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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 331

9 CFR Part 121

[Docket No. APHIS–2009–0070]

RIN 0579–AD09

Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations; Technical Amendment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: As part of a final rule published in the **Federal Register** on October 5, 2012, we amended and republished the list of select agents and toxins that have the potential to pose a severe threat to animal or plant health, or to animal or plant products. In that final rule we removed bovine spongiform encephalopathy agent from the list of select agents or toxins, but we neglected to remove it from the list of those select agents or toxins whose seizure must be reported within 24 hours by telephone, facsimile, or email. We are remedying that oversight in this document. We are also updating the name of another select agent to reflect its most current scientific classification, correcting a typographical error, and updating the name of a guidance document referenced in the regulations.

DATES: Effective September 24, 2018.

FOR FURTHER INFORMATION CONTACT: Dr. Keith Wiggins, Acting National Director, Agriculture Select Agent Services, APHIS, 4700 River Road Unit 2, Riverdale, MD 20737–1231; (301) 851–2024.

SUPPLEMENTARY INFORMATION:

Background

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 provides for the regulation of certain biological agents that have the potential to pose a severe threat to both human and animal health, to animal health, to plant health, or to animal and plant products. The Animal and Plant Health Inspection Service (APHIS) has the primary responsibility for implementing the provisions of the Act within the U.S. Department of Agriculture. Veterinary Services (VS) select agents and toxins are those that have been determined to have the potential to pose a severe threat to animal health or animal products. Plant Protection and Quarantine (PPQ) select agents and toxins are those that have the potential to pose a severe threat to plant health or plant products. Overlap select agents and toxins are those that have been determined to pose a severe threat to both human and animal health or animal products. Overlap select agents are subject to regulation by both APHIS and the Centers for Disease Control and Prevention, which has the primary responsibility for implementing the provisions of the Act for the Department of Health and Human Services.

On October 5, 2012, we published in the **Federal Register** (77 FR 61056–61081, Docket No. APHIS–2009–0070) a final rule [1] that amended and republished the list of select agents and toxins that have the potential to pose a severe threat to animal or plant health, or to animal or plant products; and amended the regulations in order to add definitions and clarify language concerning security, training, biosafety, biocontainment, and incident response.

In that rule, we removed bovine spongiform encephalopathy agent from the list of VS select agents and toxins set out in 9 CFR 121.3(b). However, paragraph (f)(3)(i) of that section continues to list bovine spongiform encephalopathy agent among those VS select agents and toxins whose seizure by any Federal law enforcement agency must be reported within 24 hours by telephone, facsimile, or email. We are removing this outdated reference. Additionally, in paragraph (d)(9) of that section we reference pigeon paramyxovirus-1, but the numerical suffix appears as ''-12'' instead of ''-1.'' We are correcting that.

The list of PPQ select agents and toxins is set out in 7 CFR 331.3(b) and includes the fungal plant pathogen, *Phoma glycinicola* (formerly *Pyrenochaeta glycines*). Recent molecular and phylogenetic studies have resulted in the reclassification of this pathogen as *Coniothyrium glycines*.[2] We are updating the regulations accordingly.

The regulations in 7 CFR 331.11 and 9 CFR 121.11 require development of a security plan that provides for measures sufficient to safeguard the select agent or toxin against unauthorized access, theft, loss, or release. In paragraph (g) of those sections, we recommend that an individual or entity consider the document entitled, ''Security Guidance for Select Agent or Toxin Facilities'' when developing the required plan.

We are correcting the name of that document, which has been shortened to ''Security Plan Guidance,'' in its most recent update.

List of Subjects

7 CFR Part 331

Agricultural research, Laboratories, Plant diseases and pests, Reporting and recordkeeping requirements.

9 CFR Part 121

Agricultural research, Animal diseases, Laboratories, Medical research, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 331 and 9 CFR part 121 are amended as follows:

Title 7—Agriculture

PART 331—POSSESSION, USE, AND TRANSFER OF SELECT AGENTS AND TOXINS

■ 1. The authority citation for part 331 continues to read as follows:

Authority: 7 U.S.C. 8401; 7 CFR 2.22, 2.80, and 371.3.

§ 331.3 [Amended]

■ 2. In § 331.3, paragraph (b) is amended by removing the entry ''*Phoma*

[1] To view the final rule, its preceding proposed rule, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2009-0070.*

[2] de Gruyter J, Woudenberg JHC, Aveskamp MM, et al. (2013). Redisposition of phoma-like anamorphs in *Pleosporales* re-evaluation. *Studies in Mycology* 75: 1–36. *https://www.sciencedirect.com/science/article/pii/S0166061614600014?via%3Dihub.*

glycinicola (formerly *Pyrenochaeta glycines*);'' and adding, in alphabetical order, an entry for ''*Coniothyrium glycines,* (formerly *Phoma glycinicola, Pyrenochaeta glycines*);''.

§ 331.11 [Amended]

■ 3. In § 331.11, paragraph (g) is amended by removing the words ''Security Guidance for Select Agent or Toxin Facilities'' and adding the words ''Security Plan Guidance'' in their place.

Title 9—Animals and Animal Products

PART 121—POSSESSION, USE, AND TRANSFER OF SELECT AGENTS AND TOXINS

■ 3. The authority citation for part 121 continues to read as follows:

Authority: 7 U.S.C. 8401; 7 CFR 2.22, 2.80, and 371.4.

§ 121.3 [Amended]

■ 4. Section 121.3 is amended as follows:

■ a. In paragraph (d)(9), by removing ''-12'' and adding ''-1'' in their place; and

■ b. In paragraph (f)(3)(i), by removing the words ''bovine spongiform encephalopathy agent,''.

§ 121.11 [Amended]

■ 5. In § 121.11, paragraph (g) is amended by removing the words ''Security Guidance for Select Agent or Toxin Facilities'' and adding the words ''Security Plan Guidance'' in their place.

Done in Washington, DC, this 19th day of September 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–20694 Filed 9–21–18; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 140

[NRC–2017–0030]

RIN 3150–AK01

Inflation Adjustments to the Price-Anderson Act Financial Protection Regulations

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to adjust for inflation the maximum total and annual standard deferred premiums specified in the Price-Anderson Act. The NRC must perform this adjustment at least once during each 5-year period following August 20, 2003, as mandated by the Atomic Energy Act of 1954, as amended (AEA).

DATES: This rule is effective on November 1, 2018.

ADDRESSES: Please refer to Docket ID NRC–2017–0030 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0030. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Yanely Malave-Velez, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1519, email: *Yanely.Malave-Velez@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The NRC's regulations in part 140 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Financial Protection Requirements and Indemnity Agreements,'' implement the financial protection requirements of certain licensees and other persons under section 170 of the AEA, also known as the Price-Anderson Act (Pub. L. 85–256, 71 Stat. 576), as amended and codified at 42 U.S.C. 2210. In 2005, Congress amended section 170 of the AEA (Pub. L. 109–58, 119 Stat. 780) to require the NRC to adjust for inflation the maximum total and annual standard deferred premiums that may be charged to a licensee following a nuclear incident. These adjustments must be performed not less than once during each 5-year period following August 20, 2003, in accordance with the aggregate percentage change in the Consumer Price Index (CPI) (*https://www.bls.gov/cpi*) for all urban consumers published by the Secretary of Labor. The NRC made the first periodic inflation adjustment required by this section on September 29, 2008 (73 FR 56451). The NRC last adjusted this amount in 2013, establishing the current maximum total deferred premium at $121,255,000, and the maximum annual deferred premium at $18,963,000 (78 FR 41835; July 12, 2013). This final rule makes the third required periodic inflation adjustment and results in a maximum total premium of $131,056,000 and an annual standard deferred premium of $20,496,000.

II. Discussion

Section 170(t) of the AEA (42 U.S.C. 2210(t)) requires the NRC to ''adjust the amount of the maximum total and annual standard deferred premium not less than once during each 5-year period following August 20, 2003, in accordance with the aggregate percentage change in the Consumer Price Index,'' since the previous adjustment. These amounts are codified in § 140.11, ''Amounts of financial protection for certain reactors.'' Accordingly, the NRC is amending § 140.11(a)(4) to adjust for the increase in inflation, since the last adjustment to these amounts was made in 2013.

The inflation adjustment that the NRC made on July 12, 2013 (78 FR 41835) and which took effect on September 10, 2013, raised the maximum total deferred premium in § 140.11(a)(4) to $121,255,000 and the maximum annual deferred premium to $18,963,000. The CPI figure used in calculating this adjustment was 232.773 (March 2013). The inflation adjustment in this final rule are based on a CPI figure of 251.588 (May 2018). This represents an increase of approximately 8.08 percent. The adjustment methodology used to calculate these values is described on the Bureau of Labor Statistics' website (*https://www.bls.gov*). When this increase is applied to the maximum total and annual standard deferred premiums and rounded to the nearest thousand, the new maximum total

deferred premium is $131,056,000, and the maximum annual deferred premium is $20,496,000. Section 140.11(a)(4) is amended accordingly.

III. Rulemaking Procedure

This final rule is being issued without prior public notice or opportunity for public comment. The Administrative Procedure Act (5 U.S.C. 553(b)(B)) does not require an agency to use the public notice and comment process ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' In this instance, the NRC finds, for good cause, that solicitation of public comment on this final rule is unnecessary because the Price-Anderson Act requires these non-discretionary adjustments in the maximum total and annual standard deferred premiums. Requesting public comment on these adjustments, which are made pursuant to a formula required by statute, would not result in a change to the adjusted amount. Consistent with this finding of good cause, and as permitted by 5 U.S.C. 808(2), the NRC has determined that the effective date of this rule will be November 1, 2018.

IV. Regulatory Analysis

A regulatory analysis has not been prepared for this final rule. As discussed in this document under Section III, ''Rulemaking Procedure,'' the Price-Anderson Act requires that the NRC perform this rulemaking according to a formula required by statute. This final rule does not involve an exercise of Commission discretion.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to regulations for which a Federal agency is not required by law, including the rulemaking provisions of the Administrative Procedure Act, 5 U.S.C 553(b), to publish a general notice of proposed rulemaking (5 U.S.C. 604). As discussed in this document under Section III, ''Rulemaking Procedure,'' the NRC is not publishing this final rule for notice and comment. Accordingly, the NRC has determined that the requirements of the Regulatory Flexibility Act do not apply to this final rule.

VI. Backfitting and Issue Finality

The NRC has not prepared a backfit analysis for this final rule. This final rule does not involve any provision that would impose a backfit, nor is it inconsistent with any issue finality provision, as those terms are defined in 10 CFR chapter I. These mandatory adjustments are non-discretionary, required by statute, and do not represent any change in position by the NRC with respect to the design, construction, or operation of a licensed facility.

VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883).

VIII. National Environmental Policy Act

The NRC has determined that this final rule is the type of action described in § 51.22(c)(1). Therefore, neither an environmental impact statement nor environmental assessment has been prepared for this final rule.

IX. Paperwork Reduction Act

This final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget (OMB), approval number 3150–0039.

X. Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XI. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). The Office of Management and Budget has found it to be a major rule as defined in the Congressional Review Act. As explained in Section III, the NRC has found good cause that solicitation of public comment on this final rule is unnecessary. Therefore, consistent with 5 U.S.C. 808(2), the NRC has determined that the effective date of this rule will be November 1, 2018, in lieu of the customary 60-day delay in effectiveness for ''major rules'' under the Congressional Review Act.

List of Subjects in 10 CFR Part 140

Criminal penalties, Extraordinary nuclear occurrence, Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR part 140:

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

■ 1. The authority citation for part 140 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 170, 223, 234 (42 U.S.C. 2201, 2210, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

§ 140.11 [Amended]

■ 2. In § 140.11(a)(4), remove the number ''$121,255,000'' and add in its place the number ''$131,056,000'', and remove the number ''$18,963,000'' and add in its place the number ''$20,496,000''.

Dated at Rockville, Maryland, this 6th day of September 2018.

For the Nuclear Regulatory Commission.

Margaret M. Doane,

Executive Director for Operations.

[FR Doc. 2018–20650 Filed 9–21–18; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0505; Product Identifier 2017–NM–178–AD; Amendment 39–19419; AD 2018–19–19]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus SAS Model A350–941 airplanes. This AD was prompted by a report of an overheat failure mode of the hydraulic engine-driven pump, which could cause a fast temperature rise of the hydraulic fluid. This AD requires modifying the hydraulic monitoring and control application (HMCA) software. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 29, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 29, 2018.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0505.

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–2018–0505; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section.

