, 2017

Executive Summary

This report summarizes the results of the Federal Highway Administration's (FHWA) first audit of the Utah Department of Transportation's (UDOT's) National Environmental Policy Act (NEPA) review responsibilities and obligations that FHWA has assigned and UDOT has assumed pursuant to 23 United States Code (U.S.C.) 327. Throughout this report, FHWA uses the term ''NEPA Assignment Program'' to refer to the program codified at 23 U.S.C. 327. Under the authority of 23 U.S.C. 327, UDOT and FHWA executed a Memorandum of Understanding (MOU) on January 17, 2017, to memorialize UDOT's NEPA responsibilities and liabilities for Federal-aid highway projects and certain other FHWA approvals for transportation projects in

Utah. Except for one project, which FHWA retained, FHWA's only NEPA responsibilities in Utah are oversight and review of how UDOT executes its NEPA Assignment Program obligations. The MOU covers environmental review responsibilities for projects that require the preparation of environmental assessments (EA), environmental impact statements (EIS), and non-designated documented categorical exclusions (DCE). A separate MOU, pursuant to 23 U.S.C. 326, authorizes UDOT's environmental review responsibilities for other categorical exclusions (CE), commonly known as ''CE Assignment.'' This audit does not cover the CE Program Assignment responsibilities and projects.

As part of its review responsibilities under 23 U.S.C. 327, FHWA formed a team in April 2017 to plan and conduct an audit of NEPA responsibilities UDOT assumed. Prior to the on-site visit, the audit team reviewed UDOT's NEPA project files, UDOT's response to FHWA's pre-audit information request (PAIR), and UDOT's self-assessment of its NEPA program. The audit team reviewed additional documents and conducted interviews with UDOT staff in Utah on June 5–9, 2017.

The UDOT entered into the NEPA Assignment Program after almost 9 years of experience making FHWA NEPA CE determinations pursuant to 23 U.S.C. 326 (beginning August 2008). The UDOT's environmental review procedures are compliant for CEs, and UDOT is implementing procedures and processes for DCEs, EAs, and EISs as part of its new responsibilities under the NEPA Assignment Program. Overall, the audit team found that UDOT is successfully adding DCE, EA, and EIS project review responsibilities to an already successful CE review program. The audit team did not identify any non-compliance observations. This report describes five observations as well as several successful practices the audit team found. The audit team finds UDOT is carrying out the responsibilities it has assumed and is in substantial compliance with the provisions of the MOU.

Background

The NEPA Assignment Program allows a State to assume FHWA's environmental responsibilities for review, consultation, and compliance for Federal-aid highway projects. Under 23 U.S.C. 327, a State that assumes these Federal responsibilities becomes solely responsible and solely liable for carrying them out in lieu of FHWA. Effective January 17, 2017, UDOT assumed FHWA's responsibilities under NEPA and other related environmental laws. Examples of responsibilities UDOT has assumed in addition to NEPA include section 7 consultation under the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and consultation under section 106 of the National Historic Preservation Act (54 U.S.C. 306108).

Following this first audit, FHWA will conduct three more annual audits to satisfy provisions of 23 U.S.C. 327(g) and Part 11 of the MOU. Audits are the primary mechanism through which FHWA oversees UDOT's compliance with the MOU and the NEPA Assignment Program requirements. This includes ensuring compliance with applicable Federal laws and policies, evaluating UDOT's progress toward achieving the performance measures identified in MOU Section 10.2, and collecting information needed for the Secretary's annual report to Congress. The FHWA must present the results of each audit in a report and make it available for public comment in the **Federal Register**.

The audit team consisted of NEPA subject matter experts (SME) from the FHWA Utah Division, as well as from FHWA offices in Sacramento, CA, Washington, DC, Atlanta, GA, and Austin, TX. These experts received training on how to evaluate implementation of the NEPA Assignment Program. In addition, the FHWA Utah Division designated an environmental specialist to serve as a NEPA Assignment Program liaison to UDOT.

Scope and Methodology

The audit team conducted an examination of UDOT's NEPA project files, UDOT responses to the PAIR, and the UDOT self-assessment. The audit also included interviews with staff and reviews of UDOT policies, guidance, and manuals pertaining to NEPA responsibilities. All reviews focused on objectives related to the six NEPA Assignment Program elements: program management; documentation and records management; quality assurance/quality control (QA/QC); legal sufficiency; training; and performance measurement.

The focus of the audit was on UDOT's process and program implementation. Therefore, while the audit team reviewed project files to evaluate UDOT's NEPA process and procedures, the team did not evaluate UDOT's project-specific decisions to determine if they were, in FHWA's opinion, correct or not. The audit team reviewed 14 NEPA project files with DCEs, EAs, and EISs, representing all projects in process or initiated after the MOU's effective date. The audit team also interviewed environmental staff in all four UDOT regions as well as their headquarters office.

The PAIR consisted of 24 questions about specific elements in the MOU. The audit team used UDOT's response to the PAIR to develop specific follow-up questions for the on-site interviews with UDOT staff.

The audit team conducted 18 on-site and 3 phone interviews. Interview participants included staff from each of UDOT's four regional offices and UDOT headquarters. The audit team invited UDOT staff, middle management, and executive management to participate to ensure the interviews represented a diverse range of staff expertise, experience, and program responsibility.

Throughout the document reviews and interviews, the audit team verified information on the UDOT section 327 NEPA Assignment Program including UDOT policies, guidance, manuals, and reports. This included the NEPA QA/QC Guidance, the NEPA Assignment Training Plan, and the NEPA Assignment Self-Assessment Report.

The audit team compared the procedures outlined in UDOT environmental manuals and policies to the information obtained during interviews and project file reviews to determine if there are discrepancies between UDOT's performance and documented procedures. The team documented observations under the six NEPA Assignment Program topic areas. Below are the audit results.

Overall, UDOT has carried out the environmental responsibilities it assumed through the MOU and the application for the NEPA Assignment Program, and as such the audit team finds that UDOT is substantially compliant with the provisions of the MOU.

Observations and Successful Practices

This section summarizes the audit team's observations of UDOT's NEPA Assignment Program implementation, including successful practices UDOT may want to continue or expand. Successful practices are positive results that FHWA would like to commend UDOT on developing. These may include ideas or concepts that UDOT has planned but not yet implemented. Observations are items the audit team would like to draw UDOT's attention to, which may benefit from revisions to improve processes, procedures, or outcomes. The UDOT may have already taken steps to address or improve upon the audit team's observations, but at the time of the audit they appeared to be areas where UDOT could make

improvements. This report addresses all six MOU topic areas as separate discussions. Under each area, this report discusses successful practices followed by observations.

This audit report provides an opportunity for UDOT to begin implementing actions to improve their program. The FHWA will consider the status of areas identified for potential improvement in this audit's observations as part of the scope of Audit #2. The second audit report will include a summary discussion that describes progress since the last audit.

Program Management

The UDOT has made progress toward meeting the initial requirements of the MOU for the NEPA Assignment Program under 23 U.S.C. 327, including implementing the updated Manual of Instruction (MOI), a (QA/QC) Plan, a Training Plan, and addressing the findings from a Self-Assessment Report.

Successful Practices

The audit team found that UDOT understands its project-level responsibility for DCEs, EAs, and EISs that FHWA assigned to UDOT through the NEPA Assignment Program. The UDOT has established a vision and direction for incorporating the NEPA Assignment Program into its overall project development process. This was clear in the PAIR responses and in interviews with staff in the regions and at UDOT's central office, commonly known as ''the Complex.''

The UDOT reorganized environmental staff to align employee roles with the new responsibilities under the NEPA Assignment Program. Staff at the Complex are responsible for EAs and EISs. Regional environmental staff coordinate their NEPA work through program managers at the Complex. Environmental staff also share resources and use the subject matter expertise of staff in other regional offices or at the Complex. Some staff responsibilities have changed under the NEPA Assignment Program, but positions have remained the same. Prior to assuming responsibilities under the NEPA Assignment Program, regional staff reported to the pre-construction department in their regional office. Following assumption of the NEPA Assignment Program, Environmental Managers in the regions report to Environmental Program Managers at the Complex. In anticipation of assuming NEPA responsibilities, UDOT hired an Environmental Performance Manager who is responsible for overseeing UDOT's policies, manuals, guidance, and training under the NEPA Assignment Program.

Observations

Observation #1: Communication of UDOT policy and procedures to staff

Most SME and regional environmental staff were not aware of the latest policies and procedures regarding the NEPA Assignment Program. During interviews, some staff at the regional offices and at the Complex said they heard about changes at quarterly environmental meetings. Some regional staff said they expect to hear about changes from their managers in the regional office, but they often feel they do not receive all necessary information. Other regional staff said they receive updated memoranda and other communications about the NEPA Assignment Program through their program manager at the Complex. Some SMEs indicated they were unaware of how their specialty fits into the overall NEPA process. There does not seem to be a clear understanding among all staff about the differences between UDOT's responsibilities under 23 U.S.C. 326 and 23 U.S.C. 327 and how this affects staff members' roles and responsibilities in carrying out section 327.

Observation #2: Section 4(f) terms regarding determinations of use

During review of the NEPA project files, the audit team found some determinations labeled ''n/a,'' suggesting Section 4(f) was not applicable when there was a historic site/historic property identified in the Section 106 determination of eligibility/finding of effect (DOE/FOE). In other examples, the files correctly indicate ''yes'' or ''no'' whether there is or is not a Section 4(f) use. When the DOE/FOE identifies historic properties that are eligible for inclusion in the National Register of Historic Places, UDOT would also need to evaluate whether the action will constitute a use under Section 4(f), per FHWA policy (see ''3.2 Assessing Use of Section 4(f) Properties'' in FHWA ''Section 4(f) Policy Paper,'' 2012). Therefore, the correct determination should be ''yes'' or ''no'' instead of ''n/a''.

Documentation and Records Management

The audit team reviewed UDOT's NEPA project documents for 14 projects under the NEPA Assignment Program. The UDOT maintains a complete final record for DCEs, EAs, and EISs. There are inconsistencies about how, when, and where staff maintain supporting draft and deliberative documentation, and staff either do not have or are not aware of protocols for recordkeeping.

Successful Practices

The UDOT uses a document database called ''ProjectWise'' to maintain final project records for DCEs, EAs, and EISs. Though it was not developed specifically for producing and maintaining environmental documents, ProjectWise is accessible to all staff and can store complete NEPA documentation. During interviews, UDOT environmental staff demonstrated they understood the minimum documentation that should be included in the final ProjectWise record, and the audit team verified that the minimum documentation is in NEPA project file reviews.

In interviews, some UDOT staff shared that they document decisions made verbally for the project record. This shows that some staff understand the importance of having a written record of decision points in the NEPA processes that may happen through phone conversations and in-person meetings.

Environmental managers at the Complex have taken steps to implement consistent records management on EAs and EISs in ProjectWise by adding stipulations to consultant contracts that require them to follow records management protocols in their final project files.

Observations

Observation #3: UDOT recordkeeping and file management

Some environmental staff interviewed during the audit said they store draft files, supporting information, and deliberative documentation on personal drives, on local servers, and/or in hardcopy filing cabinets. Thus, outside of ProjectWise, UDOT recordkeeping and file management is inconsistent, which may indicate the lack of specific protocols for managing supporting documents that inform NEPA decisions and other environmental determinations. Such practices can make document retrieval and review difficult because the location of UDOT's file of record is unclear. This issue can also raise concerns about document retention practices and the completeness of administrative records for projects needing them.

Staff at the regional offices and at the Complex said ProjectWise does not include organizational tools such as subfolders or adequate search capabilities. ProjectWise was not created specifically for environmental documentation. It is a document management system, and although it allows for subfolders with environmental documents storage,

UDOT does not use this function nor does it have adequate functionality for searching files or tracking project environmental process milestones.

Quality Assurance/Quality Control

At the time of the first audit UDOT was in the early stages of the section 327 program, and because there was not yet sufficient data on project approvals, the team was not able to fully evaluate the effectiveness of the QA/QC component of the program. The audit team made the following observations.

Successful Practices

The UDOT has implemented some successful practices to ensure the quality of its NEPA documents. The UDOT developed a QA/QC plan to help environmental staff and consultants ensure documents are developed, reviewed, and approved in accordance with QA/QC procedures. The UDOT's use of DCE, EA, and EIS QA/QC checklists supports process standardization. Though regional environmental staff do not manage EAs or EISs under the NEPA Assignment Program, several staff said they were aware there is a QA/QC checklist for reviewing these documents. They were also aware that managers at the Complex review and submit the checklist and final document to UDOT's Deputy Director for final approval.

Regional environmental staff can contact program managers at the Complex to get procedural and technical assistance on topics or documentation requirements outside of their technical expertise area. Throughout the audit interviews, several staff said they felt comfortable calling managers at the Complex with questions.

Observations

Observation #4: QA/QC documentation

Although most environmental staff were aware of the QA/QC plan and checklists, the audit team learned through interviews that there is varied understanding about roles and procedures as they relate to documenting QA/QC approvals. Managers demonstrated that they understood the various roles and procedures for obtaining signature approval for final documents, but regional staff had a varied understanding of these procedures. Environmental staff outside of the Complex were also uncertain whether a new checklist was developed for DCEs, or if the EA/EIS checklist is used for DCE QA/QC.

Legal Sufficiency

Successful Practices

Through interviews, the audit team learned of the following successful practices: UDOT has extended the legal sufficiency process it has in place for Section 326 CE assignment to accommodate the section 327 NEPA Assignment Program by contracting with outside counsel who have extensive experience in NEPA, other environmental laws, and Federal environmental litigation. The UDOT environmental managers can work directly with outside counsel without the need to go through the Utah Attorney General's (AG) Office. An Assistant AG assigned to UDOT is kept apprised of all communications between UDOT staff and outside counsel. Outside counsel expects early legal involvement for all controversial projects. The UDOT, an Assistant AG, and outside counsel held an ''organizational meeting'' earlier this year and expect to hold regular, quarterly meetings.

Training

The UDOT's Training Coordinator is in the early stages of establishing a training management program (''UDOT U'') for all UDOT employees. This program will include the following components: (1) core competencies for all UDOT employees; (2) training for all UDOT employees through UDOT U; (3) a portal for tracking training completed by UDOT employees; (4) SME identification and validation of training needs; and (5) leadership input on priorities and budgets for all disciplines. The UDOT could incorporate NEPA Assignment Program training needs into UDOT U in the future, and the Training Coordinator has plans to work with the environmental group on its specific needs.

Successful Practices

Through interviews and the PAIR response, the audit team learned that UDOT delivered several discipline-based (e.g., Noise, Section 4f, Section 7, Air Quality, and Legal Sufficiency) training courses to staff and consultants. The audit team learned that UDOT has used the Annual Conference to inform staff and consultants about the NEPA Assignment Program and the responsibilities that UDOT has assumed.

Observations

Observation #5: UDOT's training plan coordination

The UDOT developed a NEPA Assignment Program Training Plan, as required by the MOU, but through interviews the audit team found that environmental managers developed the plan with minimal coordination with the UDOT Training Coordinator, SMEs, or regional staff. In interviews, the audit team learned that some SMEs did not get opportunities to attend training on topics outside their subject area, including NEPA. An understanding of NEPA compliance is important for all environmental staff, including SMEs. Although ''UDOT U'' has offered environmental training on specific topics such as stormwater and permitting, the NEPA Assignment Program training plan is not integrated into ''UDOT U.''

Performance Measures

The Environmental Performance Manager has begun collecting and tracking performance data, such as the completeness of project records, timeline for completion of environmental documents, and whether QA/QC was performed for each document. The Environmental Performance Manager indicated that the results of this audit will be used to help revise manuals and procedures and that the Self-Assessment informed some changes. For example, the MOI has been updated to clarify which documents need to be updated and uploaded in projects files.

Successful Practices

The UDOT surveyed resource agency partners about how it is implementing responsibilities under the NEPA Assignment Program. Managers said they are striving to improve UDOT's relationships with partner agencies despite having different missions and perspectives. The environmental group will continue to survey its partners in the future, and will modify the survey as needed to help improve UDOT's environmental processes and relationships with resource agencies.

Finalizing the Report

The FHWA published a draft version of this report in the **Federal Register** on April 13, 2018, at 83 FR 16170, and made it available for public review and comment for 30 days in accordance with 23 U.S.C. 327(g). The FHWA received two responses to the **Federal Register** notice during the public comment period for the draft report. Neither of the comments were substantive. One comment from the American Road and Transportation Builders Association outlined their support for this program. The second comment was from an anonymous individual and the comment was unrelated to the report.

The FHWA considered both comments and determined that neither comment triggered changes in the content of the report. This is FHWA's final version of the audit report.

[FR Doc. 2018–20097 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0004]

Agency Information Collection Activities; Renewal of a Currently Approved Information Collection Request: Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval. The FMCSA requests to renew the ICR titled, ''Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers,'' that requires foreign (Mexico-based) for-hire and private motor carriers to file an application Form OP–2 if they wish to register to transport property only within municipalities in the United States on the U.S.-Mexico international borders or within the commercial zones of such municipalities. FMCSA invites public comment on the ICR. There were no comments received to the 60-day **Federal Register** notice dated April 9, 2018.

DATES: Please send your comments by October 17, 2018. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2018–0004. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Fiorella Herrera, Transportation Specialist, Office of Registration and Safety Information, Customer Service and Vetting Division, Department of Transportation, Federal Motor Carrier Safety Administration, 6th Floor, West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Telephone: 202–366–0376; Email Address: *fiorella.herrera@dot.gov.* Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers.

OMB Control Number: 2126–0019.

Type of Request: Renewal of information collection.

Respondents: Foreign motor carriers and commercial motor vehicle drivers.

Estimated Number of Respondents: 527.

Estimated Time per Response: 4 hours.

Expiration Date: October 31, 2018.

Frequency of Response: Occasionally.

Estimated Total Annual Burden: 2,108 hours [527 responses × 4 hours].

Background: Title 49 U.S.C. 13902(c) contains basic licensing procedures for registering foreign (Mexico-based) motor carriers to operate across the U.S.-Mexico international border into the United States. 49 CFR part 368 contains the regulations that require foreign (Mexico-based) motor carriers to apply to the FMCSA for a Certificate of Registration to provide interstate transportation in municipalities in the United States on the U.S.-Mexico international border or within the commercial zones of such municipalities as defined in 49 U.S.C. 13902(c)(4)(A). FMCSA carries out this registration program under authority delegated by the Secretary of Transportation. Foreign (Mexico-based) motor carriers use Form OP–2 to apply for Certificate of Registration authority at the FMCSA. The form requests information on the foreign motor carrier's name, address, U.S. DOT Number, form of business (*e.g.,* corporation, sole proprietorship, partnership), locations where the applicant plans to operate, types of registration requested (*e.g.,* for-hire motor carrier, motor private carrier), insurance, safety certifications, household goods arbitration certifications, and compliance certifications.

On April 9, 2018, FMCSA published a 60-day **Federal Register** notice (83 FR 15222). Upon further review, FMCSA revised the number of estimated annual respondents, responses, burden hours, and burden hour costs due to a correction in the total number of applications filed between 2015–2017 which did not account for the fact the $300 fee applies only to new registrations; and the addition of the costs associated with submitting updates by mail, which is not included in the currently approved estimate. The estimated number of annual respondents and responses increased from 380 to 527, resulting in an increase of annual burden hours from 1,520 (380 respondents × 4 hours) to 2,108 (527 × 4 hours), and an increase in burden hour costs from $63,339 to $87,925. The $30,235 increase in estimated costs to respondents ($144,235 proposed—$114,000 currently approved) is due to an adjustment in the estimated number of respondents filing for a new registration. The increase is also due to a correction in the method of cost calculations which was not applied to the currently approved estimate, where the $300 fee applies only to new registrations. The increase is also due to the addition of the costs associated with submitting updates by mail, which was also not included in the currently approved estimate.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on: September 12, 2018.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2018–20158 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0287]

Agency Information Collection Activities; Revision of an Approved Information Collection: Electronic Logging Device (ELD) Vendor Registration

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. FMCSA requests approval to renew an ICR titled, ''Electronic Logging Device (ELD) Vendor Registration.'' This ICR is necessary for ELD vendors to register their ELDs with the Agency.

DATES: We must receive your comments on or before November 16, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2018–0287 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mike Huntley, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–366–9209; email *michael.huntley@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background: On December 16, 2015, FMCSA published a final rule titled ''Electronic Logging Devices and Hours of Service Supporting Documents,'' (80 FR 78292) that established minimum performance and design standards for hours-of-service (HOS) ELDs; requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs.

To ensure consistency among ELD vendors and devices, detailed functional specifications were published as part of the December 2015 final rule. Each ELD vendor developing an ELD technology must register online at a secure FMCSA website where the ELD provider can securely certify that its ELD is compliant with the functional specifications. Each ELD vendor must certify that each ELD model and version has been sufficiently tested to meet the functional requirements in the rule under the conditions in which the ELD would be used.

ELD vendors must self-certify and register their devices with FMCSA online via Form MCSA–5893, ''Electronic Logging Device (ELD) Vendor Registration and Certification.'' FMCSA expects 100% of respondents to submit their information electronically. Once completed, FMCSA issues a unique identification number that the ELD vendor will embed in their device(s). FMCSA maintains a list on its website of the current ELD vendors and devices that have been certified (by the vendors) to meet the functional specifications. The information is necessary for fleets and drivers to easily find a compliant ELD for their use in complying with the FMCSA regulation requiring the use of ELDs.

Title: Electronic Logging Device (ELD) Vendor Registration.

OMB Control Number: 2126–0062.

Type of Request: Renewal of a currently approved collection.

Respondents: ELD vendors.

Estimated Number of Respondents: 224.

Estimated Time per Response: 15 minutes.

Expiration Date: December 31, 2018.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 336 hours [224 respondents × 2 devices per respondent × 3 updates per device × 15 minutes per response].

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: September 12, 2018.

Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2018–20157 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0083; FMCSA–2010–0115; FMCSA–2010–0138; FMCSA–2012–0108; FMCSA–2012–0109; FMCSA–2014–0016; FMCSA–2014–0017; FMCSA–2016–0040; FMCSA–2016–0041; FMCSA–2016–0042]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 264 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http//www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On June 18, 2018, FMCSA published a notice announcing its decision to renew exemptions for 264 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (75 FR 25919; 75 FR 28677; 75 FR 34206; 75 FR 38597; 75 FR 38598; 75 FR 44049; 77 FR 33551; 77 FR 33554; 77 FR 43417; 77 FR 43901; 79 FR 29484; 79 FR 35844; 79 FR 42628; 79 FR 51223; 81 FR 40746; 81 FR 42035; 81 FR 42044; 81 FR 59725; 81 FR 59726; 81 FR 62793; 81 FR 92949). The public comment period ended on July 18, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 264 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.64(3):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of July and are discussed below:

As of July 2, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 28 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 25919; 75 FR 28677; 75 FR 38597; 75 FR 38598; 81 FR 92949):

Spencer W. Alexander (UT)
Cody R. Anderson (MT)
Joseph P. Beagan (RI)
Brian C. Blevins (VA)
John M. Charlton (UT)
Stuart A. Dietz (KS)
Michael G. Eikenberry (IN)
Francisco K. Gallardo (AZ)
Devin S. Gibson (UT)
Jason C. Green (MS)
Kimmy D. Hall (AR)
Edward G. Harbin (AR)
Lewis M. Hendershott (NJ)
Mark E. Henning (NY)
Christopher M. Hultman (WI)
Duane K. Kohls (MN)
John F. Lohmuller (IN)
Jerry A. McMurdy (PA)
Steven L. Miller (ND)
H.A. Miller (OR)
Andrew D. Monson (MN)
Timothy J. Nowak (FL)
Peter J. Pendola (VA)
Ross R. Romano (MI)
Jason D. Sweet (CA)
Robert M. Thomson (IL)
James P. Tomasik (PA)
Joseph H. Watkins (IN)

The drivers were included in docket numbers FMCSA–2010–0083; FMCSA–2010–0115. Their exemptions are applicable as of July 2, 2018, and will expire on July 2, 2020.

As of July 22, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 29 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 29484; 79 FR 42628; 81 FR 92949):

Curtis D. Andersen (MT)
Thomas E. Armbrust (IL)
Michael A. Barrett (MI)
Richard K. Cressman (ND)
Steven W. Dahl (ND)
Shannon D. Eck (KS)
Manuel Fernandez (PA)
Kevin J. Franje (IA)
Jared P. Greene (OH)
Michael L. Jobe (PA)
Edwin P. Jonas II (PA)
John J. Katcher (CO)
Glenn T. Keller (PA)
Michael G. Keller (CA)
Jay T. Kirschmann (ND)
James L. Laufenberg (ND)
Erik M. Mardesen (IA)
Pedro Saavedra Garcia (CA)
Jerry J. Shipley (KS)
Glenn A. Skonberg (SD)
Douglas R. Smith (KS)
Cheryl G. Stephens (DE)
Martin T. Struthers (NE)
Dennis C. Svec (MI)
Larry L. Taff (AR)
Filbert J. Torres (NM)
Burdette Walker (PA)

Harold W. Wilson, Jr. (SC)
Ronald D. Young (GA)

The drivers were included in docket number FMCSA–2014–0016. Their exemptions are applicable as of July 22, 2018, and will expire on July 22, 2020.