FOR FURTHER INFORMATION CONTACT: Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A350–941 airplanes. The NPRM published in the **Federal Register** on June 11, 2018 (83 FR 26880). The NPRM was prompted by a report of an overheat failure mode of the hydraulic engine-driven pump, which could cause a fast temperature rise of the hydraulic fluid. The NPRM proposed to require modifying the HMCA software. We are issuing this AD to address high hydraulic fluid temperature combined with an inoperative fuel tank inerting system, which could result in uncontrolled overheating of the hydraulic system and consequent ignition sources inside the fuel tank, which, combined with flammable fuel vapors, could result in a fuel tank explosion and consequent loss 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 2017–0200, dated October 10, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A350–941 airplanes. The MCAI states:

> In the Airbus A350 design, the hydraulic fluid cooling system is located in the fuel tanks. Recently, an overheat failure mode of the hydraulic engine-driven pump (EDP) was found. Such EDP failure may cause a fast temperature rise of the hydraulic fluid.
>
> This condition, if not detected and corrected, combined with an inoperative fuel tank inerting system, could lead to an uncontrolled overheat of the hydraulic fluid, possibly resulting in ignition of the fuel-air mixture in the affected fuel tank.
>
> To address this potential unsafe condition, Airbus issued a Major Event Revision (MER) of the A350 Master Minimum Equipment List (MMEL) that incorporates restrictions to avoid an uncontrolled overheat of the hydraulic system. Consequently, EASA issued Emergency AD 2017–0154–E to require implementation of these dispatch restrictions.
>
> Since EASA Emergency AD 2017–0154–E was issued, following further investigation, Airbus issued another MER of the A350 MMEL that expands the number of restricted MMEL items. At the same time, Airbus revised Flight Operation Transmission (FOT) 999.0068/17, to inform all operators about the latest MMEL restrictions. Consequently, EASA issued AD 2017–0180, retaining the requirements of EASA Emergency AD 2017–0154–E, which was superseded, and requiring implementation of the new Airbus A350 MMEL MER and, consequently, restrictions for aeroplane dispatch.
>
> Since EASA AD 2017–0180 was issued, Airbus developed a software (SW) update of the Hydraulic Monitoring and Control Application (HMCA) SW S4.2, introduction of which avoids uncontrolled overheat of the hydraulic system. HMCA SW S4.2 is embodied in production through Airbus modification (mod) 112090, and introduced in service through Airbus Service Bulletin (SB) A350–29–P012.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2017–0180, which is superseded, and requires modification of the aeroplane by installing HMCA SW S4.2.
>
> This [EASA] AD is still considered to be an interim action and further 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–2018–0505.

Comments

We gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

The Air Line Pilots Association, International (ALPA) expressed support for the NPRM.

Request To Include Revised Service Information

Delta Air Lines (Delta) requested that Airbus Service Bulletin A350–29–P012, Revision 01, dated February 1, 2018, be included in paragraph (h) of the proposed AD because the effectivity identified in Airbus Service Bulletin A350–29–P012, dated October 6, 2017, is incomplete. Delta added that Revision 01 of the service information was issued to include all airplanes affected by the HMCA software update that were embodied in production.

We agree with the commenter's request. We have included Airbus Service Bulletin A350–29–P012, Revision 01, dated February 1, 2018, in this AD. We have added paragraph (k) to this AD to provide credit for actions done in accordance with the original issue of the referenced service information. Revision 01 of the service information updates certain manufacturer serial numbers, but specifies that no additional work is necessary.

Request To Clarify Group 2 Airplane Definition

Delta asked that we revise the definition of Group 2 airplanes in paragraph (g)(2) of the proposed AD, from ''post-mod 112090 airplanes on which the HMCA SW S4.2 is installed'' to ''airplanes on which the HMCA SW S4.2 is installed in production by embodiment of Mod 112090 or as retrofit, per Airbus Service Bulletin A350–29–P012, Revision 01, dated February 1, 2018.'' Delta stated that this addition will define the connection between the mod 112090 and Airbus Service Bulletin A350–29–P012, and clarify that the post-mod condition could be driven by production embodiment or retrofit per the referenced service bulletin.

We agree with the commenter's request. We have clarified the definition in paragraph (g)(2) of this AD to include the commenter's suggested language with minor revisions.

Request To Clarify Parts Prohibition Language

Delta asked that we clarify the prohibited parts language specified in paragraph (i) of the proposed AD, from ''an HMCA software pre-mod HMCA SW S4.2'' to ''an HMCA software prior to Standard 4.2.'' Delta stated that this change will properly identify the HMCA software nomenclature.

We agree with the commenter's request to clarify the prohibited parts language specified in paragraph (i) of this AD. We have revised paragraph (i) of this AD to refer to ''HMCA software prior to HMCA SW S4.2.'' While we acknowledge that SW S4.2 constitutes a software standard, we have not included the phrase ''Standard 4.2'' in this AD because that term is not used in the MCAI.

Request To Exclude Certain Airplanes

Delta asked that paragraph (c), ''Applicability,'' of the proposed AD be changed from ''all A350–941 airplanes'' to exclude ''airplanes on which the Mod 112090 has been accomplished in production or retrofit via Airbus Service Bulletin A350–29–P012, Revision 01, dated February 1, 2018.'' Airbus stated that this exclusion will limit the applicability and reduce engineering work-hours required for administrative paperwork for future delivery of new airplanes.

We disagree with the commenter's request to limit the applicability. Although the requirement to install updated software, as specified in paragraph (h) of this AD, is limited to airplanes without that software, the prohibition against installing earlier software, as specified in paragraph (i) of this AD, applies to all Model A350–941 airplanes. Without that restriction on all airplanes, installation of earlier software would be allowed on airplanes delivered in the future. Therefore, we have not changed this AD in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the changes described previously and 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.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

Airbus SAS has issued Service Bulletin A350–29–P012, Revision 01, dated February 1, 2018. This service information describes procedures for modifying HMCA software by installing HMCA software S4.2 upgrades. 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 7 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
2 work-hours × $85 per hour = $170	$450	$620	$4,340

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):

2018–19–19 Airbus SAS: Amendment 39–19419; Docket No. FAA–2018–0505; Product Identifier 2017–NM–178–AD.

(a) Effective Date

This AD is effective October 29, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic Power.

(e) Reason

This AD was prompted by a report of an overheat failure mode of the hydraulic engine-driven pump, which could cause a fast temperature rise of the hydraulic fluid. We are issuing this AD to address high hydraulic fluid temperature combined with an inoperative fuel tank inerting system, which could result in uncontrolled overheating of the hydraulic system and consequent ignition sources inside the fuel tank, which, combined with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

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

(g) Definition of Airplane Groups

(1) Group 1 airplanes are those on which the hydraulic monitoring and control application (HMCA) software (SW) S4.2 is not installed.

(2) Group 2 airplanes are those on which HMCA SW S4.2 is installed in production by embodiment of Mod 112090 or installed in-service as specified in Airbus Service Bulletin A350–29–P012.

(h) Software Modification

For Group 1 airplanes: Within 30 days after the effective date of this AD, modify the HMCA software by installing HMCA SW S4.2, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A350–29–P012, Revision 01, dated February 1, 2018. Where paragraphs 3.C.(1)(a) and 3.C.(2)(a) of Airbus Service Bulletin A350–29–P012, Revision 01, dated February 1, 2018, identify ''SOFTWARE-**'' and indicate that the ''Software becomes'' new software: For purposes of this AD, the software titles/descriptions might not match exactly with the airplane and the service information; the old and new software titles/descriptions are for reference only as an aid to operators.

(i) Parts Prohibition

At the applicable time specified in paragraph (i)(1) or (i)(2) of this AD: No person may install HMCA software prior to HMCA SW S4.2 on any airplane.

(1) For Group 1 airplanes: After accomplishment of the modification required by paragraph (h) of this AD.

(2) For Group 2 airplanes: As of the effective date of this AD.

(j) Other Acceptable SW Standards and Installation Methods

Installation of an HMCA SW standard approved after the effective date of this AD is acceptable for compliance with the corresponding actions required by paragraph (h) of this AD, provided the conditions required by paragraphs (j)(1) and (j)(2) of this AD are met.

(1) The HMCA SW standard must be approved by the Manager, International Section, Transport Standards Branch, FAA; 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.

(2) The installation must be accomplished in accordance with the modification instructions approved by the Manager, International Section, Transport Standards Branch, FAA; the EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A350–29–P012, dated October 6, 2017.

(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 the 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.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0200, dated October 10, 2017, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0505.

(2) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

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

(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 Service Bulletin A350–29–P012, Revision 01, dated February 1, 2018.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@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 September 11, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–20338 Filed 9–21–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0414; Product Identifier 2017–NM–159–AD; Amendment 39–19417; AD 2018–19–17]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus SAS Model A300 series airplanes. This AD was prompted by a revision of a certain airworthiness limitations item (ALI) document, which specifies new or more restrictive instructions and airworthiness limitations. This AD requires revising the maintenance or inspection program, as applicable, to incorporate new or revised structural inspection requirements. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 29, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 29, 2018.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, Rond-Point Emile Dewoitine No: 2, 31707 Blagnac Cedex, France; telephone +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. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0414.

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–2018–0414; 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: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A300 series airplanes. The NPRM published in the **Federal Register** on May 25, 2018 (83 FR 24240). The NPRM was prompted by a revision of a certain ALI document, which specifies new or more restrictive instructions and airworthiness limitations. The NPRM proposed to require revising the maintenance or inspection program, as applicable, to incorporate new or revised structural inspection requirements.

We are issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity 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 2017–0207, dated October 12, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A300 series airplanes. The MCAI states:

> The airworthiness limitations for the Airbus A300 aeroplanes, which are approved by EASA, are currently defined and published in the Airbus A300 Airworthiness Limitations Section (ALS) documents. The Damage Tolerant Airworthiness Limitation Items are specified in the A300 ALS Part 2. These instructions have been identified as mandatory for continuing airworthiness.
>
> Failure to accomplish these instructions could result in an unsafe condition.
>
> EASA previously issued [EASA] AD 2015–0115 [which corresponds to FAA AD 2017–04–05, Amendment 39–18800 (82 FR 11134, February 21, 2017) (''AD 2017–04–05'')] to require compliance with the maintenance requirements and associated airworthiness limitations defined in Airbus A300 ALS Part 2 Revision 02.
>
> Since that [EASA] AD was issued, new or more restrictive maintenance requirements and airworthiness limitations were approved by EASA. Consequently, Airbus published Revision 03 of the A300 ALS Part 2, compiling all ALS Part 2 changes approved since previous Revision 02.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2015–0115, which is superseded, and requires accomplishment of the actions specified in Airbus A300 ALS Part 2 Revision 03.

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–2018–0414.

Comments

We gave the public the opportunity to participate in developing this final rule. We have considered the comment received. Laney Azevedo stated that he supports the NPRM.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Airbus SAS has issued Airbus A300 Airworthiness Limitations Section (ALS), Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Revision 03, dated August 28, 2017. This service information describes airworthiness limitations applicable to the DT–ALI. 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 6 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

We have determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although we recognize that this number may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we

have determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

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):

2018–19–17 Airbus SAS: Amendment 39–19417; Docket No. FAA–2018–0414; Product Identifier 2017–NM–159–AD.

(a) Effective Date

This AD is effective October 29, 2018.

(b) Affected ADs

This AD affects AD 2017–04–05, Amendment 39–18800 (82 FR 11134, February 21, 2017) (''AD 2017–04–05'').

(c) Applicability

This AD applies to all Airbus SAS Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a revision of a certain airworthiness limitations item (ALI) document, which specifies new or more restrictive instructions and airworthiness limitations. We are issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the information specified in Airbus A300 Airworthiness Limitations Section (ALS), Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Revision 03, dated August 28, 2017. The initial compliance times for doing the tasks are at the applicable times specified in Airbus A300 Airworthiness Limitations Section (ALS), Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Revision 03, dated August 28, 2017, or within 90 days after the effective date of this AD, whichever occurs later.

(h) No Alternative Actions or Intervals

After accomplishment of the revision required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals, may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(i) Terminating Action

Accomplishing the action in paragraph (g) of this AD terminates the requirements of AD 2017–04–05.

(j) 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 (k)(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 Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0207, dated October 12, 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–2018–0414.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference

(IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

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

(i) Airbus A300 Airworthiness Limitations Section (ALS), Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Revision 03, dated August 28, 2017. The first page of this document does not have a date.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, Rond-Point Emile Dewoitine No: 2, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.*

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

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

Issued in Des Moines, Washington, on September 10, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–20346 Filed 9–21–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No.: FAA–2018–0851; Amdt. Nos. 93–102]

RIN 2120–AL22

Removal of Flight Plan Requirements for Commercial Air Tour Operations Within the Special Flight Rules Area at Grand Canyon National Park

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

ACTION: Final rule.

SUMMARY: This final rule removes the requirement for certificate holders conducting certain commercial operations within the Grand Canyon National Park Special Flight Rules Area to file a visual flight rules flight plan with an FAA Flight Service Station prior to each flight. The effect of this action is to remove an unnecessary, redundant, and obsolete paperwork burden on affected certificate holders without affecting safety, existing quarterly reporting requirements, or efforts to restore the natural quiet of the park environment. This final rule also makes several technical amendments.

DATES: This final rule is effective on November 23, 2018.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Monica Buenrostro, Air Transportation Division, 135 Air Carrier Operations Branch, AFS–250, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone 202–267–8166; email: *Monica.C.Buenrostro@faa.gov.*

SUPPLEMENTARY INFORMATION:

Good Cause for Immediate Adoption

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C.) authorizes agencies to dispense with notice and comment procedures for rules when the agency for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking. The FAA finds good cause to issue this final rule without seeking prior comment for the reasons explained below.