As of July 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 53 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (81 FR 40746; 81 FR 59726):

Michael J. Andries (WI)
Appiah T. Ankrah (MA)
Gregory P. Austin (CA)
David F. Banko (CO)
John T. Bardin (NY)
Joseph Berta IV (OK)
John C. Birmingham (IA)
Robert G. Canelo (NM)
Christoph A. Chiappa (NJ)
Johnny L. Cloy (TN)
Jon W. Collett (OH)
Joel A. Cote (ME)
Donald E. Cowell (CA)
Raymond J. Crosbie (NH)
Kenneth Dennis (KY)
Robert D. Diefenbaugh (NE)
William J. Gangloff (NY)
Phillip J. Guidice (WA)
Darin K. Hansen (IA)
William M. Haralson (TN)
Alejandro R. Hernandez (FL)
Stephen R. Hill (PA)
Jon W. Jernigan (OK)
Mark A. Johnston (PA)
Denise D. Johnston (IA)
Zachary J.F. Kinsey (CA)
Jongsub Lee (PA)
Ramon Lopez (TX)
David C. Love (IL)
Billy J. McNealy (MO)
Carlos Medellin (TX)
Samuel B. Morris (MN)
Bryan C. Mullins (TX)
Zachary Nechi (IL)
Toriano T. Neely (AL)
Orlando Padilla (TX)
Michael P. Pattie (RI)
Brian K. Porter (KY)
Oscar L. Quezada (CA)
Walter D. Richardson (MA)
Tracy A. Rowland (WA)
Michael J. Russell (MA)
Jeffrey M. Sandler (CA)
Paul A. Schaus (IL)
Lloyd E. Schrunk (MN)
Burton D. Shellabarger (IA)
John M. Suttles (OH)
John R. Tupper (ID)
Thomas W. Upton (NY)
James M. Walsh (WI)
Billy J. Webb, Jr. (MS)
Steven R. Williams (MO)
James A. Yates (IA)

The drivers were included in docket number FMCSA–2016–0040. Their exemptions are applicable as of July 23, 2018, and will expire on July 23, 2020.

As of July 24, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 33554; 77 FR 43417; 81 FR 92949):

Tony O. Billman (PA)
Tracy M. Dowton (MT)
Anil D. Gharmalker (KS)
Larry A. Hamilton (MO)
Allen K. Kates (NJ)
Victor C. Port (ND)
Jeffrey A. Ryan (IA)
James H. Stichberry, Jr. (MD)
John F. Watson (IN)
Melvin E. Welch (NJ)
Leroy R. Wille (IA)

The drivers were included in docket number FMCSA–2012–0109. Their exemptions are applicable as of July 24, 2018, and will expire on July 24, 2020.

As of July 25, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 44 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 35844; 79 FR 51223; 81 FR 92949):

John H. Ascheman (MN)
Alan F. Brown, Jr. (IN)
Theodore W. Burnette (CA)
John Canal (NY)
Kevin G. Comstock (MN)
Jacob S. Crawford (GA)
Christopher Dave (MI)
Anthony J. Davis (IN)
Charles G. Denegal (WA)
Wayne H. Dirks (WA)
Charles G. Elliott (IN)
Joseph S. Farrow (MN)
James R. Fiecke (ND)
Eric C. Gambill (OH)
Mark P. Gerrits (WI)
Michael Gilon (NH)
Chance A. Gooch (GA)
Robert L. Harris (IN)
Darrell S. Haynes (PA)
Joseph D. Helget (OR)
Charles D. Henderson (NY)
Marvin S. Howard (OH)
Eric A. Knox (KY)
Erik M. Lindquist (WA)
Thomas K. Linkel (IN)
Christine I. Llewellyn (IL)
Thomas J. Manning (MN)
Steve A. Meharry (WA)
Robert A. Miller, Jr. (WV)
Ben G. Moore (IL)
Chad M. Morris (NY)
Paul C. Mortenson (WI)
William D. Murray (AL)
Jacob D. Nafziger (OH)
Edward T. Nauer (VA)
Colin R. Parmelee (IN)
Matthew P. Sczpanski (OH)
Anthony S. Sobreiro (NJ)
Colby E. Starner (PA)
Daniel E. Stephens (NY)
Johnathan D. Truitt (IL)
Rylan P. Wheeler (IL)
Kelly L. Whitley (NC)
Michelle L. York (WA)

The drivers were included in docket number FMCSA–2014–0017. Their exemptions are applicable as of July 25, 2018, and will expire on July 25, 2020.

As of July 26, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 33551; 77 FR 43901; 81 FR 92949):

Larry J. Anderson (MN)
Wade D. Calvin (WA)
Carl A. Candelaria (NM)
Owen R. Dossett (AL)
Jennifer A. Ferguson (SC)
Michael E. Fritz (NV)
Lee A. Haerterich (WI)
Eric W. Holland (CO)
Richard P. Holmen (MN)
Paul A. Lacina (ND)
Bradley J. Moore (MO)
Ross W. Petermann (MN)
Curtis J. Young (FL)

The drivers were included in docket number FMCSA–2012–0108. Their exemptions are applicable as of July 26, 2018, and will expire on July 26, 2020.

As of July 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 34206; 75 FR 44049; 81 FR 92949):

Clinton R. Carlson II (RI)
Brandon L. Cheek (NC)
Richard A. Dufton, Jr. (NH)
Kenneth Dunn (IN)
Robert J. Dyxin (IL)
Michael H. Hayden (NY)
John T. Jones (OK)
Blake A.S. Keeten (NE)
Randall L. Koegel (NY)
Worden T. Price (NC)
Gary L. Sager (IL)
Darrel D. Schroeder (KS)

The drivers were included in docket number FMCSA–2010–0138. Their exemptions are applicable as of July 27, 2018, and will expire on July 27, 2020.

As of July 29, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 74 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs

in interstate commerce (81 FR 42035; 81 FR 42044; 81 FR 59725; 81 FR 62793):

Scott D. Allen (NE)
Scott R. Bailey (MA)
Michael J. Beaver (MN)
Casey G. Bergman (MN)
Gary R. Butts (NY)
Christopher D. Chapman (IA)
Robert J. Chapman (OH)
Carey P. Cole (PA)
Steven A. Crain (LA)
Phillip Daquila III (IL)
Paul J. Dematas (NY)
Kirk A. Erickson (MN)
Raymond E. Fisher, Jr. (PA)
Richard M. Frostig (CT)
Jason L. Garrett (TX)
Faustino P. Garza (TX)
Lawrence M. Gates (NY)
Alva E. Gladney (LA)
Robert D. Golding (NM)
John J. Gonzalez (CT)
Bruce E. Gusler (NH)
James M. Haight (NC)
Bradley T. Hall (AL)
Travis L. Handy (DE)
William C. Higgins (NC)
David R. Hodge (MI)
Paul D. Hollenbeck (UT)
Jame Holman (PA)
Kevin R. Holz (MN)
Brian J. Hurley (IL)
Willis A. Jergenson (IA)
Steven C. Jordan, Jr. (MD)
Kevin M. Krug (IN)
Duane A. Leazott (MN)
Robert A. Lewis (PA)
Brian C. Link (NY)
Bruce A. Mattison (WA)
James K. Medeiros (RI)
Richard E. Mellors (NY)
Gregory S. Montierth (CA)
Daniel M. Mulligan (NJ)
John N. Mulready (MA)
Colton J. Nefzger (ND)
Jerry L. Niichel (IA)
Donald S. Oakes (PA)
Dorian T. Papazikos (AL)
Ardell Parks (IL)
Terry D. Paxton (PA)
Carson A. Penny (CA)
Lawrence C. Powers (MI)
Reynier Prieto (FL)
Charles V. Radford, Jr. (NC)
David E. Roth (MN)
Kenneth R. Schleppy (PA)
John J. Shedlock (PA)
Jonathan W. Simoneau (NH)
Malcom D. Small (TX)
Russell F. Smith (PA)
Trenton W. Socha (TX)
Edward D. Sprague (WI)
Carla J. Stafford (TN)
Kenneth R. Stephenson (TX)
Jeffrey S. Toler (IN)
Luis M. Torres (CT)
Lyle D. Tunink (IA)
Fasitupe Tupuola (CA)
Louis D. Valente (MA)
Robert L. Westergaard (NJ)
James A. Wiggins (OK)
Reed R. Wilken (IL)
Mark A. Williams (IN)
Robert A. Yerges (WI)
Abraham K. Yohannan (NY)
Kyle S. Yount (KY)

The drivers were included in docket numbers FMCSA–2016–0041; FMCSA–2016–0042. Their exemptions are applicable as of July 29, 2018, and will expire on July 29, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: September 12, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–20160 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2017–0002–N–8]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the new Information Collection Request (ICR) abstracted below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Interested persons are invited to submit comments on or before November 16, 2018.

ADDRESSES: Submit written comments on the ICR activities by mail to either: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W33–497, Washington, DC 20590; or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W34–212, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, ''Comments on OMB Control Number 2130—NEW,'' and should also include the title of the ICR. Alternatively, comments may be faxed to (202) 493–6216 or (202) 493–6497, or emailed to Mr. Brogan at *Robert.Brogan@dot.gov,* or Ms. Toone at *Kim.Toone@dot.gov.* Please refer to the assigned OMB control number and title in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W33–497, Washington, DC 20590 (telephone: (202) 493–6292) or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W34–212, Washington, DC 20590 (telephone: (202) 493–6132).

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information

collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1). FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Driver Awareness of Emergency Notification System (ENS) Signage at Highway-Rail Grade Crossings.

OMB Control Number: 2130—NEW.

Abstract: FRA is interested in understanding more about drivers' awareness and understanding of the ENS signs posted at highway-rail grade crossings. ENS signs are placed at crossings so that if a driver encounters a malfunctioning crossing or an unsafe condition at a crossing the driver can call the number on the sign and use the posted crossing identification number to report the issue. If a driver were to become stuck on the tracks, the driver can also call the phone number displayed on the ENS sign to notify the railroad. This would help the railroad slow or stop any oncoming train and dispatch individuals who could help safely remove the stuck vehicle. Drivers may also choose to call the ENS number if they believe the crossing signage is damaged or obstructed. The study will help shed light on how drivers react when crossing infrastructure appears to be malfunctioning or when they become stuck on or near the crossing. This study will pay particular attention to whether drivers look for or attempt to make use of the information on the ENS sign.

The proposed study will use the FRA Driving Simulator, housed at the Volpe National Transportation System Center, to study driver behavior, including drivers' potential interaction with the ENS signage, at a variety of gate types and ENS sign orientations.

Participants will be asked to drive through a variety of scenarios to understand their behaviors under certain circumstances. The data collected in this portion will include:

a. Information on the vehicle driver's behavior to determine what a driver does and where the driver looks when at a crossing equipped with a functioning warning system;

b. information on the vehicle driver's behavior to determine how a driver responds to a malfunctioning crossing gate (*e.g.,* violated safety signals, turned around and found another route);

c. information on a driver's eye fixation locations to determine whether the driver notices an ENS sign or if the driver's eye fixates long enough to read it, when crossing warning systems are functioning properly or malfunctioning;

d. information on a driver's response to an ENS sign to determine whether the driver would use the information on the sign to address the issue; and

e. information on a driver's response to an ENS sign to determine whether the driver would use the information on the sign if the driver becomes stuck on the tracks.

This study will evaluate each participant's awareness of the ENS sign and the purpose it serves as well as the participant's response to various functioning and malfunctioning highway-rail grade crossing warning systems.

Type of Request: Approval of a new collection of information.

Affected Public: Individuals.

Form(s): N/A.

Respondent Universe: 100 individual volunteer drivers.

Frequency of Submission: One-time.

REPORTING BURDEN

Form	Respondent universe	Total annual responses	Average time per response (hours)	Total annual burden hours
Oral Interviews	100 Volunteer Drivers	100	1	100

Total Estimated Annual Responses: 100.

Total Estimated Annual Burden: 100 hours.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Juan D. Reyes III,

Chief Counsel.

[FR Doc. 2018–20052 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2015–0044]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that on July 18, 2018, Siemens Industry, Inc. (Siemens) petitioned the Federal Railroad Administration (FRA) to amend its waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 232.409(d), *Inspection and Testing of End-of-Train Devices.* FRA assigned the petition Docket Number FRA–2015–0044.

Siemens previously received relief from the requirements of 49 CFR 232.409(d) for two of its EOT models: Q3920 and R3930 (the dual air pipe version of Q3920). Siemens seeks additional relief from 49 CFR 232.409(d) for two new EOT models: A90385 and A90390. These two models are smaller and lighter than previous models. Both models (A90385 and A90390) use the same Ritron DTX–445 radio (exempt from periodic calibration via waiver in Docket Number FRA–2009–0015) as the previous model Q3920. Siemens states that, like the Q3920, the consistency of performance for the new EOT models (A90385 and A90390) is based on the reliability and accuracy of the Ritron DTX–445 radio. Therefore, Siemens contends that as long as the Ritron radio waiver in Docket Number FRA–2009–0015 is valid, the new Siemens EOT models (A90385 and A90390) should also be exempt from periodic calibration.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket

Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail*: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by November 1, 2018 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety Chief Safety Officer.

[FR Doc. 2018–20134 Filed 9–14–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Rural Health Advisory Committee, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Veterans' Rural Health Advisory Committee will meet at 333 John Carlyle St., 5th Floor, Training Room 2, Alexandria, VA 22314 on October 9–10. Both meeting sessions will begin at 8:30 a.m. (EST) each day and adjourn at 5:00 p.m. (EST). The meetings are open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on rural health care issues affecting Veterans. The Committee examines Programs and policies that impact the delivery of VA rural health care to Veterans and discusses ways to improve and enhance VA access to rural health care services for Veterans.

The agenda will include updates from Department leadership, Director Office of Rural Health and Committee Chairman, as well as presentations on general health care access.

Public comments will be received at 4:30 p.m. on October 10, 2018. Interested parties should contact Ms. Judy Bowie, via email at *VRHAC@va.gov,* via fax at (202) 632–8615, or by mail at 810 Vermont Avenue NW (10P1R), Washington, DC 20420. Individuals wishing to speak are invited to submit a 1–2 page summary of their comment for inclusion in the official meeting record. Any member of the public seeking additional information should contact Ms. Bowie at the phone number or email address noted above.

Dated: September 11, 2018.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–20074 Filed 9–14–18; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

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Part II

Environmental Protection Agency

40 CFR Parts 9 and 721
Significant New Use Rules on Certain Chemical Substances; Final Rule and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2018–0567; FRL–9983–14]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is promulgating significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 28 chemical substances which were the subject of premanufacture notices (PMNs). The chemical substances are subject to Orders issued by EPA pursuant to the TSCA. This action requires persons who intend to manufacture (defined by statute to include import) or process any of these 28 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the intended use within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination.

DATES: This rule is effective on November 16, 2018. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (e.s.t.) on October 1, 2018.

Written adverse comments on one or more of these SNURs must be received on or before October 17, 2018 (see Unit VI. of the **SUPPLEMENTARY INFORMATION**). If EPA receives written adverse comments, on one or more of these SNURs before October 17, 2018, EPA will withdraw the relevant sections of this direct final rule before its effective date.

For additional information on related reporting requirement dates, see Units I.A., VI., and VII. of the **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0567, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this rule. 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:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemicals subject to these SNURs must certify their compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of this rule on or after October 17, 2018 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see § 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

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 part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

A. What action is the Agency taking?

1. *Direct Final Rule.* EPA is promulgating these SNURs using direct final rule procedures. These SNURs will require persons to notify EPA at least 90 days before commencing the manufacture or processing of a chemical substance for any activity designated by these SNURs as a significant new use. Receipt of such notices obligates EPA to assess risks that may be associated with the significant new uses under the conditions of use and, if appropriate, to regulate the proposed uses before they occur.

2. *Proposed Rule.* In addition to this Direct Final Rule, elsewhere in this issue of the **Federal Register**, EPA is issuing a Notice of Proposed Rulemaking for this rule. If EPA receives no adverse comment, the Agency will not take further action on the proposed rule and the direct final rule will become effective as provided in this action. If EPA receives adverse comment on one or more of SNURs in this action by October 2, 2018 (see Unit VI. of the **SUPPLEMENTARY INFORMATION**), the Agency will publish in the **Federal**

Register a timely withdrawal of the specific SNURs that the adverse comments pertain to, informing the public that the actions will not take effect. EPA would then address all adverse public comments in a response to comments document in a subsequent final rule, based on the proposed rule.

B. What is the Agency's authority for taking this action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four bulleted TSCA section 5(a)(2) factors listed in Unit III. Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture or process the chemical substance for that use (15 U.S.C. 2604(a)(1)(B)(i)). TSCA furthermore prohibits such manufacturing or processing from commencing until EPA has conducted a review of the notice, made an appropriate determination on the notice, and taken such actions as are required in association with that determination (15 U.S.C. 2604(a)(1)(B)(ii)). As described in Unit V., the general SNUR provisions are found at 40 CFR part 721, subpart A.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. According to § 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the significant new use is not likely to present an unreasonable risk of injury or take such regulatory action as is associated with an alternative determination before the manufacture or processing for the significant new use can commence. If EPA determines that the significant new use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

III. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorizes EPA to consider any other relevant factors.

To determine what would constitute a significant new use for the 28 chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, likely human exposures and environmental releases associated with possible uses, and the four bulleted TSCA section 5(a)(2) factors listed in this unit.

IV. Substances Subject to This Rule

EPA is establishing significant new use and recordkeeping requirements for 28 chemical substances in 40 CFR part 721, subpart E. In this unit, EPA provides the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) Registry number (if assigned for non-confidential chemical identities).
- Basis for the TSCA section 5(e) Order.
- Information identified by EPA that would help characterize the potential health and/or environmental effects of the chemical substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use designated by the SNUR.

This information may include testing required in a TSCA section 5(e) Order to be conducted by the PMN submitter, as well as testing not required to be conducted but which would also help characterize the potential health and/or environmental effects of the PMN substance. Any recommendation for information identified by EPA was made based on EPA's consideration of available screening-level data, if any, as well as other available information on appropriate testing for the chemical substance. Further, any such testing identified by EPA that includes testing on vertebrates was made after consideration of available toxicity information, computational toxicology and bioinformatics, and high-throughput screening methods and their prediction models. EPA also recognizes that whether testing/further information is needed will depend on the specific exposure and use scenario in the SNUN. EPA encourages all SNUN submitters to contact EPA to discuss any potential future testing. See Unit VIII. for more information.

- CFR citation assigned in the regulatory text section of this rule.

The regulatory text section of these rules specifies the activities designated as significant new uses. Certain new uses, including exceedance of production volume limits (*i.e.,* limits on manufacture volume) and other uses designated in this rule, may be claimed as CBI. Unit IX. discusses a procedure companies may use to ascertain whether a proposed use constitutes a significant new use.

These rules include 28 PMN substances that are subject to Orders under TSCA section 5(e)(1)(A). Each Order is based on one or more of the findings in TSCA section 5(a)(3)(B): There is insufficient information to permit a reasoned evaluation; in the absence of sufficient information to permit a reasoned evaluation, the activities associated with the PMN substances may present unreasonable risk to human health or the environment; the substance is or will be produced in substantial quantities, and enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant (substantial) human exposure to the substance. Those Orders require protective measures to limit exposures or otherwise mitigate the potential unreasonable risk. The SNURs identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying Orders, consistent with TSCA section 5(f)(4). Where EPA determined that the PMN substance may present an unreasonable

risk of injury to human health via inhalation exposure, the underlying TSCA section 5(e) Order required, among other things, that potentially exposed employees wear specified respirators unless actual measurements of the workplace air show that air-borne concentrations of the PMN substance are below a New Chemical Exposure Limit (NCEL) that is established by EPA to provide adequate protection to human health. In addition to the actual NCEL concentration, the comprehensive NCELs provisions in TSCA section 5(e) Orders, which are modeled after Occupational Safety and Health Administration (OSHA) Permissible Exposure Limits (PELs) provisions, include requirements addressing performance criteria for sampling and analytical methods, periodic monitoring, respiratory protection, and recordkeeping. However, no comparable NCEL provisions currently exist in 40 CFR part 721, subpart B, for SNURs. Therefore, for these cases, the individual SNURs in 40 CFR part 721, subpart E, will state that persons subject to the SNUR who wish to pursue NCELs as an alternative to the § 721.63 respirator requirements may request to do so under § 721.30. EPA expects that persons whose § 721.30 requests to use the NCELs approach for SNURs that are approved by EPA will be required to comply with NCELs provisions that are comparable to those contained in the corresponding TSCA section 5(e) Order for the same chemical substance.

PMN Number: P–14–758

Chemical name: 2-Propenenitrile, polymer with methanamine, hydrogenated, 3-aminopropylterminated, ethoxylated propoxylated.

CAS number: 2055838–16–7.

Effective date of TSCA section 5(e) Order: September 15, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as urethane foam. Based on physical/chemical properties, EPA has identified concern for lung toxicity. Based on SAR analysis of polycationic polymers, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 416 parts per billion (ppb). The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Refraining from manufacturing the PMN substance in the United States (*i.e.* import only);
2. Use of personal protective equipment where there is a potential for dermal exposure;
3. Use of a National Institute of Occupational Safety and Health (NIOSH)-certified respirator with an APF of at least 50 where there is a potential for inhalation exposure;
4. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS;
5. No application method of the PMN substance that results in greater worker inhalation exposures to vapor, mist, or aerosol than those encountered in roller coating application;
6. Use of the PMN substance only for the confidential uses specified in the Order; and
7. No release of the PMN substance into the waters of the United States.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the physical-chemical properties, fate, ecotoxicity and pulmonary effects of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has determined that the results of physical-chemical property testing, fate, acute and chronic aquatic toxicity testing, and pulmonary toxicity testing would help characterize the potential environmental and health effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citation: 40 CFR 721.11124.

PMN Number: P–16–493

Chemical Name: Dicarboxylic acids, polymers with alkyl prop-2-enoate, alkyl 2- ethylprop-2-enoate, alkyl[(alkenyl)alkyl]alkanediol, alkanediol, alkanedioic acid, alkyl 2-rnethylprop-2-enoate, alkyl prop-2-enoic acid, alkylene [isocyanatocarbomonocyte] and alkanediol, alkanolamine-blocked, compds with 2-(alkylamino)alkanol (generic).

CAS Number: Not available.

Effective date of TSCA section 5(e) Order: September 18, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as paint. Based on physical/chemical properties of the PMN substance and test data on analogous diisocyanates, EPA identified concerns for dermal sensitization, respiratory sensitization, lung effects, neurotoxicity, and developmental toxicity, as well as skin irritation, and a potential for cancer to workers due to the possibility of isocyanate residuals. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(l)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Refraining from manufacturing or processing the PMN substance in the United States (*i.e.,* import only);
2. Import of the PMN substance to contain no more than 0.1% residual isocyanate by weight; and
3. Import of the PMN substance to contain no more than 1% of a confidential component by weight.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has determined that the results of sensitization and pulmonary toxicity testing would help characterize the potential health effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citation: 40 CFR 721.11125.

PMN Number: P–16–514

Chemical Name: Mixed metal oxide (generic).

CAS Number: Not available.

Effective date of TSCA section 5(e) Order: August 7, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-

confidential) use of the substance will be as a catalyst. Based on SAR analysis of test data on analogous mixed metal oxides, EPA identified concerns for lung effects, systemic effects, eye irritation and allergic skin reaction. EPA also identified risk to workers for lung toxicity based on lung overload for respirable, poorly soluble particulates. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(l)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health. To protect against these risks, the Order requires:

1. Submission to EPA of certain toxicity testing before exceeding the confidential production volume limit specified in the Order;

2. Use of personal protective equipment where there is a potential for dermal exposure;

3. Use of a NIOSH-certified respirator with an APF of at least 1,000 where there is a potential for inhalation exposure or compliance with a NCEL of 0.04 mg/m^3 as an 8-hour time-weighted average to prevent inhalation exposure;

4. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the Safety Data Sheet (SDS);

5. Refraining from manufacturing or processing the PMN substance in the United States (*i.e.,* import only);

6. Use of the PMN substance only for the confidential use stated in the Order; and

7. Disposal of the PMN substance only by recycling as described in the PMN.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed a certain production volume limit without performing specific pulmonary and internal organ toxicity testing.

CFR citation: 40 CFR 721.11126.

PMN Numbers: P–16–576 and P–16–577

Chemical names: Modified alkyl polyamine (generic) (P–16–576) and alkyl polyamine (generic) (P–16–577).

CAS numbers: Not available.

Effective date of TSCA section 5(e) Order: September 18, 2017.

Basis for TSCA section 5(e) Order: The PMNs state that the generic (non-confidential) use of the substances will be as an intermediate (P–16–576) and an oil lubricant additive (P–16–577). Based on the physical/chemical properties of the PMN substances, analogue toxicity data, and data on the PMN substances, EPA has identified concerns for irritation to the skin, eyes, mucous membranes, and lungs; effects to the GI tract, adrenal glands, and blood; immunotoxicity; and reproductive toxicity. Based on Structure Activity Relationship (SAR) predictions for polycationic polymers and aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 2 parts per billion. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substances may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Use of the PMN substances only for the confidential uses stated in the Order;

2. Use of personal protective equipment where there is a potential for dermal exposure;

3. Submission to EPA of certain toxicity testing for P–16–577 no later than 9 months and 12 months from the date of the Notice of Commencement (NOC) of either substance;

4. Refraining from manufacture, processing or use for consumer use or in commercial use where there is use in a consumer setting; and

5. No release of P–16–577 resulting in surface water concentrations that exceed 2 ppb.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the environmental and health effects of the PMN substances may be potentially useful to characterize the effects of the PMN substances in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed certain time limits without performing specific pharmacokinetic and developmental toxicity testing. Additionally, EPA has determined that the results of chronic aquatic toxicity testing on P–16–577 would help characterize the potential environmental effects caused by the PMN substances. Although the Order does not require this test, the Order's restrictions will remain in effect until the Order is modified or revoked by EPA based on submission of this or other information that EPA determines is relevant and needed to evaluate a modification request.