FAA regulations limit the number of commercial air tours certain operators may conduct over the Grand Canyon. Existing regulations at 14 CFR 93.323 require certain operators to file visual flight rule (VFR) flight plans with the FAA prior to each commercial Special Flight Rules Area operation (commercial SFRA operation) [1] in the Grand Canyon National Park Special Flight Rules Area (GCNP SFRA), ostensibly so that the FAA can verify the number of commercial tours the operator conducts. The FAA has found VFR flight plans to be an unreliable method for verifying compliance, however, and no longer uses them for this purpose. Instead, the FAA relies on documents required by other FAA regulations to provide an accurate count of the number of commercial air tour flights these operators conduct. Continuing to require these flight plans constitutes an unjustified burden on GCNP SFRA commercial tour operators because the FAA does not use them for any other purpose.

Accordingly, the FAA has determined that good cause exists to forego notice and comment under Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) because it is unnecessary and contrary to the public interest. Seeking prior comment is unnecessary because, irrespective of the public response, the VFR flight plans would remain redundant and obsolete. In addition, it would be contrary to the public interest to expend resources seeking comment under these circumstances. Considering that there is no way for FAA to use the required filings for the purpose intended, it would not be a prudent use of resources to ask for comment on whether the requirement should remain in place. Finally, it is unnecessary to seek public comment on the remaining technical amendments in this rule because they merely update references to appropriate FAA offices.

Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in title 49 of the United States Code (U.S.C.). Subtitle I, sections 106(f) and (g), describe the authority of the FAA Administrator. Subtitle VII of title 49, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the general authority described in 49 U.S.C. 106(f) and 44701 and the specific authority found in Section 3 of Public Law 100–91 (August 18, 1987).

Section 3 directed the Department of the Interior (DOI) to submit recommendations, and the FAA to implement those recommendations, regarding actions necessary for the protection of resources in the Grand Canyon from adverse impacts associated with aircraft overflights. Congress directed that the recommendations provide for substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight. Subsequently, in a 1996 Memorandum for the Heads of Executive Departments and Agencies to address the impact of transportation in national parks, the President directed the Secretary of Transportation to issue regulations for the GCNP that would

[1] ''Commercial Special Flight Rules Area Operation means any portion of any flight within the Grand Canyon National Park Special Flight Rules Area that is conducted by a certificate holder that has operations specifications authorizing flights within the Grand Canyon National Park Special Flight Rules Area. This term does not include operations conducted under an FAA Form 7711–1, Certificate of Waiver or Authorization. The types of flights covered by this definition are set forth in the ''Las Vegas Flight Standards District Office Grand Canyon National Park Special Flight Rules Area Procedures Manual'' which is available from the Las Vegas Flight Standards District Office.'' 14 CFR 93.303. The relevant manual is now known as the ''Grand Canyon National Park Special Flight Rules Area Procedures Manual'' and is available from the Nevada Flight Standards District Office, formerly the Las Vegas Flight Standards District Office.

place appropriate limits on sightseeing aircraft to reduce noise immediately, and to make further substantial progress towards restoration of natural quiet, as defined by the DOI, while maintaining aviation safety in accordance with Public Law 100–91.[2]

This regulation is within the scope of the FAA's authority under the statutes cited previously, because it removes an unnecessary paperwork burden on affected certificate holders that is not necessary to promote the safety of flight of civil aircraft in air commerce or to further efforts to restore the natural quiet of the park environment, as described in this final rule.

I. Background

On April 4, 2000, the FAA published the Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area final rule (65 FR 17708). That rule limited the number of commercial air tours that may be conducted in the GCNP SFRA and revised the reporting requirements for commercial air tours in that area. It was one part of a collaborative effort by the FAA and the NPS to control aircraft noise in the park environment and to assist the NPS in achieving the statutory mandate imposed by Public Law 100–91 to provide substantial restoration of the natural quiet and experience of the park.

As part of the 2000 final rule, § 93.325 requires certificate holders to report to the FAA the total number of commercial SFRA operations conducted in the GCNP SFRA each quarter and to specify the types of commercial SFRA operations conducted. Section 93.323 prescribes that each certificate holder conducting commercial SFRA operations in the GCNP SFRA must file a VFR flight plan prior to each flight, except for those operations conducted under IFR in accordance with § 93.309(g). The 2000 final rule stated, ''The information obtained from the flight plan will be used to ensure compliance with the commercial air tours operation limitation'' (65 FR 17708, 17722).

Following the 2000 final rule, the FAA began using a different method of evaluating compliance with commercial tour allocations because VFR flight plans do not necessarily correlate to actual flights conducted and reported on quarterly reports. When it is necessary to evaluate a certificate holder's compliance, the FAA reviews documents required by other FAA regulations, such as aircraft operational and maintenance logs as well as customer receipts. Receipts and logs provide an accurate count of the number of commercial air tour flights operated by a given certificate holder in the GCNP SFRA, which can then be compared with the number of commercial air tour flights that the certificate holder reported in the quarterly reports required under § 93.325. In conducting oversight of the operations, the FAA typically performs such evaluations only when a concern arises about a certificate holder's compliance with its number of commercial air tour allocations.

The FAA has granted several exemptions from § 93.323 to allow certificate holders relief from the requirement to file a VFR flight plan. In its grant of exemption to Sundance Helicopters,[3] the FAA noted that the VFR flight plan requirement in § 93.323 was written into FAA regulations in 2000 to help the agency evaluate the accuracy of Grand Canyon flight allocation data reporting. However, the FAA subsequently developed better methods of evaluating certificate holders' compliance with their number of commercial air tour allocations for the GCNP SFRA. The FAA noted that, with other methods used to evaluate the accuracy of quarterly data reporting, granting an exemption from the requirements of § 93.323 would not undermine the FAA's data evaluation capabilities. The FAA acknowledged that the filing of VFR flight plans by the petitioner for each of its commercial air tour flight operations over the Grand Canyon resulted in an unnecessary paperwork burden for both the petitioner and the FSS.

II. Discussion of the Final Rule

In this final rule, the FAA removes § 93.323, in its entirety, from part 93. The FAA has determined that flight plans filed in accordance with the requirements of § 93.323 are an unreliable source of information for evaluating certificate holders' compliance with their number of commercial air tour allocations. The number of VFR flight plans filed under § 93.323 is not necessarily an accurate reflection of the number of commercial SFRA operations actually conducted. For example, if a § 93.323 flight plan was filed without the flight actually being operated, the number of § 93.323 flight plans filed would be greater than the number of commercial SFRA operations actually conducted. Consequently, comparing the number of § 93.323 plans filed for commercial SFRA operations in the GCNP SFRA with the quarterly reports that certificate holders must file under 14 CFR 93.325 may yield incorrect results in terms of actual commercial air tour allocation compliance. The FAA has no other use for the VFR flight plans, rendering this requirement unnecessary.

As previously described, when necessary to evaluate a concern about compliance with a certificate holder's number of commercial air tour allocations, the FAA reviews documents required by other FAA regulations rather than VFR flight plans. Eliminating the requirement to file VFR flight plans under § 93.323 removes an unnecessary paperwork burden that currently affects some small businesses without providing any safety benefit or advancing efforts to restore the natural quiet of the park environment.

This final rule does not affect the number of commercial air tour allocations that certificate holders receive for the GCNP SFRA, the frequency of flight operations in the GCNP SFRA, the location of those flights, or other requirements that commercial air tour operators must meet to operate in the GCNP SFRA. The FAA also clarifies that this rulemaking does not affect the current quarterly reporting requirements of § 93.325, which remain in place.

This final rule also makes several technical amendments including striking references to the ''Flight Standards District Office'' and replacing them with references to ''the relevant Flight Standards Office'' in subpart U, Special Flight Rules in the Vicinity of Grand Canyon National Park, AZ, of part 93 of title 14 CFR, to reflect current agency practice.

III. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Agreements Act requires agencies to

[2] For a more complete history of FAA and NPS actions, and related litigation, regarding the implementation of Public Law 100–91, see 65 FR 17708.

[3] Docket No. FAA–2011–1044.

consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

In conducting these analyses, FAA has determined that this final rule: (1) Has benefits that justify its costs, (2) is not an economically ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, (3) is not ''significant'' as defined in DOT's Regulatory Policies and Procedures; (4) will not create unnecessary obstacles to the foreign commerce of the United States; and (5) will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector by exceeding the threshold identified previously. These analyses are summarized below. As notice and comment under 5 U.S.C. 553 are not required for this final rule, the regulatory flexibility analyses described in 5 U.S.C. 603 and 604 regarding impacts on small entities are not required.

This final rule removes the requirement for certain certificate holders conducting commercial SFRA operations within the GCNP SFRA to file a visual flight rules flight plan under § 93.323. The FAA has determined that these flight plans are an unnecessary and unreliable source of information for evaluating certificate holders' compliance with their number of commercial air tour allocations. This final rule removes, without affecting safety or efforts to restore the natural quiet of the park environment, this paperwork burden from affected certificate holders. Therefore, the final rule has no additional costs, and has minimal cost savings by removing an unnecessary paperwork burden.

The FAA has therefore, determined that this final rule is not a ''significant regulatory action,'' as defined in section 3(f) of Executive Order 12866.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), in 5 U.S.C. 603, requires an agency to prepare an initial regulatory flexibility analysis describing impacts on small entities whenever an agency is required by 5 U.S.C. 553, or any other law, to publish a general notice of proposed rulemaking for any proposed rule. Similarly, 5 U.S.C. 604 requires an agency to prepare a final regulatory flexibility analysis when an agency issues a final rule under 5 U.S.C. 553, after being required by that section or any other law to publish a general notice of proposed rulemaking. The FAA found good cause to forgo notice and comment for this rule. As notice and comment under 5 U.S.C. 553 are not required in this situation, the regulatory flexibility analyses described in 5 U.S.C. 603 and 604 are not required.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39) prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to this Act, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the potential effect of this final rule and has determined that it has a legitimate domestic objective, in that it removes an unnecessary paperwork burden on certain certificate holders that conduct commercial SFRA operations in the GCNP SFRA. The removal of this requirement does not operate in a manner that excludes imports. The final rule therefore has no effect on international trade.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155.0 million in lieu of $100 million. This final rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this final rule, as the rule modifies an existing information collection by removing an unnecessary paperwork requirement.

F. International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined this rulemaking is consistent with ICAO Standards.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances.

This final rule removes an unnecessary paperwork burden from affected certificate holders. This action does not affect the frequency or location of commercial air tours in the GCNP SFRA and does not negatively affect efforts to restore the natural quiet of the park environment. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6f and involves no extraordinary circumstances.

IV. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, will not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply,

Distribution, or Use (May 18, 2001). The agency has determined that it is not a ''significant energy action'' under the executive order, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, (77 FR 26413, May 4, 2012) promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action will not have an effect on international regulatory cooperation.

D. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

This final rule is considered an E.O. 13771 deregulatory action. Details on the estimated cost savings can be found in the rule's economic analysis.

V. Additional Information

A. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the internet by—

- Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);
- Visiting the FAA's Regulations and Policies web page at *http://www.faa.gov/regulations_policies;* or
- Accessing the Government Publishing Office's web page at *http://www.fdsys.gov.*

Copies may also be obtained 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) 267–9677. Requestors must identify the docket or amendment number of this rulemaking.

All documents the FAA considered in developing this final rule, including economic analyses and technical reports, may be accessed from the internet through the Federal eRulemaking Portal previously referenced.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 93

Air traffic control, Airports, Navigation (air), Reporting and recordkeeping requirements.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 93, in chapter I of title 14, Code of Federal Regulations as follows:

PART 93—SPECIAL AIR TRAFFIC RULES

■ 1. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44715, 44719, 46301.

■ 2. In § 93.303 revise the definition of ''Commercial Special Flight Rules Area Operation'' and remove the definition of ''Flight Standards District Office.

§ 93.303 Definitions.

* * * * *

Commercial Special Flight Rules Area Operation means any portion of any flight within the Grand Canyon National Park Special Flight Rules Area that is conducted by a certificate holder that has operations specifications authorizing flights within the Grand Canyon National Park Special Flight Rules Area. This term does not include operations conducted under an FAA Form 7711–1, Certificate of Waiver or Authorization. For more information on commercial special flight rules area operations, *see* ''Grand Canyon National Park Special Flight Rules Area (GCNP SFRA) Procedures Manual,'' which is available online or from the responsible Flight Standards Office.

* * * * *

■ 3. In § 93.305, revise the introductory text to read as follows:

§ 93.305 Flight-free zones and flight corridors.

Except in an emergency or if otherwise necessary for safety of flight, or unless otherwise authorized by the responsible Flight Standards Office for a purpose listed in § 93.309, no person may operate an aircraft in the Special Flight Rules Area within the following flight-free zones:

* * * * *

■ 4. In § 93.307, revise the introductory text to read as follows:

§ 93.307 Minimum flight altitudes.

Except in an emergency, or if otherwise necessary for safety of flight, or unless otherwise authorized by the responsible Flight Standards Office for a purpose listed in § 93.309, no person may operate an aircraft in the Special Flight Rules Area at an altitude lower than the following:

* * * * *

■ 5. In § 93.309, revise paragraphs (b), (c) and (d) to read as follows:

§ 93.309 General operating procedures.

* * * * *

(b) Unless necessary to maintain a safe distance from other aircraft or terrain, proceed through the Zuni Point, Dragon, Tuckup, and Fossil Canyon Flight Corridors described in § 93.305 at the following altitudes unless otherwise authorized in writing by the responsible Flight Standards Office:

(1) *Northbound.* 11,500 or 13,500 feet MSL.