CFR citations: 40 CFR 721.11127 (P–16–576) and 40 CFR 721.11128 (P–16–577).

PMN Number: P–16–590

Chemical Name: Silica gel, reaction products with chromium oxide (CrO3) and ethoxydiethyl aluminum.

CAS Number: 932384–12–8.

Effective date of TSCA section 5(e) Order: September 13, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the use of the substance will be as a catalyst for polyethylene polymerization. Based on the reactivity of the PMN substance and the presence of chromium VI, EPA identified concerns for oncogenicity, reproductive toxicity, respiratory sensitization, and severe irritation to skin, eyes, lung and mucous membranes. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(l)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to health. To protect against these risks, the Order requires:

1. Handling the PMN substance under an inert atmosphere using containers and systems designed not to be exposed to the air;

2. Use of personal protective equipment where there is a potential for dermal exposure;

3. Use of a NIOSH-certified respirator with an APF of 10 to 1,000 depending on monitoring results from the methods required in the Order; and

4. Disposal of all waste streams containing the PMN substance and the constituent breakdown products of the PMN substance in a Resource Conservation and Recovery Act (RCRA) hazardous waste landfill.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a

significant new use that would be designated by this SNUR. EPA has determined that the results of a pulmonary toxicity study and a carcinogenicity study would help characterize the potential health effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions will remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11129.

PMN Number: P–16–593

Chemical Name: Carboxylic acids, C6-18 and C5-15-di-, polymers with diethyleneglycol, glycerol, sorbitol and terephthalic acid.

CAS Number: 1967778–37–5.

Effective date of TSCA section 5(e) Order: August 7, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the use of the substance will be as an aromatic polyester polyol for rigid foam. EPA identified concerns for lung effects and irritation to the eyes and mucous membranes based on the physical/chemical properties of the PMN substance. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(l)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Use of personal protective equipment where there is a potential for dermal exposure;

2. Use of the PMN substance only as an aromatic polyester polyol for rigid foam;

3. No manufacture, processing, or use of the PMN substance to result in inhalation exposures to a vapor, mist or aerosol; and

4. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the physical-chemical properties and health effects of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has determined that the results of physical-chemical property testing and pulmonary toxicity testing would help characterize the potential health effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11130.

PMN Number: P–17–5

Chemical name: 1-tetradecene homopolymer hydrogenated.

CAS number: 1857296–89–9.

Effective date of TSCA section 5(e) Order: August 9, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the use of the substance will be as a base fluid/carrier fluid for additives in motor oil, automatic transmission fluid, and industrial lubricants. Based on analysis of test data on an analogous chemical substance, EPA has identified concerns for irritation to mucous membranes and hydrocarbon pneumonia. The Order was issued under TSCA section 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health. The Order was also issued under TSCA section 5(a)(3)(B)(ii)(II) and 5(e)(1)(A)(ii)(II), based on a finding that the substance is or will be produced in substantial quantities and that the substance either enters or may reasonably be anticipated to enter the environment in substantial quantities, or there is or may be significant (or substantial) human exposure to the substance. To protect against these risks, the Order requires:

1. Submission to EPA of certain toxicity testing no later than 9 months after the NOC;

2. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS;

3. No manufacture, processing, or use of the PMN substance to result in inhalation exposure to a vapor, mist, or aerosol; and

4. Not process the PMN substance for use other than as a base fluid/carrier fluid for additives in motor oil, automatic transmission fluid, and industrial lubricants.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed a certain production volume limit without performing specific pulmonary toxicity testing.

CFR citation: 40 CFR 721.11131.

PMN Numbers: P–17–149, P–17–150, P–17–151, and P–17–165

Chemical Name: Fluorocyanophenyl alkylbenzoate (generic)

CAS Numbers: Not available.

Effective date of TSCA section 5(e) Order: August 10, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substances will be for electronic device use. Based on analysis of test data on analogous chemicals, EPA identified concerns for reproductive toxicity, developmental toxicity, neurotoxicity, and lung and skin effects. Based on SAR analysis of test data on analogous esters, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 2 ppb for P–17–165 and 4 ppb for the other PMN substances. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(l)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substances may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Submission to EPA of certain toxicity testing before exceeding the confidential production volume limit specified in the Order;

2. Use of personal protective equipment where there is a potential for dermal exposure;

3. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS;

4. Use of the PMN substances only for the confidential use specified in the Order;

5. No modification of the manufacture, processing or use of the PMN substances to result in inhalation exposure to vapor, dust, mist, or aerosol; and

6. No release of the PMN substances resulting in surface water concentrations that exceed 2 ppb for P–17–165 and 4 ppb for the other PMN substances.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the environmental and health effects of the PMN substances may be potentially useful to characterize the effects of the PMN substances in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed a certain production volume limit without performing specific reproductive/developmental toxicity testing and acute and chronic aquatic toxicity testing.

CFR citation: 40 CFR 721.11132.

PMN Number: P–17–175

Chemical Name: Fluorinated propenoic poly alkyl ether ester (generic).

CAS Number: Not available.

Effective date of TSCA section 5(e) Order: September 1, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the use of the PMN substance will be as a leveling agent for coatings applied to aluminum printing plates. Based on analysis of test data on the analogue perfluorohexanoic acid, EPA identified concerns for liver toxicity, blood toxicity, and male reproductive toxicity for the potential incomplete incineration product. Based on SAR predictions for polyanionic polymers for the potential degradation product, EPA also identified concern for effects of the potential degradation products to terrestrial wild animals and birds based on test data for analogous perfluoro chemicals in mammals. EPA has concerns that these degradation products will persist in the environment, could bioaccumulate or biomagnify, and could be toxic (PBT) to people, wild mammals, and birds. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(l)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Refraining from domestic manufacture in the United States (*i.e.,* import only);

2. No manufacture (including import) beyond a maximum annual production volume of 60 kg; and

3. Use of the PMN substance only as a leveling agent for coatings applied to aluminum printing plates.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the physical-chemical properties and fate of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has determined that the results of specific physical-chemical properties, environmental fate, and bioaccumulation testing would help characterize the potential health and environmental effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions will remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11133.

PMN number: P–17–199

Chemical name: Oxyalkylene urethane polyolefin (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: September 14, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the use of the substance will be as a binder in sealant. Based on the physical/chemical properties of the PMN substance, EPA identified concerns for oncogenicity, male reproductive effects, developmental toxicity and sensitization if the PMN substance were manufactured differently. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health. To protect against these risks, the Order requires:

1. Manufacture of the PMN substance at no less than the average molecular weight specified in the Order; and

2. Manufacture of the PMN substance with no more than 1% of the molecular weight content below 1,000 Daltons.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has determined that the results of specific developmental toxicity, internal organ toxicity, and sensitization testing would help characterize the potential health effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11134.

PMN Number: P–17–206

Chemical Name: Imino alkane amine phosphate (generic).

CAS Number: Not available.

Effective date of TSCA section 5(e) Order: August 9, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as a flame retardant for textiles. EPA identified concerns for irritation to eyes, mucous membranes, and lungs based on the pH of the PMN substance being 5. Also based on SAR analysis of test data on the nearest analogue inorganic phosphates EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 2 ppb. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(l)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Refraining from domestic manufacture in the United States (*i.e.,* import only);

2. Use of personal protective equipment where there is a potential for dermal exposure;

3. No modification of the processing or use of the PMN substance to result in inhalation exposures to vapor, dust, mist, or aerosol;

4. Use of the PMN substance only for the confidential use specified in the Order;

5. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS;

6. No release of the PMN substance into the waters of the United States; and

7. Disposal of the PMN substance and waste streams containing the PMN substance by incineration.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the environmental effects of the PMN substance may be potentially useful in support of a request by the

PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has determined that the results of specific acute aquatic toxicity testing would help characterize the potential environmental effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citations: 40 CFR 721.11135 (P–17–206).

PMN Number: P–17–223

Chemical Name: Fatty acids, tall-oil, reaction products with 2-[(2-aminoalkyl)amino]alkanol, compds. with alkylene oxide-glycidyl o-tolyl ether polymer dihydrogenphosphate alkyl ether (generic).

CAS Number: Not available.

Effective date of TSCA section 5(e) Order: September 12, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as an additive for open, non-dispersive use. EPA identified concerns for developmental toxicity based on N-heterocyclic compounds and concerns for possible irritation to mucous membranes and lung toxicity based on potential surfactancy properties. Also based on SAR analysis of test data on nearest analogue of soluble forms of inorganic phosphates, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 15 ppb. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(l)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Submission to EPA of certain toxicity testing before exceeding the confidential production volume limit specified in the Order;
2. Refraining from manufacture, processing, or use for consumer use or in commercial use where there is use in a consumer setting;
3. Refrain from domestic manufacture in the United States (*i.e.,* import only);
4. Use of the PMN substance only for the confidential use specified in the Order;
5. Use of the PMN substance in the confidential formulation at a concentration not greater than 1 percent by weight or volume;
6. Use of personal protective equipment where there is a potential for dermal exposure;
7. Refraining from modifying the processing if such modification would result in inhalation exposures to the PMN substance by vapor, dust, mist, or aerosol at a concentration of greater than 1 percent by weight or volume;
8. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS; and
9. No release of the PMN substance resulting in surface water concentrations that exceed 15 ppb.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the physical-chemical properties, environmental effects, and health effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed a certain production volume limit without performing specific reproductive/developmental toxicity testing and acute aquatic toxicity testing. EPA has also determined that the results of specific physical-chemical property and pulmonary toxicity testing would help characterize the potential human and environmental effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11136.

PMN Number: P–17–230

Chemical Name: Oxirane, 2-alkyl-, polymer with oxirane, mono[N-[3-(carboxyamino)-4(or 6)-alkylphenyl]carbamate], alkyl ether, ester with 2,2′,2″-nitrilotris-[alkanol] (generic).

CAS Number: Not available.

Effective date of TSCA section 5(e) Order: September 12, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as an additive for open, non-dispersive use. Based on the potential surfactant properties, cationic binding to lung tissues, EPA identified concerns for lung toxicity and skin irritation. Based SAR analysis of test data on analogous polycationic polymers, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 65 parts per billion. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(l)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Submission to EPA of certain toxicity testing before exceeding the confidential production volume limit specified in the Order;
2. Refraining from manufacture, processing, or use for consumer use or in commercial use where there is use in a consumer setting;
3. Refraining from domestic manufacture in the United States (*i.e.,* import only);
4. Use of the PMN substance only for the confidential use specified in the Order;
5. Use of the PMN substance in the confidential formulation at a concentration not greater than 1 percent by weight or volume;
6. Use of personal protective equipment where there is a potential for dermal exposure;
7. Refraining from modifying the processing method if such modification would result in inhalation exposures to the PMN substance by vapor, dust, mist, or aerosol, at a concentration of greater than 1 percent by weight or volume;
8. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS; and
9. No release of the PMN substance resulting in surface water concentrations that exceed 65 ppb.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the physical-chemical properties, environmental effects, and health effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed a certain production volume limit without performing specific acute aquatic and sediment toxicity testing. EPA has also determined that the results of specific physical-chemical property and pulmonary toxicity testing would help characterize the potential health effects of the PMN substance. Although the

Order does not require these tests, the Order's restrictions will remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11137.

PMN Number: P–17–236

Chemical Name: Formaldehyde, polymer with (chloromethyl) oxirane and substituted aromatic compounds (generic).

CAS Number: Not available.

Effective date of TSCA section 5(e) Order: September 11, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as matrix resin for composite materials and binder resin for electronic materials. Based on analysis of test data on the PMN substance, analysis of data on analogous chemicals, and on the epoxide chemical category of concern, EPA identified concerns for skin and lung sensitization, oncogenicity, developmental toxicity, and male reproductive toxicity. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(l)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to health. To protect against these risks, the Order requires:

1. Submission to EPA of certain toxicity testing before exceeding the confidential production volume limit specified in the Order;
2. Use of personal protective equipment where there is a potential for dermal exposure;
3. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS;
4. Refraining from domestic manufacture in the United States (*i.e.,* import only);
5. Use of the PMN substance only as described in the PMN; and
6. No manufacture, processing, or use that results in inhalation exposure to vapor, dust, mist, or aerosol.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed a certain production volume limit without performing sensitization testing. EPA has also determined that the results of specific internal organ toxicity and carcinogenicity testing would help characterize the potential health effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions will remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11138.