(2) *Southbound.* 10,500 or 12,500 feet MSL.

(c) For operation in the flight-free zones described in § 93.305, or flight below the altitudes listed in § 93.307, is authorized in writing by the responsible Flight Standards Office and is conducted in compliance with the conditions contained in that authorization. Normally authorization will be granted for operation in the areas described in § 93.305 or below the altitudes listed in § 93.307 only for operations of aircraft necessary for law enforcement, firefighting, emergency medical treatment/evacuation of persons in the vicinity of the Park; for support of Park maintenance or activities; or for aerial access to and maintenance of other property located within the Special Flight Rules Area. Authorization may be issued on a continuing basis;

(d) Is conducted in accordance with a specific authorization to operate in that airspace incorporated in the operator's operations specifications and approved by the responsible Flight Standards Office in accordance with the provisions of this subpart;

* * * * *

■ 6. Revise § 93.311 to read as follows:

§ 93.311 Minimum terrain clearance.

Except in an emergency, when necessary for takeoff or landing, or unless otherwise authorized by the

responsible Flight Standards Office for a purpose listed in § 93.309(c), no person may operate an aircraft within 500 feet of any terrain or structure located between the north and south rims of the Grand Canyon.

■ 7. In § 93.317, revise the introductory text to read as follows:

§ 93.317 Commercial Special Flight Rules Area operation curfew.

Unless otherwise authorized by the responsible Flight Standards Office, no person may conduct a commercial Special Flight Rules Area operation in the Dragon and Zuni Point corridors during the following flight-free periods:

* * * * *

■ 8. In § 93.321, revise paragraph (b)(4)(iii) to read as follows:

§ 93.321 Transfer and termination of allocations.

* * * * *

(b)

(4)

(iii) A certificate holder must notify in writing the responsible Flight Standards Office within 10 calendar days of a transfer of allocations. This notification must identify the parties involved, the type of transfer (permanent or temporary) and the number of allocations transferred. Permanent transfers are not effective until the responsible Flight Standards Office reissues the operations specifications reflecting the transfer. Temporary transfers are effective upon notification.

* * * * *

§ 93.323 [Reserved]

■ 9. Remove and reserve § 93.323.

■ 10. In § 93.325, revise paragraph (a) to read as follows:

§ 93.325 Quarterly reporting.

(a) Each certificate holder must submit in writing, within 30 days of the end of each calendar quarter, the total number of commercial SFRA operations conducted for that quarter. Quarterly reports must be filed with the responsible Flight Standards Office.

* * * * *

Issued under the authority provided by 49 U.S.C. 106(f) and (g), 44701(a)(5), and Public Law 100–91 in Washington, DC, on September 6, 2018.

Carl Burleson,

Acting Deputy Administrator.

[FR Doc. 2018–20176 Filed 9–21–18; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 311

RIN 3084–AB48

Test Procedures and Labeling Standards for Recycled Oil

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') has completed its regulatory review of the Test Procedures and Labeling Standards for Recycled Oil (''Recycled Oil Rule'' or ''Rule''), as part of the Commission's systematic review of all current Commission regulations and guides. The Commission now updates the Rule's reference to American Petroleum Institute Publication 1509 to reflect the most recent version of that document. Otherwise, the Commission retains the Rule in its current form.

DATES: The amendments are effective October 24, 2018. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of October 24, 2018.

ADDRESSES: Relevant portions of the record of this proceeding, including this document, are available at *https://www.ftc.gov.*

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, (202) 326–2889, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Mailstop CC–9528, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Recycled Oil Rule, mandated by the Energy Policy and Conservation Act (''EPCA'') (42 U.S.C. 6363), contains testing and labeling requirements for recycled engine oil. As indicated in the statute, the Rule's purpose is to encourage oil recycling, promote recycled oil use, reduce new oil consumption, and reduce environmental hazards and wasteful practices associated with used oil disposal.[1] Initially promulgated in 1995 (60 FR 55414 (Oct. 31, 1995)), the Rule allows manufacturers to represent that processed used engine oil is substantially equivalent to new oil as long as they substantiate such claims using American Petroleum Institute (API) Publication 1509 (''Engine Oil Licensing and Certification System'').[2] The Rule does not require manufacturers to explicitly state their engine oil is substantially equivalent to new oil, nor does it mandate other specific qualifiers or disclosures.[3]

II. Regulatory Review Program

The Commission reviews its rules and guides periodically to seek information about their costs and benefits, regulatory and economic impact, and general effectiveness in protecting consumers and helping industry avoid deceptive claims. These reviews assist the Commission in identifying rules and guides warranting modification or rescission. When it last reviewed the Rule in 2007, the Commission updated the reference to API Publication 1509, Fifteenth Edition, and added an explanation of incorporation by reference in Section 311.4.[4]

In a December 20, 2017 proposed rule (82 FR 60334), the Commission initiated a new review and sought comments on, among other things, the need for the Rule, its economic impact, its benefits to consumers, and its burdens on industry members, including small businesses. The Commission also specifically asked whether it should update the Rule's reference to API Publication 1509 to reflect the most recent version. In response to the proposed rule, the Commission received seven comments.[5]

III. Public Comment Analysis and Amendment

After reviewing the comments, the Commission updates the Rule's reference to API Publication 1509 and the Rule's incorporation by reference language. Otherwise the Commission retains the Rule in its current form. A

[1] 42 U.S.C. 6363(a).

[2] Under EPCA (42 U.S.C. 6363(c)), the National Institute of Standards and Technology (''NIST'') must develop (and report to the FTC) applicable standards for determining the substantial equivalence of processed used engine oil with new engine oil. NIST recommended API Publication 1509 when the Commission originally promulgated the Rule in 1995.

[3] 60 FR at 55418–19. As the Commission has previously explained, until NIST develops test procedures for end uses other than engine oil, the Recycled Oil Rule is limited to recycled oil used for that purpose. Moreover, because NIST's test procedures and performance standards are the same as those adopted by API for engine oils, the Commission must limit the Rule's scope to categories of engine oil that are covered by the API Engine Oil Licensing and Certification System, as prescribed in API Publication 1509. *See* 72 FR 14410, n.1 (Mar. 28, 2007).

[4] 72 FR 14410, 14413 (Mar. 28, 2007).

[5] The public comments are posted at: *https://www.ftc.gov/policy/public-comments/2018/01/initiative-735*. They include: Avista Oil Group (Avista) (#00006); American Petroleum Institute (API) (#00007); National Automobile Dealers Association (NADA) (#00008); Independent Lubricant Manufacturers Association (ILMA) (#00010); NORA, An Association of Responsible Recyclers (NORA) (#00011); Safety-Kleen (#00005); and Curtiss (#00003).

discussion of the comments and the amendments follow.[6]

A. Rule Need, Benefits, Costs, and Compliance

As discussed below, commenters indicated the Commission should retain the Rule because it continues to serve its purpose, benefits both consumers and industry, imposes no unwarranted costs, and has high compliance rates.[7]

Several commenters indicated the Rule continues to serve EPCA's purposes. For example, NORA explained that the Rule encourages used oil recycling, promotes recycled oil use, reduces consumption of new oil, and reduces hazards and waste associated with used oil disposal. In addition, in NORA's view, the Rule's substantiation requirements for recycled oil have helped remedy a general perception that recycled oil is inferior to new oil. NORA also indicated that the Rule's provisions help encourage consumer demand for recycled oil, which creates environmental benefits through oil collection and reuse in place of costly disposal.[8] ILMA added that, without the Rule, some states may impose their own labeling requirements, potentially creating inconsistencies, which could confuse consumers nationwide. It further explained that the Rule furnishes ''an effective regulatory tool'' to prevent the marketing of ''junk'' oil.[9] Safety-Kleen concluded the Rule has ''helped to increase acceptance of re-refined oil by creating an objective benchmark by which all oil can be measured.''

In addition to serving the enumerated purposes of the statute, commenters indicated the Rule provides significant benefits to consumers and industry members. ILMA and API stated it helps consumers by providing an additional marketplace choice, backed by the API performance standards. NORA asserted that competition encouraged by the Rule keeps prices low. It also noted the Rule helps assure consumers that ''substantially similar'' claims for re-refined lubricants are accurate and supported by test data. Regarding industry benefits, API commented the Rule aids companies by allowing sellers to market re-refined base stocks without concern that consumers will view recycled oil as a lower quality product. Similarly, NADA contended the Rule aids sellers by encouraging growing market acceptance of recycled oil while affording processors marketing flexibility. According to Avista, the Rule has ''incentivized domestic re-refiners to pioneer new technology.'' NORA also indicated that recycled oil has a ''reduced carbon dioxide footprint.'' Finally, Safety-Kleen stated that a standardized testing and certification process decreases industry costs. No commenter identified any unwarranted costs associated with the Rule.[10]

No commenters identified significant compliance issues with the Rule. Safety Kleen explained that the Rule provides a standardized, objectively verifiable test that can be used to refute false claims. In addition, NORA and ILMA asserted that companies have little incentive to engage in deceptive conduct given the potential penalties involved. Furthermore, several commenters described ongoing industry efforts to monitor engine oil quality. For example, ILMA explained that it runs a program to randomly test engine oil marketed by its members and has found high compliance rates. Similarly, Safety-Kleen noted that API conducts an After Market Audit Program that tests products ''for compliance against the original fluid certification testing,'' and API did not identify any significant compliance problems.[11]

B. Suggested Changes and Updates

Comments: Commenters recommended several Rule amendments, including updating the reference to API Publication 1509, permitting automatic updates to the API publication, expanding the claims covered by the Rule, and changing several definitions.

Commenters agreed the Commission should update the Rule's reference to API Publication 1509 to reflect the seventeenth edition, as the Commission proposed in its December 2017 proposed rule.[12] For instance, Safety-Kleen explained that this update will ''ensure both virgin and re-refined quality levels meet the most current standard.'' ILMA identified no significant costs to industry for this updated reference. No commenters opposed the conforming change.

In addition, three commenters (API, NORA, and ILMA) recommended amending the Rule to allow for automatic updates to the ''most recent version'' of the API publication. In the commenters' view, such a change would preclude the need for the Commission to publish future Rule updates. Similarly, API supported automatic Rule updates, noting Publication 1509 is generally updated every three to five years.

Aside from updating the API Publication, several commenters urged the Commission to refrain from making any other changes.[13] For instance, Safety Kleen stated that all the current provisions are ''necessary and appropriate.'' Similarly, no commenters identified technological changes that necessitate Rule amendments; nor did they note any conflicts between the Rule and other requirements. NADA advised that any proposed Rule changes should comport with the statute's goals.

Other commenters, however, recommended additional revisions. First, Avista suggested the Rule allow recycled oil marketers to label their products as ''equal in quality'' to new oil (*i.e.,* oil manufactured from crude oil). In its view, technological improvements in the industry during the last decade have rendered recycled oil of equal or better quality than refined oil, and this fact ''must be reflected in the new Rule.''

Some commenters also recommended changing the Rule's definitions to make them more consistent with existing industry usage and practice. NORA explained that, in the oil recycling industry, the term ''recycled oil'' generally refers not only to oil processed for use as an engine oil (*i.e.,* lubricant) but also to used oil processed for fuel.[14] However, in the Rule, ''recycled oil'' only means re-refined oil successfully tested pursuant to the API publication (which addresses engine oil, not fuel). NORA also noted overlap in the Rule's definitions of ''processed used oil,'' ''recycled oil,'' and ''re-refined oil.'' Although NORA did not provide

[6] The Commission has not published an additional proposed rule in this proceeding because the December 2017 proposed rule provided interested persons an adequate opportunity to comment on the final amendments published here (*i.e.,* the updated reference to API Publication 1509).

[7] *See, e.g.,* API, NADA, NORA, and Safety-Kleen.

[8] Safety Kleen added that recycled oil, which is increasing in availability, ''generates significant energy and environmental benefits'' at a competitive price and helps create domestic jobs.

[9] ILMA also discussed its efforts to address the sale of ''obsolete oils'', an issue outside the Rule's scope.

[10] Commenter Curtiss stated that oil recycling should be a ''top priority'' and urged ''continued improvement of oil recycling.'' Curtiss also recommended, without elaboration, that ''this oil be labeled as such'' and certified. As discussed in the original rulemaking, the Commission has not identified a need for any affirmative disclosure requirements related to used oil, as long as marketers meet the API Publication 1509. *See* 60 FR at 55418–55419. Curtiss also recommended a deposit system for oil. However, such a system falls outside the scope of the Commission's authority.

[11] Commenters did not identify any conflicts between the Rule and other requirements, nor did they identify any technological advances that would warrant changes to the Rule.

[12] *See, e.g.,* API, NADA, NORA, and Safety-Kleen.

[13] *See* ILMA and Safety-Kleen.

[14] In addition, ''processed used oil'' as defined in the FTC Rule refers to re-refined used oil, while in EPA regulations (40 CFR part 279) the same term refers to used oil processed into a fuel.

specific suggestions, its comments implied that the Commission should harmonize the Rule's terms with common industry understanding and otherwise define the terms more precisely to avoid confusion.

Similarly, API recommended amending the Rule to clearly distinguish base stock ''manufacturers'' from ''oil marketers'' (*i.e.,* organizations ''responsible for identifying the standard met by an engine oil'').'' [15] Specifically, it urged the Commission to use the term ''oil marketer'' in lieu of ''manufacturer'' wherever the Rule addresses entities responsible for oil branding. API also suggested the Commission amend the definition of ''manufacturer'' to exclude entities that blend processed used oil with new oil or additives by limiting the definition to entities that re-refine or otherwise process ''used oil to remove physical or chemical impurities acquired through use.''

API also urged the Commission to change the definition for ''recycled oil'' so that it refers to oil ''deposited, collected, and managed in accordance with'' EPA's used oil management standards (40 CFR part 279), instead of oil determined to be ''substantially equivalent to new oil for use as engine oil'' under Publication 1509, as currently required by the Rule. API explained that this change would ''clarify oil disposition once it has been introduced'' into a vehicle engine. In clarifying the common industry understanding of various terms, API noted that the term ''used oil'' identifies the oil drained from a crankcase; ''recycled oil'' refers to the used oil once it has entered the used oil management stream; ''re-refined oil'' is one method used to repurpose used oil; and ''processed used oil'' is a broad term that covers all potential methods used to repurpose used oil.

Discussion: The Commission amends the Rule to update the reference to API Publication 1509, including the regulatory language for incorporation by reference. With the exception of this minor update, the Commission retains the Rule in its current form. As discussed below, the Commission does not propose making other changes suggested by commenters, including providing for automatic updates to the test procedures incorporated by reference, addressing ''equal in quality'' claims for recycled oil in the Rule, or changing the Rule's definitions.

The Commission does not amend the Rule to include automatic updates because such an approach is inconsistent with Office of Federal Register (OFR) requirements. Under OFR rules, incorporation by reference is ''limited to the edition of the publication that is approved'' and cannot include future amendments or revisions.[16] While the Commission cannot include such a perpetual update mechanism, it will consider future updates to the test procedures in the Rule as part of its periodic reviews. In the interim, stakeholders may petition the Commission if there is a pressing need for a particular update.

Likewise, the Commission declines to amend the Rule to address whether recycled oil marketers can label their products as ''equal in quality'' to new oil. The record does not clearly establish the basis and need for additional affirmative labeling provisions beyond the statutory requirement that representations of substantial equivalency be based on the NIST standards.[17] Furthermore, the FTC Act (15 U.S.C. 45(a)) does not restrict the scope of truthful advertising claims sellers may make for recycled oil. Indeed, marketers may make recycled oil claims beyond those covered by the Rule, as long as such representations are supported by competent and reliable evidence and do not otherwise violate the FTC Act.[18]

Further, the Commission declines to amend the Rule's definitions. Specifically, the proposed clarification to the definition of ''processed used oil'' does not appear necessary. Although industry members may understand the term as applying to oil processed for engine lubrication and fuel, the Rule's principal provisions clearly involve oil recycled ''for use as engine oil.'' [19] Moreover, the record provides little evidence that the narrow application of this term in the Rule has caused significant problems in the regulated community or for consumers.

Additionally, the Commission declines to alter the term ''manufacturer'' or add the term ''oil marketer'' as API recommended. The Rule's definition for ''manufacturer'' is consistent with the statutory language for that term, which encompasses not only entities that process used oil to remove impurities, but also entities that blend processed used oil with new oil. Although the statute's definition may stretch beyond industry's conventional use of the term, API did not detail any problems, for consumers or industry members, caused by the current language, nor did it delineate its proposal's benefits. Likewise, there appears to be no need to add a definition of ''oil marketer'' or to change the scope of ''manufacturer.'' The Rule's core provisions already apply broadly to ''any manufacturer *or other seller,*'' thus negating the need to expand the Rule's existing terms.[20]

Finally, the Commission does not change the definition of ''recycled oil'' to tie the term to EPA's used oil management regulations (instead of the substantial equivalency determination) as suggested by API. This change would be inconsistent with the statute, which specifically defines the term ''recycled oil'' as used oil the manufacturer has determined to be substantially equivalent to new oil under the procedures set out in the Rule.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, requires an agency to provide a Final Regulatory Flexibility Analysis with the final rule, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 603–605. The amendment, which merely updates the Rule's reference to the API publication, does not increase the Rule's burdens.[21] Accordingly, the Commission certifies that the amendment will not have a significant economic impact on a substantial number of small entities. This document serves as notice of that determination to the Small Business Administration.

V. Paperwork Reduction Act

Under the Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501–3520, Federal agencies must obtain approval from the

[15] API recommended the Commission adopt the ''oil marketer'' definition in the current version of API 1509.

[16] *See* 1 CFR 51.1(f).

[17] *See* 60 FR 55414, 55419.

[18] The Rule, however, preempts any law, regulation, or order of any State (or political subdivision thereof), if it has labeling requirements with respect to the comparative characteristics of recycled oil with new oil that are not identical to the labels permitted by the Rule. *See* 42 U.S.C. 6363(e)(1); 16 CFR 311.3.

[19] *See, e.g.,* 16 CFR 311.1(d), 311.5, and 311.6.

[20] *See* 16 CFR 311.5 and 311.6 (emphasis added). Under EPCA, ''person'' is defined to include ''(A) any individual, (B) any corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company, and (C) the government and any agency of the United States or any State or political subdivision thereof.'' 42 U.S.C. 6202(2).

[21] The Rule itself permits rather than requires any container of recycled oil to bear a label indicating that it is substantially equivalent to new engine oil, if such a determination has been made in accordance with the prescribed test procedures. The Rule imposes no reporting or recordkeeping requirements, and it permits recycled oil to be labeled with information that is basic and easily ascertainable.

Office of Management and Budget (''OMB'') for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). The amended Rule does not involve the ''collection of information'' under the PRA and, therefore, OMB approval is not required.

VI. Incorporation by Reference

Consistent with 5 U.S.C. 552(a) and 1 CFR part 51, the Commission incorporates the specifications of the following document published by the American Petroleum Institute: API 1509, ''Engine Oil Licensing and Certification System,'' Seventeenth Edition, September 2012 (Addendum 1, October 2014, Errata, March 2015). According to API, this publication ''describes the API Engine Oil Licensing and Certification System (EOLCS), a voluntary licensing and certification program designed to define, certify, and monitor engine oil performance deemed necessary for satisfactory equipment life and performance by vehicle and engine manufacturers.'' API 1509 is reasonably available to interested parties. Members of the public can obtain copies of API Publication 1509 from API, 1220 L Street NW, Washington, DC 20005; telephone: (202) 682–8000; internet address: *https://www.api.org.*

These standards are also available for inspection at the FTC Library, (202) 326–2395, Federal Trade Commission, Room H–630, 600 Pennsylvania Avenue NW, Washington, DC 20580.

List of Subjects in 16 CFR Part 311

Energy conservation, Incorporation by reference, Labeling, Recycled oil, Trade practices.

For the reason set forth in the preamble, 16 CFR part 311 is amended as follows:

PART 311—TEST PROCEDURES AND LABELING STANDARDS FOR RECYCLED OIL

■ 1. The authority citation for part 311 continues to read as follows:

Authority: 42 U.S.C. 6363(d).

■ 2. Revise § 311.4 to read as follows:

§ 311.4 Testing.

To determine the substantial equivalency of processed used oil with new oil for use as engine oil, manufacturers or their designees must use the test procedures in API 1509, Engine Oil Licensing and Certification System, Seventeenth Edition, September 2012 (Addendum 1, October 2014, Errata, March 2015). The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from API, 1220 L Street NW, Washington, DC 20005; telephone: 202–682–8000; internet address: *https://www.api.org.* You may inspect a copy at the FTC Library, 202–326–2395, Federal Trade Commission, Room H–630, 600 Pennsylvania Avenue NW, Washington, DC 20580. It is also available for inspection 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 *www.archives.gov/federal-register/cfr/ibr-locations.html.*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2018–20273 Filed 9–21–18; 8:45 am]

BILLING CODE 6750–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2015–0016]

16 CFR Part 1233

Revisions to Safety Standard for Portable Hook-On Chairs

AGENCY: Consumer Product Safety Commission.

ACTION: Direct final rule.

SUMMARY: In March 2016, the U.S. Consumer Product Safety Commission (CPSC) published a consumer product safety standard for portable hook-on chairs based on the ASTM voluntary standard for portable hook-on chairs. ASTM has since published a revised voluntary standard for portable hook-on chairs. We are publishing this direct final rule, revising the CPSC's mandatory standard for portable hook-on chairs to incorporate by reference the more recent version of the applicable ASTM standard.

DATES: The rule is effective on January 15, 2019, unless we receive significant adverse comment by October 24, 2018. If we receive timely significant adverse comments, we will publish notification in the **Federal Register**, withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of January 15, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2015–0016, by any of the following methods:

Submit electronic comments in the following way:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments. To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (email), except through *www.regulations.gov.*

Submit written submissions as follows:

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

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

FOR FURTHER INFORMATION CONTACT: Keysha Walker, Compliance Officer, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: 301–504–6820; email: *kwalker@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

1. The Danny Keysar Child Product Safety Notification Act

Section 104(b)(1)(B) of the CPSIA, also known as the Danny Keysar Child Product Safety Notification Act, requires the Commission to promulgate consumer product safety standards for durable infant or toddler products. The law requires that these standards are to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standards if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product.

The CPSIA also sets forth a process for updating CPSC's durable infant or toddler standards when the voluntary standard upon which the CPSC standard was based is changed. Section 104(b)(4)(B) of the CPSIA provides that if an organization revises a standard that has been adopted, in whole or in part, as a consumer product safety standard under this subsection, it shall notify the Commission. In addition, the revised

voluntary standard shall be considered to be a consumer product safety standard issued by the Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the date on which the organization notifies the Commission (or such later date specified by the Commission in the **Federal Register**) unless, within 90 days after receiving that notice, the Commission notifies the organization that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard and that the Commission is retaining the existing consumer product safety standard.

2. The CPSC's Portable Hook-On Chairs Standard

Pursuant to section 104(b)(1) and section 104(c) of the CPSIA, on March 28, 2016, the Commission published a mandatory consumer product safety standard that incorporated by reference ASTM F1235–15, *Standard Consumer Safety Specification for Portable Hook-On Chairs.* (81 FR 17062, Mar. 28, 2016).

3. Notification of Recent Revision

On July 19, 2018, ASTM officially notified the CPSC that it has published ASTM F1235–18, *Standard Consumer Safety Performance Specification for Hook-On Chairs,* a revised 2018 version approved on May 1, 2018. ASTM F1235–18 is the first revision to ASTM F1235 since publication of ASTM F1235–15. The ASTM F1235–18 standard contains performance requirements as described below:

- Requirements for wood parts;
- Requirements for latching and locking mechanisms;
- Requirements to prevent scissoring, shearing, and pinching (including during detachment from table support surface);
- Requirements for covering exposed coil springs;
- Size requirements for openings;
- Warning labeling requirements;
- Requirements for protective components; and
- Marking, labeling, and instructional literature requirements.

As discussed below, the Commission has reviewed the differences between the CPSC standard, 16 CFR part 1233, and ASTM F1235–18.

B. Revision to the ASTM Standard

ASTM F1235–18 contains one safety-related revision underlined below:

6.7.1.1 The passive crotch restraint shall be installed on the product at the time of shipment *in a manner such that it cannot be removed without the use of a tool.*

The ASTM subcommittee made this change to address products with fabric passive crotch restraints that are not permanently attached. The ASTM standard defines a ''passive crotch restraint'' as a ''component that separates the openings for the legs of the occupant into two separate bounded openings and requires no action on the part of the caregiver to use.'' The ASTM subcommittee was concerned that a passive crotch restraint that could be removed without tools could easily disengage. Therefore, the subcommittee considered the use of a tool in order to remove a passive crotch restraint to be an appropriate requirement for such a restraint in order to prevent accidental disengagement. We conclude that this change reduces the likelihood that the passive crotch restraint will be removed, thereby improving the safety of portable hook-on chairs.

ASTM also added language, which it intends to add to all of its voluntary standards, stating that ASTM developed the standard in accordance with principles recognized by the World Trade Organization. Adding this text does not affect the safety of portable hook-on chairs. ASTM F1235–18 also includes several non-substantive changes that do not affect safety, such as grammatical changes,[1] spacing, and formatting. We determined that each change made in ASTM F1235–18 is either neutral or will improve the safety of the product, and collectively, these changes improve safety.

C. Incorporation by Reference

The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. Under these regulations, agencies must discuss, in the preamble to the final rule, ways that the materials the agency incorporates by reference are reasonably available to interested persons and how interested parties can obtain the materials. In addition, the preamble to the final rule must summarize the material. 1 CFR 51.5(b).

In accordance with the OFR's requirements, section A3 of this preamble summarizes the major provisions of the ASTM F1235–18 standard that the Commission incorporates by reference into 16 CFR part 1233. The standard is reasonably available to interested parties, and interested parties may purchase a copy of the standard from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; *http://www.astm.org/.* A copy of the standard can also be inspected at CPSC's Division of the Secretariat, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923.