PMN numbers: P–17–241, P–17–242, P–17–243, P–17–244

Chemical names: Acid, reaction products with cadmium selenide (CdSe), trioctylphosphine and trioctylphosphine oxide (generic) (P–17–241), Acid, reaction products with cadmium selenide sulfide, acid, trioctylphosphine and trioctylphosphine oxide (generic) (P–17–242), Acid, reaction products with cadmium metal selenide sulfide, trioctylphosphine and trioctylphosphine oxide (generic) (P–17–243), Metal oxide reaction products with cadmium metal selenide sulfide, and amine (generic) (P–17–244).

CAS numbers: Not available.

Effective date of TSCA section 5(e) Order: September 20, 2017.

Basis for TSCA section 5(e) Order: The PMNs state that the generic (non-confidential) use of P–17–241, P–17–242, and P–17–243 will be as chemical intermediates, and the specific use of P–17–244 will be as a down converting phosphor particle for use in conjunction with optoelectronic components. Based on analogy to respirable poor soluble particulates and the presence of cadmium, EPA identified concerns for lung effects, kidney effects, and oncogenicity for the PMN substances. EPA also identified concerns for neurotoxicity, developmental toxicity, and kidney toxicity for PMN P–17–244 based on the presence of other chemicals. Based on analysis of test data for cadmium and selenium core components, there is high hazard for acute and chronic environmental toxicity for PMNs P–17–241, P–17–242, and P–17–243. There is potential chronic environmental toxicity for PMN P–17–244 based on the presence of cadmium. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substances may present an unreasonable risk of injury to health and the environment. To protect against these risks, the Order requires:

1. Submission to EPA of certain testing for P–17–244 before exceeding the confidential production volume limit specified in the Order;
2. Use of personal protective equipment where there is potential for dermal exposure;
3. Manufacture, processing, and use P–17–241, P–17–242, and P–17–243 only as chemical intermediates as required in the Order;
4. Manufacture, processing, and use P–17–241, P–17–242, and P–17–243 only in liquid formulations;
5. No use of P–17–241, P–17–242, and P–17–243 in applications that generate a dust, mist, or aerosol;
6. Manufacture, processing and use of P–17–244, only as a down-converter for use in conjunction with optoelectronic components;
7. For workers potentially exposed to the solid form of P–17–244, use of a laminar-flow fume hood or glove box to reduce or eliminate inhalation exposure, and workers who may still be exposed by inhalation will use a NIOSH-certified full-faced respirator with an APF of at least 50; and
8. Disposal of the PMN substances only by incineration in a permitted hazardous waste incinerator.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the fate and health effects of the PMN substances may be potentially useful in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed a certain production volume limit without performing certain fate and internal organ toxicity testing on P–17–244. EPA has also determined that the results of specific fate testing would help characterize the potential health and environmental effects of the PMN substances. Although the Order does not require these tests, the Order's restrictions will remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citations: 40 CFR.11139 (P–17–241), 40 CFR.11140 (P–17–242), 40 CFR.11141 (P–17–243), and 40 CFR.11142 (P–17–244).

PMN number: P–17–265

Chemical name: Alkanoic acid, 2-alkyl-, substituted alkyl ester, polymer with alkyl alkenoate, substituted carbomonocycle, substituted alkyl

alkenoate and alkyl substituted alkenoate, substituted alkanenitrile-initiated (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: August 16, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the use of the substance will be as a coating resin intermediate. Based on physical/chemical properties EPA identified concerns for lung toxicity, systemic toxicity, reproductive toxicity, corrosion, and irritation for the PMN substance when it has an acid concentration greater than 20% or an amine concentration greater than 5%. Based on SAR analysis for anionic polymers and physical/chemical properties, EPA has identified concern for environmental effects when it has an acid concentration greater than 20%. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to health and the environment. To protect against these risks, the Order requires:

1. Refraining from manufacturing the PMN substance with an acid concentration greater than 20%; and

2. Refraining from manufacturing the PMN substance with an amine concentration greater than 5%.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health and environmental effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has determined that the results of specific physical-chemical property testing, pulmonary toxicity testing, irritation testing, and acute and chronic aquatic toxicity testing would help characterize the potential health and environmental effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions will remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11143.

PMN number: P–17–301

Chemical name: Manganese heterocyclic-amine carboxylate complexes (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: September 22, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic use of the PMN substance will be as a surface drier in clear and pigmented coatings systems. Based on the physical/chemical properties of the PMN substance and analysis of analogue test data, EPA identified concerns for neurotoxicity, developmental toxicity, and eye and skin irritation. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to health and the environment. The Order was also issued under TSCA sections 5(a)(3)(B)(ii)(II) and 5(e)(1)(A)(ii)(II), based on a finding that the substance is or will be produced in substantial quantities and that the substance either enters or may reasonably be anticipated to enter the environment in substantial quantities. To protect against these risks, the Order requires:

1. Submission to EPA of certain testing before exceeding an aggregate total production of 430,000 kilograms of the PMN substance;

2. Use of personal protective equipment where there is a potential for dermal exposure;

3. Use of a NIOSH-certified respirator with an APF of at least 10 where there is potential for inhalation exposure;

4. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS; and

5. No use of the PMN substance other than as a surface drier in clear and pigmented coatings systems.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed the production limit without performing specific reproductive/developmental toxicity testing.

CFR citation: 40 CFR 721.11144.

PMN number: P–17–318

Chemical name: Sulfuric acid mixed salt (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: September 25, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as a component in nutrient solutions. Based on analogue data and information provided in the SDS, EPA has identified concerns for skin, eye, respiratory, and GI tract irritation, corrosion and acute toxicity. Also, based on SAR predictions for analogue inorganic salts, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 760 ppb. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. The Order was also issued under TSCA sections 5(a)(3)(B)(ii)(II) and 5(e)(1)(A)(ii)(II), based on a finding that the substance is or will be produced in substantial quantities and that the substance either enters or may reasonably be anticipated to enter the environment in substantial quantities. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the confidential production volume limit specified in the Order.

2. Use of personal protective equipment where there is a potential for dermal exposure.

3. Use of the PMN substance only for the confidential use specified in the Order.

4. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

5. Manufacture of the PMN substance to contain no more than 1% free ammonia.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health and environmental effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed the production limit without performing specific acute aquatic toxicity testing. EPA has also determined that the results of specific reproductive/developmental toxicity testing would help characterize the potential health and environmental

effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions will remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11145.

PMN number: P–17–323

Chemical name: 2-Propenoic acid, branched alkyl ester (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: September 26, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the use of the substance will be as a reactive monomer for use in producing polymers. Based on the physical/chemical properties of the PMN substance (as described in the New Chemical Program's PBT category at 64 FR 60194; November 4, 1999) and test data on structurally similar substances, the PMN substance is a potentially persistent, bioaccumulative, and toxic (PBT) chemical. EPA estimates that the PMN substance will persist in the environment more than 2 months and estimates a bioaccumulation factor of greater than or equal to 1,000. Based on SAR analysis of test data on analogous acrylates and from the branched acid that may be formed after ester hydrolysis, EPA has identified concerns for eye and skin irritation, oncogenicity, developmental toxicity, liver toxicity, kidney toxicity, and sensitization. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the confidential production volume limit as specified in the Order;

2. Use of personal protective equipment where there is a potential for dermal exposure;

3. No use of the PMN substance other than as a reactive monomer for use in producing polymers;

4. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS;

5. Refraining from domestic manufacture in the United States (*i.e.,* import only); and

6. No release of the PMN substance to the waters of the United States.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed the production limit without performing specific developmental/reproductive toxicity and sensitization testing. EPA has also determined that the results of specific fate testing would help characterize the potential health effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions will remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11146.

PMN number: P–17–326

Chemical name: Allyloxymethylacrylate (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: September 5, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as an ultraviolet curable monomer. Based on analysis of test data on the PMN substance and the physical/chemical properties of the PMN substance, EPA identified concerns for oncogenicity, developmental and reproductive effects, liver and kidney toxicity, sensitization, and irritation. Additionally, the SDS indicates concerns for severe skin and eye damage and allergic skin reaction. Based on analysis of acute aquatic toxicity data, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 26 ppb. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the PMN substance may present an unreasonable risk of injury to health and the environment. To protect against these risk, the Order requires:

1. Submission of certain toxicity testing on the PMN substance prior to exceeding the confidential production volume limit as specified in the Order;

2. Use of personal protective equipment where there is potential for dermal exposure;

3. Use of NIOSH certified respirators with an APF of 10 to prevent inhalation exposure where there is potential for inhalation exposure;

4. Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS;

5. Refraining from domestic manufacture in the United States (*i.e.,* import only);

6. Use of the PMN substance only as specified in the Order; and

7. No release of the PMN substance into the waters of the United States.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health and environmental effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed the production limit without performing specific developmental/reproductive toxicity and sensitization testing. EPA has also determined that the results of specific chronic aquatic toxicity testing would help characterize the potential environmental effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions will remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11147.

PMN number: P–17–345

Chemical name: Polyurethane, methacrylate blocked (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: September 6, 2017.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as a resin intermediate. Based on physical/chemical properties of the PMN substance, EPA identified concerns for irritation to skin, eye, lung, mucous membranes, and potential neurotoxicity. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to health and the environment. To protect against these risks, the Order requires:

1. Submission of certain toxicity testing within six months from the date of the NOC;

2. Use of personal protective equipment where there is potential for dermal exposure;

3. Establishment and use of a hazard communication program, including human health precautionary statements on each label and SDS;

4. No manufacturing, processing, or use of the PMN substance in a manner that would result in inhalation exposure to vapor, mist, aerosol, or dust; and

5. Use the PMN substance only as specified in the Order.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed the production limit without performing specific eye irritation testing.

CFR citation: 40 CFR 721.11148.

V. Rationale and Objectives of the Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are subject to these SNURs, EPA concluded that for all 28 chemical substances, regulation was warranted under TSCA section 5(e), pending the development of information sufficient to make reasoned evaluations of the health or environmental effects of the chemical substances. The basis for such findings is outlined in Unit IV. Based on these findings, TSCA section 5(e) Orders requiring the use of appropriate exposure controls were negotiated with the PMN submitters.

The SNURs identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying Orders, consistent with TSCA section 5(f)(4).

B. Objectives

EPA is issuing these SNURs for specific chemical substances which have undergone premanufacture review because the Agency wants to achieve the following objectives with regard to the significant new uses designated in this rule:

- EPA will receive notice of any person's intent to manufacture or process a listed chemical substance for the described significant new use before that activity begins.
- EPA will have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- EPA will be able to either determine that the prospective manufacture or processing is not likely to present an unreasonable risk, or to take necessary regulatory action associated with any other determination, before the described significant new use of the chemical substance occurs.
- EPA will identify as significant new uses any manufacturing, processing, use, distribution in commerce, use, or disposal that does not conform to the restrictions imposed by the underlying Orders, consistent with TSCA section 5(f)(4).

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *http://www.epa.gov/opptintr/existingchemicals/pubs/tscainventory/index.html.*

VI. Direct Final Procedures

EPA is issuing these SNURs as a direct final rule. The effective date of this rule is November 16, 2018 without further notice, unless EPA receives written adverse comments before October 17, 2018.

If EPA receives written adverse comments on one or more of these SNURs before October 17, 2018, EPA will withdraw the relevant sections of this direct final rule before its effective date.

This rule establishes SNURs for a number of chemical substances. Any person who submits adverse comments must identify the chemical substance and the new use to which it applies. EPA will not withdraw a SNUR for a chemical substance not identified in the comment.

VII. Applicability of the Significant New Use Designation

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule have undergone premanufacture review. In cases where EPA has not received an NOC and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for chemical substances for which an NOC has not been submitted EPA concludes that the designated significant new uses are not ongoing.

When chemical substances identified in this rule are added to the TSCA Inventory, EPA recognizes that, before the rule is effective, other persons might engage in a use that has been identified as a significant new use. However, TSCA section 5(e) Orders have been issued for all of the chemical substances, and the PMN submitters are prohibited by the TSCA section 5(e) Orders from undertaking activities which will be designated as significant new uses. The identities of 24 of the 28 chemical substances subject to this rule have been claimed as confidential and EPA has received no post-PMN *bona fide* submissions (per §§ 720.25 and 721.11) for a chemical substance covered by this action. Based on this, the Agency believes that it is highly unlikely that any of the significant new uses described in the regulatory text of this rule are ongoing.

Therefore, EPA designates September 17, 2018 as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach has been to ensure that a person could not defeat a SNUR by initiating a significant new use before the effective date of the direct final rule.

Persons who begin commercial manufacture or processing of the chemical substances for a significant new use identified as of that date will have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons will have to first comply with all applicable SNUR notification requirements and wait until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination.