D. Certification

Section 14(a) of the CPSA requires that products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard, or regulation under any other act enforced by the Commission, be certified as complying with all applicable CPSC requirements. 15 U.S.C. 2063(a). Such certification must be based on a test of each product, or on a reasonable testing program, or, for children's products, on tests on a sufficient number of samples by a third party conformity assessment body accepted by the Commission to test according to the applicable requirements. As noted in the preceding discussion, standards issued under section 104(b)(1)(B) of the CPSIA are ''consumer product safety standards.'' Thus, they are subject to the testing and certification requirements of section 14 of the CPSA.

Because portable hook-on chairs are children's products, samples of these products must be tested by a third party conformity assessment body whose accreditation has been accepted by the Commission. These products also must comply with all other applicable CPSC requirements, such as the lead content requirements in section 101 of the CPSIA, the phthalates prohibitions in section 108 of the CPSIA and 16 CFR part 1307, the tracking label requirement in section 14(a)(5) of the CPSA, and the consumer registration form requirements in the Danny Keysar Child Product Safety Notification Act.

E. Notice of Requirements

In accordance with section 14(a)(3)(B)(iv) of the CPSA, the Commission has previously published a notice of requirements (NOR) for accreditation of third party conformity assessment bodies for portable hook-on chairs (81 FR 17062 (Mar. 28, 2016)). The NOR provided the criteria and process for our acceptance of accreditation of third party conformity assessment bodies for testing portable hook-on chairs to 16 CFR part 1233 (which incorporated ASTM F1235–15). The NOR is listed in the Commission's rule, ''Requirements Pertaining to Third Party Conformity Assessment Bodies.'' 16 CFR part 1112.

As discussed in section B of this document, the revision to 6.7.1.1,

[1] *e.g.,* ''manufacturers'' to ''manufacturer's.''

concerning the passive crotch restraint, clarifies the existing standard and does not require a new test. The requirement that the passive crotch restraint be attached in a manner requiring tools to remove it can be assessed by visual inspection. Accordingly, there is no change in the way that third party conformity assessment bodies test these products for compliance with the portable hook-on chairs standard. Laboratories would begin testing to the new standard when ASTM F1235–18 goes into effect, and the existing accreditations that the Commission has accepted for testing to this standard previously would also cover testing to the revised standard. Therefore, the existing NOR for this standard will remain in place, and CPSC-accepted third party conformity assessment bodies are expected to update the scope of the testing laboratories' accreditation to reflect the revised standard in the normal course of renewing their accreditation.

F. Direct Final Rule Process

The Commission is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA) generally requires notice and comment rulemaking, section 553 of the APA provides an exception when the agency, for good cause, finds that notice and public procedure are ''impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B). The Commission concludes that when the Commission updates a reference to an ASTM standard that the Commission has incorporated by reference under section 104(b) of the CPSIA, notice and comment is not necessary.

Under the process set out in section 104(b)(4)(B) of the CPSIA, when ASTM revises a standard that the Commission has previously incorporated by reference as a Commission standard for a durable infant or toddler product under section 104(b)(1)(b) of the CPSIA, that revision will become the new CPSC standard, unless the Commission determines that ASTM's revision does not improve the safety of the product. Thus, unless the Commission makes such a determination, the ASTM revision becomes CPSC's standard by operation of law. The Commission is allowing ASTM F1235–18 to become CPSC's new standard. The purpose of this direct final rule is merely to update the reference in the Code of Federal Regulations so that it accurately reflects the version of the standard that takes effect by statute. Public comment will not impact the substantive changes to the standard or the effect of the revised standard as a consumer product safety standard under section 104(b) of the CPSIA. Under these circumstances, notice and comment is not necessary. In Recommendation 95–4, the Administrative Conference of the United States (ACUS) endorsed direct final rulemaking as an appropriate procedure to expedite promulgation of rules that are noncontroversial and that are not expected to generate significant adverse comment. *See* 60 FR 43108 (August 18, 1995). ACUS recommended that agencies use the direct final rule process when they act under the ''unnecessary'' prong of the good cause exemption in 5 U.S.C. 553(b)(B). Consistent with the ACUS recommendation, the Commission is publishing this rule as a direct final rule because we do not expect any significant adverse comments.

Unless we receive a significant adverse comment within 30 days, the rule will become effective on January 15, 2019. In accordance with ACUS's recommendation, the Commission considers a significant adverse comment to be one where the commenter explains why the rule would be inappropriate, including an assertion challenging the rule's underlying premise or approach, or a claim that the rule would be ineffective or unacceptable without change.

Should the Commission receive a significant adverse comment, the Commission would withdraw this direct final rule. Depending on the comments and other circumstances, the Commission may then incorporate the adverse comment into a subsequent direct final rule or publish a notice of proposed rulemaking, providing an opportunity for public comment.

G. Effective Date

Under the procedure set forth in section 104(b)(4)(B) of the CPSIA, when a voluntary standard organization revises a standard upon which a consumer product safety standard issued under the Danny Keysar Child Product Safety Notification Act was based, the revision becomes the CPSC standard within 180 days of notification to the Commission, unless the Commission determines that the revision does not improve the safety of the product, or the Commission sets a later date in the **Federal Register**. For the reasons explained below, the Commission is not setting a different effective date.

The Juvenile Products Manufacturers Association (JPMA) typically allows 6 months for products in their certification program to shift to a new voluntary standard once that new voluntary standard is published. Therefore, juvenile product manufacturers are accustomed to adjusting to new voluntary standards within this time frame. ASTM F1235–18 has been approved since May 1, 2018, so by January 15, 2019, manufacturers should already be producing products that meet this standard. Finally, there is only one significant change to the voluntary standard, which the ASTM subcommittee considers a clarification, as further support that manufacturers should already be producing products that meet this standard. Thus, in accordance with this provision, this rule takes effect 180 days after we received notification from ASTM of revisions to these standards. As discussed in the preceding section, this is a direct final rule. Unless we receive a significant adverse comment within 30 days, the rule will become effective on January 15, 2019.

H. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that agencies review proposed and final rules for their potential economic impact on small entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603 and 604. The RFA applies to any rule that is subject to notice and comment procedures under section 553 of the APA. *Id.* As explained above, the Commission has determined that notice and comment is not necessary for this direct final rule. Thus, the RFA does not apply. We also note the limited nature of this document, which updates the incorporation by reference to reflect the mandatory CPSC standard that takes effect under section 104 of the CPSIA.

I. Paperwork Reduction Act

The portable hook-on chairs standard contains information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The revision made no changes to that section of the standard. Thus, the revision will not have any effect on the information collection requirements related to the standard.

J. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that where a ''consumer product safety standard under [the Consumer Product Safety Act (CPSA)]'' is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury, unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states

may apply to the Commission for an exemption from this preemption under certain circumstances.

The Danny Keysar Child Product Safety Notification Act (at section 104(b)(1)(B) of the CPSIA) refers to the rules to be issued under that section as ''consumer product safety standards,'' thus, implying that the preemptive effect of section 26(a) of the CPSA would apply. Therefore, a rule issued under section 104 of the CPSIA will invoke the preemptive effect of section 26(a) of the CPSA when it becomes effective.

K. Environmental Considerations

The Commission's regulations provide a categorical exclusion for the Commission's rules from any requirement to prepare an environmental assessment or an environmental impact statement because they ''have little or no potential for affecting the human environment.'' 16 CFR 1021.5(c)(2). This rule falls within the categorical exclusion, so no environmental assessment or environmental impact statement is required.

List of Subjects in 16 CFR Part 1233

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

For the reasons stated above, the Commission amends title 16 CFR chapter II as follows:

PART 1233—SAFETY STANDARD FOR PORTABLE HOOK-ON CHAIRS

■ 1. The authority citation for part 1233 continues to read as follows:

Authority: Sec. 104, Pub. L. 110–314, 122 Stat. 3016 (August 14, 2008); Sec. 3, Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

■ 2. Revise § 1233.2 to read as follows:

§ 1233.2 Requirements for portable hook-on chairs.

Each portable hook-on chair must comply with all applicable provisions of ASTM F1235–18, *Standard Consumer Safety Specification for Portable Hook-On Chairs,* approved May 1, 2018. The Director of the Federal Register approves the incorporation by reference listed in this section in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of this ASTM standard from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; *http://www.astm.org/.* You may inspect a copy at the Division of the Secretariat, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Alberta E. Mills,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2018–20673 Filed 9–21–18; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0731]

RIN 1625–AA00

Safety Zone; Intracoastal Waterway, Biscayne Bay, Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of Biscayne Bay east of Bayfront Park in connection with aerobatic helicopter demonstrations sponsored by Red Bull in Miami, Florida. The safety zone is needed to protect persons, vessels, and the marine environment from potential hazards associated with the aerial demonstrations over Biscayne Bay. Entry of vessels or persons into this zone is prohibited, unless specifically authorized by the Captain of the Port Miami (COTP).

DATES: This rule is effective from 2:30 p.m. October 20, 2018, through 4 p.m. October 21, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0731 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Omar Beceiro, Sector Miami Waterways Management Division, U.S. Coast Guard; telephone 305–535–4317, email *omar.beceiro@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard received information regarding the size and location of the safety zone with insufficient time to publish an NPRM and receive public comments. Because of the potential hazards associated with the aerobatic demonstrations, the safety zone is necessary to provide for the safety of event participants and vessels transiting in proximity to the event area. For these reasons, it would be impracticable and contrary to the public interest to publish an NPRM.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to potential safety hazards associated with the event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP has determined that potential hazards associated with aerobatic helicopter demonstrations will be a safety concern for persons and vessels traveling underneath the demonstrations. This rule is needed to protect persons, vessels, and the marine environment in the navigable waters contained within the safety zone during aerial demonstrations.

IV. Discussion of the Rule

This rule establishes a safety zone for three, 30-minute periods commencing at 2:30 p.m., 4 p.m., and 5:30 p.m. on October 20, 2018, and for three, 30-minute periods commencing at 12:30 p.m., 2 p.m., and 3:30 p.m. on October

21, 2018. The safety zone will cover certain navigable waters of Biscayne Bay east of Bayfront Park in Miami, FL. The duration of the safety zone is intended to protect persons, vessels, and the marine environment in these navigable waters during aerial demonstrations. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will be temporarily interrupted and prevented from transiting a short section of the Intracoastal Waterway and Fisherman's Channel in Miami, FL during demonstrations. The interruptions would affect a small designated area of Biscayne Bay for 30-minute periods, three times each day the safety zone is in effect. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting approximately 90 minutes (three, 30-minute periods) each day of the two-day event. During each 30-minute period the safety zone is in effect, boating traffic will be temporarily interrupted and prevented from transiting the Intracoastal Waterway or Fisherman's Channel east of Bayfront Park in Miami, FL. The rule is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add a temporary § 165.T07–0731 to read as follows:

§ 165.T07–0731 Safety Zone; Intracoastal Waterway, Biscayne Bay, Miami, FL.

(a) *Location.* The following coordinates define the temporary safety zone located in Biscayne Bay, Miami, FL. All waters of Biscayne Bay contained within the following points: Commencing at 25°46′22″ N, 080°10′28″ W; thence southwest to 25°45′33″ N, 080°10′39″ W; thence northwest to 25°45′42″ N, 080°11′05″ W; then northeast to 25°46′34″ N, 080°10′49″ W; thence southeast along the shoreline to origin. All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the COTP in the enforcement of the regulated area.

(c) *Regulations.* (1) No person or vessel will be permitted to enter, transit, anchor, or remain within the regulated area unless authorized by COTP or a designated representative.

(2) Persons and vessels desiring to enter, transit, anchor, or remain within the regulated area may contact the COTP by telephone at 305–535–4313, or a designated representative via VHF radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP or a designated representative.

(d) *Enforcement period.* This rule will be enforced from 2:30 p.m. through 3 p.m., 4 p.m. through 4:30 p.m., and 5:30 through 6 p.m. on October 20, 2018, and 12:30 p.m. through 1 p.m., 2 p.m. through 2:30 p.m., and 3:30 p.m. through 4 p.m. on October 21, 2018.

Dated: September 18, 2018.

M.M. Dean,

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

[FR Doc. 2018–20670 Filed 9–21–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 74

RIN 2900–AP97

VA Veteran-Owned Small Business (VOSB) Verification Guidelines

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations governing VA's Veteran-Owned Small Business (VOSB) Verification Program. The National Defense Authorization Act for Fiscal Year 2017 (''the NDAA''), placed the responsibility for issuing regulations relating to ownership and control for the verification of VOSBs with the United States Small Business Administration (SBA). This regulation implements the NDAA by referencing SBA's regulations governing ownership and control and adds and clarifies certain terms and references that are currently part of the verification process. The NDAA also provides that in certain circumstances a firm can qualify as VOSB or Service-Disabled Veteran-Owned Small Business (SDVOSB) when there is a surviving spouse or an employee stock ownership plan (ESOP).

DATES: This rule is effective on October 1, 2018.

FOR FURTHER INFORMATION CONTACT: Tom McGrath, Director, Center for Verification and Evaluation (00VE), Department of Veterans Affairs, 810 Vermont Ave. NW, Washington, DC 20420, (202) 461–4600. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In Public Law 114–840, the NDAA designates the SBA as the Federal Agency responsible for creating regulations governing ownership and control. This rule amends VA's verification regulations in order to implement the NDAA as regulations relating to and clarifying ownership and control are no longer the responsibility of VA.

On January 10, 2018, VA published in the **Federal Register** (83 FR 1203) a proposed rule to amend its regulations governing its VOSB Program. The proposed rule allowed for a comment period ending on March 12, 2018. During the comment period, VA received several comments from 17 commenters.

Summary of Comments and VA's Response

A. General

VA received several comments that described the commenters' views and experiences without any reference to a proposed regulatory provision. VA is unable to respond to these comments as they did not address the proposed provisions at issue here. One commenter questions the VA's authority with regards to the verification process and disagrees that the VA is authorized to issue regulations and make determinations of ownership and control. The commenter contends that VA's function with respect to verification should be limited to verifying veteran and disability status, and maintaining the VA list of verified SDVOSBs and VOSBs. Although the authority to issue regulations setting forth the ownership and control criteria for SDVOSBs and VOSBs now rests with the Administrator of the SBA, the Secretary is still charged with verifying that each applicant complies with those regulatory provisions prior to granting verified status and including the applicant in the VA list of verified firms. As the Secretary still maintains this authority and responsibility, VA finds the commenter's proposed limitation without merit. However, to eliminate any confusion as to whether the Secretary is attempting to regulate ownership and control requirements, VA will refer directly to SBA's regulations where appropriate. This will additionally allow VA's regulation to be immediately updated should SBA make regulatory changes related to ownership and control. Several other commenters discussed their personal difficulties with the verification process, how regulatory provisions are interpreted, and the manner by which the verification process is administered. As these comments do not address the proposed regulation, VA is unable to respond to these comments.

B. Section 74.1

For consistency, § 74.1 proposed removing all references to VetBiz and replacing the words Center for Verification and Evaluation, service-disabled veteran-owned small business, the Department of Veterans Affairs, Vendor Information Pages, and veteran-owned small business, and uses in their place the respective abbreviations—CVE, SDVOSB, VA, VIP, and VOSB in titles and the body of the regulation,

respectively. VA received no comments on this proposed change and is therefore adopting the abbreviations exactly as proposed. As these abbreviations are used through the proposed amendments, all such abbreviations as they appear will be adopted as proposed.

VA proposed amending § 74.1, which sets forth definitions important to the Vendor Information Pages (VIP) Verification Program, to remove six (6) definitions from § 74.1 that relate to and clarify ownership and control. Specifically, VA proposed removing the following definitions: day-to-day management, day-to-day operations, immediate family member, negative control, same or similar line of business, and unconditional ownership. VA proposed deleting one additional definition, Vet.Biz.gov, to account for changes to the location of the Vendor Information Pages (VIP) database. VA did not receive any comments on these proposed removals and is therefore adopting these removals as proposed.

VA additionally proposed amending § 74.1 to add three new definitions. Specifically, VA proposed to add a definition for ''applicant'' in order to clarify the use of the term throughout the regulation, a new definition ''application days'' in order to clarify how the time period in § 74.11(a) is computed, and a definition *http://www.va.gov/osdbu* is added to identify the hosting website as VA is replacing VetBiz.gov as the host of the VIP database. VA did not receive any comments regarding the new definition *http://www.va.gov/osdbu.* Therefore, VA is adopting that definition exactly as proposed. VA received one comment regarding the new definition ''applicant'' that it should be renamed participant since it is a benefit Veterans earn. In response, the definition of applicant refers to a business concern that applies for verified status, but has not yet completed the process and received an approval letter from CVE. Additionally, the regulations already set forth a unique definition for participant. Therefore, VA is not changing the definition of 'applicant' and will adopt the definition as proposed. VA received one comment on the proposed definition for ''application days''. The comment requested additional clarity as to the period that would be counted as 'application days'. Though not in direct response to the definition of application days, VA received additional comments concerning when the 90-day application period begins. In response to these comments, VA agrees that additional clarification is needed. Accordingly, the commenters' recommendations are accepted in part and VA is further revising the language of § 74.1 to add a new definition ''register'' to clarify when the 90-day application period begins to run.

VA additionally proposed amending § 74.1 the following sixteen (16) definitions: Center for Veterans Enterprise, joint venture, Office of Small and Disadvantaged Business Utilization, non-veteran, participant, primary industry classification, principal place of business, service-disabled veteran, service-disabled veteran-owned small business, small business concern, surviving spouse, vendor information pages, verification eligibility period, veteran, veterans affairs acquisition regulation, and veteran-owned small business.

VA received no comments on the proposed changes to the following four definitions: Center for Veterans Enterprise, non-veteran, vendor information pages, and Veterans Affairs acquisition regulation. Therefore, VA is adopting those definitions exactly as proposed.

VA did not receive any specific comments on the definitions participant and small business concern. However, the NDAA has removed the responsibility of issuing regulations governing ownership and control from VA and transferred the responsibility to the SBA. The SBA has issued proposed regulations governing ownership and control which includes definitions for participant and small business concern. To eliminate any confusion, VA will refer directly to SBA's regulations when defining the terms participant and small business concern.

VA proposed amending the definition joint venture to conform to the amendments to 13 CFR part 125. VA received several comments from one commenter regarding this proposed change. The commenter expressed support of VA's proposed definition, but expressed concern it would lead to VA and SBA having conflicting rules on the definition of joint venture. This concern appears to be based on an assumption that VA will not apply the applicable joint venture requirements, and exceptions, found in SBA's regulations. However, this is not the case. Proposed § 74.5 would provide further guidance on joint ventures and refers to SBA's regulations directly. Accordingly, VA and SBA will treat joint ventures the same way. Though the commenter expressed concern that the SBA's regulations would, in certain circumstances, allow a large business to partner with a small business, the NDAA requires that VA and SBA create uniform eligibility criteria for SDVOSB firms, which includes those firms structured as joint ventures. Accordingly, VA will not alter the definition of joint venture and is adopting it exactly as proposed. VA proposed amending the definition of Office of Small and Disadvantaged Business Utilization to more accurately reflect the role fulfilled by this office with respect to VOSB matters. The definition included a provision stating that ''[t]he Executive Director, OSDBU, is the VA liaison with the SBA. Information copies of correspondence sent to the SBA seeking a certificate of competency determination must be concurrently provided to the Director, OSDBU.'' VA received one comment that authorizations regarding certificates of competency should be removed or addressed as part of the VAAR. Though certificates of competency do relate to contracting matters, VA sought to create a definition that fully describes that functions of the Office of Small and Disadvantaged Business Utilization. In addition, due to the overlapping nature of the verification and acquisition programs, there will be occasions where the regulation speaks to issues relating to contracting as well as verification. Accordingly, VA will not alter the definition of Office of Small and Disadvantaged Business Utilization and is adopting it exactly as proposed. VA proposed amending the definition of primary industry classification to make a technical change to use the acronym NAICS as it has already been defined in a parenthetical earlier in the definition. VA received two comments on the definition primary industry classification. Both commenters stated the definition was unnecessary. VA responds that this definition was not a new addition, and the only proposed change was to make a technical change to utilize the acronym 'NAICS'. Moreover, VA believes the definition is warranted as firms list their business type and associated NAICS codes on the firm's business profile. Therefore, VA will not make any changes to this definition and is adopting it exactly as proposed.

VA proposed amending the definition of principal place of business to change day-to-day operations to daily business operations in order to match the wording in 13 CFR 125.13. VA received two comments to the definition principal place of business. Specifically, one commenter sought to expand the definition to refer not only to day-to-day operations but long-term operations as well. Another commenter questioned the need for the definition. VA responds that the proposed change was intended

to create uniformity between the VA and SBA regulations as SBA is now responsible for issuing regulations governing the ownership and control requirements for SDVOSBs. Accordingly, the commenter's proposed expansion is outside of VA's authority to regulate and therefore VA is adopting the definition exactly as proposed.

VA proposed to amend the definitions for service-disabled veteran, service-disabled veteran owned small business, surviving spouse, veteran, and veteran owned small business to align with SBA's proposed definitions for these terms. Initially, VA proposed to amend these definitions by incorporating the exact language contained in the NDAA and utilized by SBA in its proposed rule. VA received numerous comments on the proposed revisions. One commenter expressed concern that SBA's definitions did not provide sufficient guidance. Several commenters requested that VA include clarifying language when referencing ESOPs within the definitions. Two other commenters requested VA clarify the term ''permanent and severe'' disability as used in the definitions. Numerous commenters recommended additional revisions to the proposed definition for surviving spouse, primarily requesting the VA expand the eligibility criteria for individuals attempting to qualify as a surviving spouse. VA responds that the NDAA transferred the authority from VA to the SBA to make such substantive changes to definitions that impact ownership and control of SDVOSBs. Rather, VA's charge is verifying that firms meet the ownership and control requirements promulgated by SBA. Accordingly, VA finds the revisions suggested by the commenters are outside the scope of the proposed rule. However, VA acknowledges the potential that SBA may in the future amend these regulatory requirements, either as a result of statutory changes or on its own. To account for these potential changes, and eliminate any confusion as to whether VA is attempting to create unique definitions, VA will alter the language of the above definitions to explicitly state the terms will have the same meaning as set forth in SBA's regulations.

VA proposed amending the definition of verification eligibility period to reflect the current eligibility period of 3 years, which was effectuated via publication in the **Federal Register** on July 12, 2017 at 82 FR 32137. VA received one comment regarding this proposed change. The commenter expressed concern that the eligibility period subjects verified concerns to onerous and expensive re-certifications. VA responds that the proposed change is only a technical change to align the definition with the actual eligibility period that was made effective in a final rule published in the **Federal Register** on July 12, 2017 (82 FR 32137), which amended § 74.15 to reflect the current three-year eligibility period. Therefore, VA will not alter the language of the definition and is adopting it exactly as proposed.

C. Section 74.2

VA proposed amending § 74.2(a) to add the clause ''submitted required supplemental documentation at *http://www.va.gov/osdbu*'' to clearly explain the key steps necessary to submit an application and obtain verification. VA received one comment that the proposed additional language referencing ''required supplemental documentation'' is unnecessary. The provision providing for submitting supplemental documentation is not a new concept to the regulation. It is a recognized method for verifying applicants and was previously described in § 74.11. As the amendment is merely reordering the regulation to provide more clarity and the comment does not propose a substantive change, VA will adopt the language of § 74.2(a) exactly as proposed.

VA proposed amending § 74.2(b) to amend the title to reference the System for Award Management, to address the impact of criminal activity on eligibility, to grant the VA authority to exclude all principals of the concern, and to specify that the debarment of any individual will impact the concern's eligibility. VA received one general comment on all circumstances where there is an immediate removal and that any such removal should have an appeals process where no final action should not be taken until the appeal is resolved. VA additionally received several comments on § 74.2(b). One comment is that there are sufficient legal certifications, statutes and remedies that would render offerors ineligible. A second is that the terms are ambiguous and invite arbitrary and capricious judgement that can lead to denial of due process. Another commenter suggested that the definition be revised to be brought in line with the requirements for the SBA's 8(a) Program, to provide for reviewing criminal violations on a case-by-case basis. In response, the amendments to § 74.2(b), currently titled ''good character'' are merely to provide clarity to circumstances under which a company is currently subject to removal on the grounds of good character as opposed to cancellation. Persons found guilty of, or found to be involved in criminally related matters or debarment proceedings have received due process through whatever administrative or criminal proceeding giving rise to the removal. VA is not an additional level of review, but merely acting on determinations issued by courts or other administrative bodies or processes. Additionally, VA has mirrored the causes for immediate removal on those set forth in FAR 9.4, which sets forth means by which concerns can be deemed ineligible to receive any federal contract. The concept of immediate removal has been an integral component of § 74.2 since 2010. It has been used as a streamlined method of removing companies found ineligible for VA's set aside procurement program. In both 2010 and 2012, GAO published reports tasking VA with reducing potential instances of fraud and abuse. VA has found in its administration of the verification program that the use of the procedures identified in § 74.2 protects VA acquisition integrity and diminishes ongoing exposure to fraud, waste, and abuse. The United States Court of Federal Claims in the case of *Veterans Contracting Group, Inc.,* v. *United States,* No. 17–1015C, pg. 10 (Dec. 21, 2017) recognizes that immediate removal does not necessarily trigger a loss of due process protections. Finally, all examinations of business entities, concerning issues of criminality or otherwise, are conducted on a case-by-case basis and take into account all relevant facts. Amending the regulation to further mirror the SBA's 8(a) program regulations is unnecessary. As VA views the proposed amendments as merely adding clarity to the current process and that no other comments have been received on the other amendments to § 74.2(b), VA adopts the amendments exactly as proposed.

VA proposed amending § 74.2(c) by adding the phrase ''false statements or information'' to reference the title and to provide further clarification on eligibility requirements. VA additionally proposed amending § 74.2(c) to clarify that removal is immediate and to remove the word ''the'' before CVE in the last sentence of the section. One commenter supports the amendment stating that submitting false statements should be stringently enforced. VA received a comment that submitting false statements is a felony and that an independent VA determination that a company made false statements can lead to denial of due process. VA received another comment that a determination by CVE as to whether false statements exists is redundant, ambiguous, could be

subjectively arbitrary, and is not authorized. In response, the amendments to § 74.2(c) are intended to clarify current interpretation and policy. The current language of § 74.2(c) has always been interpreted to allow for immediate removal upon a determination that a concern knowingly submitted false information. The proposed amendment adds the word immediate to remove any ambiguity. With respect to potential due process issues, VA offers the response provided in VA's response to comments made to § 74.2(b). As VA views the proposed amendments as merely adding clarity to the current process and that no other comments have been received on the other amendments to § 74.2(c), VA adopts the amendments as proposed.