VIII. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require developing any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: development of test data is required where the chemical substance subject to the SNUR is also subject to a rule, order or consent agreement under TSCA section 4 (see TSCA section 5(b)(1)).

In the absence of a TSCA section 4 test rule covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Unit IV. lists required or recommended

testing for all of the listed SNURs. Descriptions of tests are provided for informational purposes. EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h). To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.'' The Organisation for Economic Co-operation and Development (OECD) test guidelines are available from the OECD Bookshop at *http://www.oecdbookshop.org* or SourceOECD at *http://www.sourceoecd.org.*

In certain of the TSCA section 5(e) Orders for the chemical substances regulated under this rule, EPA has established production volume limits in view of the lack of data on the potential health and environmental risks that may be posed by the significant new uses or increased exposure to the chemical substances. These limits cannot be exceeded unless the PMN submitter first submits the results of toxicity tests that would permit a reasoned evaluation of the potential risks posed by these chemical substances. Listings of the tests specified in the TSCA section 5(e) Orders are included in Unit IV. The SNURs contain the same production volume limits as the TSCA section 5(e) Orders. Exceeding these production limits is defined as a significant new use. Persons who intend to exceed the production limit must notify the Agency by submitting a SNUN at least 90 days in advance of commencement of non-exempt commercial manufacture or processing.

Any request by EPA for the triggered and pended testing described in the Orders was made based on EPA's consideration of available screening-level data, if any, as well as other available information on appropriate testing for the PMN substances. Further, any such testing request on the part of EPA that includes testing on vertebrates was made after consideration of available toxicity information, computational toxicology and bioinformatics, and high-throughput screening methods and their prediction models.

Potentially useful information identified in Unit IV. may not be the only means of addressing the potential risks of the chemical substance. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA section 5(e), particularly if satisfactory test results have not been obtained from a prior PMN or SNUN submitter. EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

IX. Procedural Determinations

By this rule, EPA is establishing certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E. Absent a final determination or other disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI, at § 721.1725(b)(1).

Under these procedures a manufacturer or processor may request EPA to determine whether a proposed use would be a significant new use under the rule. The manufacturer or processor must show that it has a *bona fide* intent to manufacture or process the chemical substance and must identify the specific use for which it intends to manufacture or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers and processors can combine the *bona fide* submission under the procedure in § 721.1725(b)(1) with that under § 721.11 into a single step.

If EPA determines that the use identified in the *bona fide* submission would not be a significant new use, *i.e.,* the use does not meet the criteria specified in the rule for a significant new use, that person can manufacture or process the chemical substance so long as the significant new use trigger is not met. In the case of a production volume trigger, this means that the aggregate annual production volume does not exceed that identified in the *bona fide* submission to EPA. Because of confidentiality concerns, EPA does not typically disclose the actual production volume that constitutes the use trigger. Thus, if the person later intends to exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use.

X. SNUN Submissions

According to § 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and § 721.25. E–PMN software is available electronically at *http://www.epa.gov/opptintr/newchems.*

XI. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this rule. EPA's complete economic analysis is available in the docket under docket ID number EPA–HQ–OPPT–2018–0567.

XII. Statutory and Executive Order Reviews

A. Executive Order 12866

This action establishes SNURs for several new chemical substances that were the subject of PMNs, or TSCA section 5(e) Orders. 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).

B. Paperwork Reduction Act (PRA)

According to PRA (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40

of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable. EPA is amending the table in 40 CFR part 9 to list the OMB approval number for the information collection requirements contained in this action. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320. This Information Collection Request (ICR) was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to amend this table without further notice and comment.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Collection Strategies Division, Office of Environmental Information (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act (RFA)

On February 18, 2012, EPA certified pursuant to RFA section 605(b) (5 U.S.C. 601 *et seq.*), that promulgation of a SNUR does not have a significant economic impact on a substantial number of small entities where the following are true:

1. A significant number of SNUNs would not be submitted by small entities in response to the SNUR.

2. The SNUR submitted by any small entity would not cost significantly more than $8,300.

A copy of that certification is available in the docket for this action.

This action is within the scope of the February 18, 2012 certification. Based on the Economic Analysis discussed in Unit XI. and EPA's experience promulgating SNURs (discussed in the certification), EPA believes that the following are true:

- A significant number of SNUNs would not be submitted by small entities in response to the SNUR.
- Submission of the SNUN would not cost any small entity significantly more than $8,300.

Therefore, the promulgation of the SNUR would not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this action. As such, EPA has determined that this action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132

This action will not have a substantial direct effect on 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, entitled ''Federalism'' (64 FR 43255, August 10, 1999).

F. Executive Order 13175

This action does not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This action does not significantly nor uniquely affect the communities of Indian Tribal governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), do not apply to this action.

G. Executive Order 13045

This action is not subject to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211

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), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d) (15 U.S.C. 272 note), does not apply to this action.

J. Executive Order 12898

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

XIII. 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

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: September 5, 2018.

Jeffery T. Morris,

Director, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR parts 9 and 721 are amended as follows:

PART 9—[AMENDED]

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.,* 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.,* 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.,* 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 14;9.1, add the following sections in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
Significant New Uses of Chemical Substances	
* * * * *	
721.11124	2070–0012
721.11125	2070–0012
721.11126	2070–0012
721.11127	2070–0012
721.11128	2070–0012
721.11129	2070–0012
721.11130	2070–0012
721.11131	2070–0012
721.11132	2070–0012
721.11133	2070–0012
721.11134	2070–0012
721.11135	2070–0012
721.11136	2070–0012
721.11137	2070–0012
721.11138	2070–0012
721.11139	2070–0012
721.11140	2070–0012
721.11141	2070–0012
721.11142	2070–0012
721.11143	2070–0012
721.11144	2070–0012
721.11145	2070–0012
721.11146	2070–0012
721.11147	2070–0012
721.11148	2070–0012
* * * * *	

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PART 721—[AMENDED]

■ 3. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. Add § 14;721.11124 to subpart E to read as follows:

§ 721.11124 2-Propenenitrile, polymer with methanamine, hydrogenated, 3-aminopropylterminated, ethoxylated propoxylated.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-Propenenitrile, polymer with methanamine, hydrogenated, 3-aminopropylterminated, ethoxylated propoxylated (PMN P–14–758; CAS No. 2055838–16–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the PMN substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3) through (5) (respirators must provide a National Institute for Occupational Safety and Health assigned protection factor of at least 50), and (a)(6)(v), (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%), and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (e) (concentration set at 1.0%), (f), (g)(1)(ii), (g)(2)(ii), (g)(4)(iii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (k). A significant new use is any spray application method that results in greater worker inhalation exposures to vapor, mist, or aerosol than the roller coating application.

(iv) *Release to water.* Requirements as specified in § 721.90(b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 5. Add § 14;721.11125 to subpart E to read as follows:

§ 721.11125 Dicarboxylic acids, polymers with alkyl prop-2-enoate, alkyl 2-ethylprop-2-enoate, alkyl[(alkenyl)alkyl]alkanediol, alkanediol, alkanedioic acid, alkyl 2-rnethylprop-2-enoate, alkyl prop-2-enoic acid, alkylene [isocyanatocarbomonocyte] and alkanediol, alkanolamine-blocked, compds with 2-(alkylamino)alkanol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as dicarboxylic acids, polymers with alkyl prop-2-enoate, alkyl 2-ethylprop-2-enoate, alkyl[(alkenyl)alkyl]alkanediol, alkanediol, alkanedioic acid, alkyl 2-methylprop-2-enoate, alkyl prop-2-enoic acid, alkylene [isocyanatocarbomonocyte] and alkanediol, alkanolamine-blocked, compds with 2-(alkylamino)alkanol (P–16–493) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f). It is a significant new use to import the PMN substance to contain more than 0.1% residual isocyanate by weight. It is a significant new use to import the PMN substance to contain more than 1% of a confidential component by weight.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 6. Add § 721.11126 to subpart E to read as follows:

§ 721.11126 Mixed metal oxide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as a mixed metal oxide (P–16–514) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (5) (respirators must provide a National Institute for Occupational Safety and Health assigned protection factor of at least 1,000), and (a)(6) (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%), and § 721.63(c).

(A) As an alternative to the respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in the TSCA section 5(e) Order for this substance. The NCEL is 0.04 mg/m^3 as an 8-hour time weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) Order.

(B) [Reserved]

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(iv), (lung toxicity if inhaled), (eye irritation), (allergic skin reaction), (g)(2)(i) through (iii) and (v) (use respiratory protection or maintain workplace airborne concentrations at or below an 8-hour time-weighted average of 0.04 mg/m^3), (g)(4)(i), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, Commercial, and consumer activities.* Requirements as specified in § 721.80(e), (f), (k), and (q).

(iv) *Disposal.* Requirements as specified in § 721.85. It is a significant new use to dispose of the PMN substance other than by recycling as described in the Order.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (j) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraphs (a)(2)(iii) and (iv) of this section.

■ 7. Add § 721.11127 to subpart E to read as follows:

§ 721.11127 Modified alkyl polyamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as modified alkyl polyamine (PMN P–16–576) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (a)(6) (particulate), (vapor), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%), and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (ii), (vi), (viii), (g)(2)(i) through (iii) and (v), (g)(3)(i) and (ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k). It is a significant new use to manufacture the chemical substance more than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 8. Add § 721.11128 to subpart E to read as follows:

§ 721.11128 Alkyl polyamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as alkyl polyamine (PMN P–16–577) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i)(iii), (a)(3), (a)(6)(v), (a)(6) (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%), and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (ii), (vi), (viii), (g)(2)(i) through (iii) and (v), (g)(3)(i) and (ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k). It is a significant new use to manufacture the chemical substance more than 9 months.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 2.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are

applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 9. Add § 721.11129 to subpart E to read as follows:

§ 721.11129 Silica gel, reaction products with chromium oxide (CrO3) and ethoxydiethyl aluminum.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as silica gel, reaction products with chromium oxide (CrO3) and ethoxydiethyl aluminum is (P–16–590, CAS No. 932384–12–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (a)(3) through (5) (respirators must provide a National Institute for Occupational Safety and Health assigned protection factor of 10 to 1,000 depending on the results of the exposure monitoring as described in the Order for P16–590 and required by this section (a)(2)(i), (a)(6) (particulate), and (a)(6) (vapor), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4) engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 0.1%), and § 721.63(c). It is a significant new use to not conduct the exposure monitoring required in the Order for P16–590 when workers are reasonably likely to be exposed by inhalation.

(ii) *Industrial, Commercial, and consumer activities.* Requirements as specified in § 721.80. It is a significant new use to manufacture, process, or use the PMN substance other than in a system where the PMN substance is handled in an inert atmosphere and is not designed to be exposed to air.

(iii) *Disposal.* Requirements as specified in § 721.85. It is a significant new use to dispose of all waste streams containing the PMN substance and the constituent breakdown products of the PMN substance other than in a Resource Conservation and Recovery Act hazardous waste landfill.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (j) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 10. Add § 14;721.11130 to subpart E to read as follows:

§ 721.11130 Carboxylic acids, C6–18 and C5–15-di-, polymers with diethylene glycol, glycerol, sorbitol and terephthalic acid.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as carboxylic acids, C6–18 and C5–15-di-, polymers with diethylene glycol, glycerol, sorbitol and terephthalic acid (P–16–593, CAS No. 1967778–37–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), and (a)(3), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%), and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(ii), (irritation), (g)(2)(i) through (iii) and (v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, Commercial, and consumer activities.* Requirements as specified in § 721.80(k)(aromatic polyester polyol for rigid foam). It is a significant new use to manufacture, process, or use the PMN substance to result in inhalation exposure to a vapor, mist or aerosol.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 11. Add § 14;721.11131 to subpart E to read as follows:

§ 721.11131 1-tetradecene homopolymer hydrogenated.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1-tetradecene homopolymer hydrogenated (PMN P–17–5, CAS No. 1857296–89–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Hazard communication.* Requirements as specified in § 721.72(a) through (e)(concentration set at 1.0%), (f), (g)(1)(ii), (g)(2)(ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k)(base fluid/carrier fluid for additives in motor oil, automatic transmission fluid, and industrial lubricants). It is a significant new use to manufacture the chemical substance more than 9 months. It is a significant new use to manufacture, process, or use the PMN substance to resuls in inhalation exposure to a vapor, mist or aerosol.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (f) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 12. Add § 14;721.11132 to subpart E to read as follows:

§ 721.11132 Fluorocyanophenyl alkylbenzoate (generic)

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances generically identified as fluorocyanophenyl alkylbenzoate (P–17–149), (P–17–150), (P–17–151), and (P–17–165) are subject

to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (iii), and (iv), (a)(3), and (a)(6)(v), (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%) and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e)(concentration set at 1.0%), (f), (g)(1)(i) through (iii), (iv), (vi), and (ix), (g)(2)(i), (ii), (iii), and (v), (g)(3)(i) and (ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, Commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (q). It is a significant new use to manufacture, process, or use the PMN substance to result in inhalation exposures to vapor, dust, mist, or aerosols to the substance.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 2 for P–17–165 and N = 4 for P–17–149, P–17–150, and P–17–151.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 13. Add § 14;721.11133 to subpart E to read as follows:

§ 721.11133 Fluorinated propenoic poly alkyl ether ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as fluorinated propenoic poly alkyl ether ester (P–17–175) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Industrial, Commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (t)(60 kilograms). It is a significant new use to use the substance other than as a leveling agent for coatings applied to aluminum printing plates.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

■ 14. Add § 14;721.11134 to subpart E to read as follows:

§ 721.11134 Oxyalkylene urethane polyolefin (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as oxyalkylene urethane polyolefin (PMN P–17–199) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80. It is a new use the manufacture (including import) the PMN substance with an average molecular weight greater than specified in the Order or with more than 1% of the molecular weight content below 1,000 Daltons.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 15. Add § 14;721.11135 to subpart E to read as follows:

§ 721.11135 Imino alkane amine phosphate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as imino alkane amine phosphate (P–17–206) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (a)(6)(v), (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%) and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e)(concentration set at 1.0%), (f), (g)(1)(i), (g)(2)(i) and (v), (g)(3)(i) and (ii), (g)(4)(iii), and (g)(5), Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, Commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (k). It is a significant new use to modify processing or use if it results in inhalation exposure to vapor, dust, mist, or aerosols to the substance.

(iv) *Disposal.* Requirements as specified in § 721.85(a)(1), (b)(1), and (c)(1).

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 16. Add § 14;721.11136 to subpart E to read as follows:

§ 721.11136 Fatty acids, tall-oil, reaction products with 2-[(2-aminoalkyl)amino]alkanol, compds. with alkylene oxide-glycidyl o-tolyl ether polymer dihydrogen phosphate alkyl ether (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as fatty acids, tall-oil, reaction products with 2-[(2-aminoalkyl)amino]alkanol, compds. with alkylene oxide-glycidyl o-tolyl ether polymer dihydrogen phosphate alkyl ether (P–17–223) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), and (a)(6)(v), (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and, engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%) and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e)(concentration set at 1.0%), (f), (g)(1)(i) and (ii), (g)(2)(i), (ii), and (v), (g)(3)(i) and (ii), and (g)(5), Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, Commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (q). It is a significant new use to modify any processing if such modification would result in inhalation exposures to the PMN substance by vapor, dust, mist, or aerosol, at a concentration of greater than 1 percent by weight or volume. It is a significant new use to use the PMN substance in the confidential formulation identified in the Order at concentration greater than 1 percent by weight or volume. It is a significant new use to manufacture, process, or use the substance for consumer use or for commercial uses that could introduce the substance into a consumer setting.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 15.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 17. Add § 14;721.11137 to subpart E to read as follows:

§ 721.11137 Oxirane, 2-alkyl-, polymer with oxirane, mono[N-[3-(carboxyamino)-4(or 6)-alkylphenyl]carbamate], alkyl ether, ester with 2,2′,2″-nitrilotris-[alkanol] (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as oxirane, 2-alkyl-, polymer with oxirane, mono[N-[3-(carboxyamino)-4(or 6)-alkylphenyl]carbamate], alkyl ether, ester with 2,2′,2″-nitrilotris-[alkanol] (P–17–230) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (a)(6)(v), (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%) and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e)(concentration set at 1.0%), (f), (g)(1)(i) and (ii), (eye irritation), (g)(2)(i), (ii), and (v), (g)(3)(i) and (ii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, Commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (q). It is a significant new use to modify processing methods if such modification would result in inhalation exposures to the PMN substance by vapor, dust, mist, or aerosol, at a concentration of greater than 1 percent by weight or volume. It is a significant new use to use the PMN substance in the confidential formulation at a concentration greater than 1 percent by weight or volume. It is a significant new use to manufacture, process, or use the substance for consumer use or for commercial uses that could introduce the substance into a consumer setting.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 65.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 18. Add § 14;721.11138 to subpart E to read as follows:

§ 721.11138 Formaldehyde, polymer with (chloromethyl) oxirane and substituted aromatic compounds (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as formaldehyde, polymer with (chloromethyl) oxirane and substituted aromatic compounds (P–17–236) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to the PMN substance after it has been incorporated into the confidential forms identified in the Order.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (iii), and (iv), (a)(3), and (a)(6) (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering

control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%), and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e)(concentration set at 1.0%), (f), (g)(1)(ii), (vi), (vii), and (ix), (skin sensitization), (g)(2)(i), (ii), (iii), and (v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, Commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (q). It is a significant new use to modify manufacture, processing, or use if it results in inhalation exposure to vapor, dust, mist, or aerosols to the substance.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraphs (a)(1) and (a)(2)(iii) of this section.

■ 19. Add § 14;721.11139 to subpart E to read as follows:

§ 721.11139 Acid, reaction products with cadmium selenide (CdSe), trioctylphosphine and trioctylphosphine oxide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as acid, reaction products with cadmium selenide (CdSe), trioctylphosphine and trioctylphosphine oxide (PMN P–17–241) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), and (a)(3) and (6) (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), and § 721.63(c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g) and (y)(1). It is a significant new use to manufacture, process, or use the substance other than in a liquid formulation.

(iii) *Disposal.* Requirements as specified in § 721.85. It is a significant new use to dispose of the substance and any waste stream containing the substance other than in a permitted hazardous waste incinerator.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (j) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 20. Add § 14;721.11140 to subpart E to read as follows:

§ 721.11140 Acid, reaction products with cadmium selenide sulfide, acid, trioctylphosphine and trioctylphosphine oxide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as acid, reaction products with cadmium selenide sulfide, acid, trioctylphosphine and trioctylphosphine oxide (PMN P–17–242), is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), and (a)(3) and (6) (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), and § 721.63(c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g) and (y)(1). It is a significant new use to manufacture, process, or use the substance other than in a liquid formulation.

(iii) *Disposal.* Requirements as specified in § 721.85. It is a significant new use to dispose of the substance and any waste stream containing the substance other than in a permitted hazardous waste incinerator.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (j) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 21. Add § 721.11141 to subpart E to read as follows:

§ 721.11141 Acid, reaction products with cadmium metal selenide sulfide, trioctylphosphine and trioctylphosphine oxide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as acid, reaction products with cadmium metal selenide sulfide, trioctylphosphine and trioctylphosphine oxide (PMN P–17–243), is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), and (a)(3) and (6) (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), and § 721.63(c).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g) and (y)(1). It is a significant new use to manufacture, process, or use the substance other than in a liquid formulation.

(iii) *Disposal.* Requirements as specified in § 721.85. It is a significant new use to dispose of the substance and any waste stream containing the substance other than in a permitted hazardous waste incinerator.

(b) *Specific requirements.* The provisions of subpart A of this part

apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (j) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 22. Add § 721.11142 to subpart E to read as follows:

§ 721.11142 Metal oxide reaction products with cadmium metal selenide sulfide, and amine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as metal oxide reaction products with cadmium metal selenide sulfide, and amine (PMN P–17–244) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3) through (5) (respirators must provide a National Institute for Occupational Safety and Health assigned protection factor (APF) of at least 50), and (a)(6)(particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), and § 721.63(c). It is a significant new use to handle the solid form of the substance without use of a fume hood or glove box.

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(q), (k) (down converting phosphor particle for use in conjunction with optoelectronic components), and (y)(1) and (2).

(iii) *Disposal.* Requirements as specified in § 721.85. It is a significant new use to dispose of the substance and any waste stream containing the substance other than in a permitted hazardous waste incinerator.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (j) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use us subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

■ 23. Add § 721.11143 to subpart E to read as follows:

§ 721.11143 Alkanoic acid, 2-alkyl-, substituted alkyl ester, polymer with alkyl alkenoate, substituted carbomonocycle, substituted alkyl alkenoate and alkyl substituted alkenoate, substituted alkanenitrile-initiated (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as alkanoic acid, 2-alkyl-, substituted alkyl ester, polymer with alkyl alkenoate, substituted carbomonocycle, substituted alkyl alkenoate and alkyl substituted alkenoate, substituted alkanenitrile-initiated (PMN P–17–265) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80. It is a significant new use to manufacture the PMN substance with an acid concentration greater than 20%. It is a significant new use to manufacture the PMN substance with an amine concentration greater than 5%.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i).

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 24. Add § 721.11144 to subpart E to read as follows:

§ 721.11144 Manganese heterocyclic-amine carboxylate complexes (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as manganese heterocyclic-amine carboxylate complexes (PMN P–17–301) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this Order do not apply to quantities of the PMN substance after they have been entrained in cured coating or ink.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (5) (respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10), and (a)(6) (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%), and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e)(concentration set at 1.0%), (f), (g)(1)(i) through (iii) and (ix), (eye irritation), (g)(2)(ii) through (iv), (avoid skin and eye contact), (use skin and eye protection), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (surface drier in clear and pigmented coatings systems) and (p) (430,000 kilograms).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i).

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 25. Add § 721.11145 to subpart E to read as follows:

§ 721.11145 Sulfuric acid mixed salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfuric acid mixed salt (PMN P–17–318) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3), and (a)(6)(v), (particulate), (when

determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%), and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e)(concentration set at 1.0%), (f), (g)(1)(i), (irritation to eye, respiratory, and GI tract), (corrosion), (acute toxicity), (g)(2)(i) and (iii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (q). It is a significant new use to manufacture of the PMN substance with more than 1% free ammonia content.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i).

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 26. Add § 721.11146 to subpart E to read as follows:

§ 721.11146 2-Propenoic acid, branched alkyl ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as 2-propenoic acid, branched alkyl ester (PMN P–17–323) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (iii), and (iv), (a)(3), and (a)(6)(v), (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.* enclosure or confinement of operation, general and local ventilation) or administrative control measures (*e.g.* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%), and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), and (g)(1)(iv) and (ix), (skin and eye irritation), (oncogenicity), (sensitization), (g)(2)(i), (iii), and (v), (use eye protection), (g)(4)(iii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k) (reactive monomer for use in producing polymers), and (q).

(iv) *Release to water.* Release to water requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k).

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 27. Add § 721.11147 to subpart E to read as follows:

§ 721.11147 Allyloxymethylacrylate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as allyloxymethylacrylate (PMN P–17–326) is subject to reporting under this section for the significant new uses as described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (iii), and (iv), (a)(3) through (5) (respirators must provide a National Institute for Occupational Safety and Health assigned protection factor of at least 10), and (a)(6)(v), (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measure (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%), and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 1.0%), (f), (g)(1)(i), (iv), (vi), and (ix), (sensitization), (g)(2)(i) through (v), (g)(3)(i) and (ii), (g)(4)(iii), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (q).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 28. Add § 721.11148 to subpart E to read as follows:

§ 721.11148 Polyurethane, methacrylate blocked (generic).

(a) *Chemical substance and significant new sues subject to reporting.* (1) The chemical substance generically identified as polyurethane, methacrylate blocked (PMN P–17–345) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i)(iii), (a)(3), and (a)(6)(v), (particulate), (when determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering

control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measure (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible), § 721.63(b) (concentration set at 1.0%), and § 721.63(c).

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e)(concentration set at 1.0%), (f), (g)(1)(irritation to skin, eyes, lungs, and mucous membranes), (g)(2)(i) through (iii) and (v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k). It is a significant new use to manufacture the chemical substance more than 6 months. It is a significant new use to modify manufacture, processing, or use if it results in inhalation exposure to vapor, dust, mist, or aerosols to the substance.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except ss modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

[FR Doc. 2018–19950 Filed 9–14–18; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2018–0567; FRL–9983–59]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 28 chemical substances which were the subject of premanufacture notices (PMNs). The chemical substances are subject to Orders issued by EPA pursuant to section 5(e) of TSCA. This action would require persons who intend to manufacture (defined by statute to include import) or process any of these 28 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the intended use within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination. In addition to this Notice of Proposed Rulemaking, EPA is issuing the action as a direct final rule elsewhere in this issue of the **Federal Register**.

DATES: Comments must be received on or before October 17, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0567, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

For general information contact: The TSCA–Hotline, ABVI–Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION: In addition to this Notice of Proposed Rulemaking, EPA is issuing the action as a direct final rule elsewhere in this issue of the **Federal Register**. For further information about the proposed significant new use rules, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this issue of the **Federal Register**.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: September 5, 2018.

Jeffery T. Morris,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2018–19949 Filed 9–14–18; 8:45 am]

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H.R. 4318/P.L. 115–239
Miscellaneous Tariff Bill Act of 2018 (Sept. 13, 2018; 132 Stat. 2451)
Last List September 12, 2018

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