VA proposed amending § 74.2(d) by including tax liens and unresolved debts owed to governmental entities outside of the Federal government as disqualifying an applicant. VA also proposed amending the title of the section to remove the word federal to reflect that both federal and local obligations may disqualify an applicant and to provide that participants that no longer qualify under § 74.2(d) will be removed in accordance with § 74.22. VA received one comment that expanding unresolved debts owed to government entities outside the Federal government is overreaching and outside the expertise of the VA. VA received another comment that including outstanding obligations of all state and local jurisdictions where a company does business is impractical, invites arbitrary and capricious determinations and can lead to a denial of due process. VA received two additional comments that the proposed language could potentially disqualify both a business entity that has either a legitimate tax dispute or a business entity that entered into a payment plan. Including unresolved debts owed to state and local governmental units is an appropriate amendment to the regulation considering the significant governmental benefits that a verified concern may become eligible. Furthermore, failure to qualify on the grounds of outstanding financial obligations is not an immediate disqualifying event which may trigger due process considerations. Specifically, in accordance with § 74.22, a business concern may provide any explanation deemed appropriate to explain the circumstances of any outstanding financial obligation, regardless of the jurisdiction. Thus, so long as the business entity provides an adequate response to a cancellation proceeding, the business will not be removed from the VIP database. VA does not find that expanding the regulation to include unresolved debts owed to state and local governmental units as overly burdensome or that there is a potential due process violation. Therefore, as there are no other comments, VA is adopting § 74.2(d) as proposed.

VA proposed amending § 74.2(e) to clarify the consequences of SBA protest decisions and other negative findings and to amend the title of the section. VA received one comment that supports immediate removal on the basis of negative findings, but recommends that more examples should be provided because it is otherwise overly broad. VA received a second comment that there should be a clear process to determine ineligibility including during an appeal to prevent due process violations. VA received another comment that there is clear law and regulation on the ramifications of SBA protests decisions and negative findings. The proposed amendments to § 74.2(e) merely seek to clarify CVE's current process and to confirm that SBA decisions and other negative finding are subject to immediate removal as opposed to cancellation. Other than reordering the language and clarifying the treatment of status protests and other negative findings, § 74.2(e) does not propose any substantive changes. Treatment of negative findings is not a new concept in the regulation rather the proposed change is written to encompass all negative findings, regardless of origin. In addition, as immediate removal is not a new concept, the proposed change does not implicate any new due process issues. Moreover, the potential negative determinations would be the result of a proceeding in which the aggrieved party would have been given notice and an opportunity to be heard. As VA views the proposed amendments as merely adding clarity to the current process and that no other comments have been received on the other remaining amendments to § 74.2(e), VA adopts the amendments as proposed.

VA proposed amending § 74.2 to include paragraph (f) that specifically requires that all applicants for VIP verification must be registered in the System for Award Management (SAM). As VA did not receive any comments on this change, VA adopts the amendment as proposed.

D. Section 74.3

VA proposed amending § 74.3 to reflect that ownership is to be determined in accordance with 13 CFR part 125 as the result of the requirements outlined in the NDAA. To put into effect this legislative change, VA proposed amending § 74.3(e) to redesignate it as § 74.3(b) to account for the removal of paragraphs (a)–(d). As VA did not receive any comments on this change, VA adopts the amendment as proposed.

VA proposed amending § 74.3(b)(1) and (3) by a technical change to replace ''application'' with ''VA Form 0877'' in order to clarify the requirement and conform language to the rest of the regulation. VA also proposed amending § 74.3(b)(1) to add a 30-day time period for submission of a new application after a change in ownership. This time period provides CVE the ability to definitively and accurately track changes of ownership. VA received one comment that recommends that the time a business should notify VA of a change in ownership should be clarified to begin on the date the concern finalizes the change within the business's corporate documents. VA understands the comment, but further clarification would not change the basic notification requirement. A business organization should provide notice of a change at the time is occurs. VA received additional comments on § 74.3 recommending that § 74.3(b)(2) and (3) be removed and addressed in the VAAR as these provisions relate to functions of contracting officers. In response, the amendment to § 74.3(b)(2) is merely a renumber of an existing regulation with no change in content. Additionally, while this provision may also implicate contracting issues, VA believes it is important for applicant firms to understand how future changes can impact eligibility. Similarly, § 74.3(b)(3) is nearly identical to the prior provision except for a technical change that indicates that a new application is filed with VA and not the contracting officer. VA sees no basis in making any additional amendments to the regulations based on the comments. As no other comments on the remaining proposed amendments to § 74.3(b) were received, VA is adopting the amendments exactly as proposed.

E. Section 74.4

VA proposed amending § 74.4(a) to state that control is determined in accordance with 13 CFR part 125 pursuant to the NDAA. VA also proposed removing paragraphs (b) through (i) upon that same basis. Although VA did not expressly note that it was removing the designation for paragraph (a), since there will not be any other paragraphs, VA proposes removing the designation for paragraph (a), as it is unnecessary. VA did not

receive any comments on the proposed amendment to § 74.4 other than as previously discussed. Therefore, VA is adopting the amendments as proposed.

F. Section 74.5

VA proposed amending § 74.5 to include joint ventures. The section is additionally reworded to clearly establish that 38 CFR part 74 does not supersede 13 CFR part 121 with respect to size determinations. VA adds paragraph (b) to specifically address eligibility of joint ventures. Paragraphs (b)(1) and (2) are added to provide notice of applicable requirements outlined elsewhere in VA regulation. VA did not receive any comments on the proposed amendment to § 74.5 other than as previously discussed and is therefore adopting the amendment as proposed.

G. Section 74.10

VA proposed amending § 74.10 to remove reference to the physical address for CVE so to allow address changes without the need for an amendment to the regulation. VA did not receive any comments on the proposed amendment to § 74.10 and is therefore adopting the amendment as proposed.

H. Section 74.11

VA proposed amending § 74.11(a) to outline its new application processing procedures and various editorial non-substantive conforming changes. Additionally, VA proposed amending § 74.11(a) to incorporate the term 'application days' and to increase the application processing time to 90 application days, when practicable. VA received comments that expressed a concern that the term registration as referenced in § 74.11(a) is unclear. VA provided a response above which addresses this concern. Specifically, VA agrees that that the regulation could be clearer, and has included a definition for the term register. VA believes the additional definition adequately addresses the commenter's concerns, and therefore does not find any additional revision to § 74.11(a) to be necessary. VA proposed adding a new § 74.11(c) to address instances where CVE does not receive all requested documentation. In order to comply with VA's statutory charge to verify applicants for the VIP database, VA requires documentation to demonstrate eligibility. VA received comments on § 74.11(a) and (c), respectively, that subjectivity should be removed from the meaning of ''conforming documentation'' and the meaning of ''to adequately respond.'' In response, there is no one requirement for conforming documentation or providing adequate responses. Conforming documents are documents that respond to a specific request. Adequate responses are responses that provide answers to a specific inquiry. For example, if a request is to provide the last three years' business income tax returns and only one year is provided, without providing the other two years or a letter of explanation, conforming documents have not been provided. It can also be said that the response was not adequate. VA sees no basis in making any additional amendments to the regulations based on the comments. As no other comments on the remaining proposed amendments to § 74.11(a) and (c) were received, VA is adopting the amendments exactly as proposed.

VA proposed redesignating § 74.11(c) as § 74.11(d) and adding the term ''totality of circumstances'' as the standard of review for reviewing an applicant's eligibility. VA also proposed amending § 74.11(d) by referencing §§ 74.11(b) and (c) and 74.13(a) as exceptions to the totality of circumstances standard and to state that the burden of establishing VOSB status is on the applicant. VA received one comment on § 74.11(d) but it was mislabeled and should have been a comment to § 74.11(h). As VA did not receive any comments on the proposed amendment to § 74.11(d), VA is therefore adopting the amendment as proposed.

VA proposed redesignating § 74.11(d) as § 74.11(e) and proposed amending the first and second sentences by removing the word ''adversely.'' VA also proposed removing the third sentence as it refers to withdrawal or removal of verified status. This scenario is addressed in § 74.21 in cancellations, which specifically outlines participants can exit the VIP database. This proposed removal helps to eliminate redundancy and reduce the likelihood of confusion. VA also proposed adding new § 74.11(e)(1) to specifically address bankruptcy as a changed circumstance. As VA did not receive any comments on the proposed amendments to § 74.11(e), VA is therefore adopting the amendments as proposed.

VA proposed redesignating § 74.11(e) as § 74.11(f). Section 74.11(f) outlines the CVE Director's options in issuing determination letters. VA received one comment on § 74.11(f) that voluntary withdrawals should be included as a third decision option. In response, other than redesignating the section numbering, § 74.11(f) does not propose any substantive changes. Furthermore, § 74.11(f) only speaks to decisions by CVE. As a withdrawal would be the choice of the applicant, made available to applicants prior to a formal adverse decision being issued by CVE, VA does not believe it should be addressed in this subsection. As § 74.11(f) is only meant to speak to final determinations, no revisions will be made to § 74.11(f). VA is therefore adopting the amendments as proposed.

VA proposed redesignating § 74.11(f) and (g) as § 74.11(g) and (h), respectively. Section 74.11(h) outlines the methods for delivering determination letters. VA also proposed amending § 74.11(h) to add a second sentence requiring firms to update their contact information. VA received one comment on § 74.11(h) that VA should remove all reference to alternative means of transmitting decisions since the VA only uses electronic mail. In response, while is it true that VA routinely transmits decisions by email, alternate delivery options are always available and might be necessary to account for unforeseen circumstances. As no additional comments on the remaining proposed amendments to § 74.11(g) and (h) were received, VA is adopting the amendments exactly as proposed.

I. Section 74.12

VA proposed amending § 74.12 to expand the list of required documentation routinely requested by CVE. This list includes documents previously referenced in § 74.20(b). VA additionally proposed amending § 74.12 so that the term ''electronic form'' would be changed to ''VA Form 0877'' and the term ''attachments'' would be changed to ''supplemental documentation.'' VA also proposed amending § 74.12 by removing the last two sentences in the section. VA received several comments on the proposed revisions to § 74.12. However, none of the comments spoke to the proposed amendments. One comment questioned the need for the terms ''principal place of business'' and ''primary place of business'' in § 74.12. In response, the term ''principal place of business'' is used to identify the place where a complete copy of all supplemental documentation used in verification examinations is to be retained. The term ''primary place of business'' is not used in § 74.12. Another comment is that the required documents outlined in § 74.12 are not required for every set of circumstances and that the regulations do not provide for exceptions for unavailable or irrelevant documents. In response, VA understands that not all documents are available or required for every business

structure. In such cases, VA accepts letters of explanation. If the explanation reasonably explains the unavailability of the document or information, the document will not be required. For example, if a corporation does not have an operating agreement and an explanation is provided that operating agreements are not required for corporations, VA would accept that explanation. One commenter suggested that there should be an appeal process when an applicant believes that the document request is overreaching. In response, VA states that there is an appeals process. However, the process relates to final determinations made by CVE. Ultimately, a firm bears the burden of demonstrating eligibility with the verification requirements. If CVE does not receive sufficient documentation to allow the office to conclude the firm satisfies the verification requirements, it will deny the concern verified status. In accordance with the NDAA, appeals are to be filed with SBA's Office of Hearings and Appeals (OHA) in accordance with 13 CFR part 134. VA sees no basis to make any additional amendments or adjustments to the regulations based on the comments to § 74.12. Accordingly, VA is adopting the amendments exactly as proposed.

J. Section 74.13

VA proposed amending § 74.13 to modify the title and to remove references to the reconsideration process. In accordance with the NDAA, appeals of initial denials on the grounds of ownership and control will be adjudicated by SBA OHA. VA additionally proposed amending § 74.13(a) to refer to the appeal process set forth in 13 CFR part 134. VA additionally proposed redesignating § 74.13(e) as § 74.13(b), and removing existing paragraphs (b) through (d), (f) and (g) as they are no longer relevant. VA also proposed removing the phrase 'service-disabled veteran' as the term veteran would be used to refer to both veterans and service-disabled veterans. VA received one comment that the reconsideration process saves time and money. Effective October 1, 2018, in accordance with the NDAA, the VA post determination process will be transferred to SBA OHA. All appeals will be adjudicated in accordance with 13 CFR part 134. Therefore, VA will not alter the language of § 74.13 and is adopting the amendments exactly as proposed.

K. Section 74.14

VA proposed redesignating § 74.14 as § 74.14(a) and to remove references to requests for reconsideration. VA further proposed amending the list of occurrences that the six-month waiting period applies before an applicant may submit a new application. These occurrences include notices of verified status cancellation and appeals filed with OHA that sustain initial denial letters and verified status cancellations issued by CVE. VA further proposed adding a new § 74.14(b) to clarify that a finding of ineligibility during a reapplication will result in the immediate removal of the participant. VA did not receive any comments on the proposed amendment to § 74.14 and is therefore adopting the amendments as proposed.

L. Section 74.15

VA proposed amending § 74.15(a) by splitting the paragraph into paragraphs (a), (b), and (c). VA proposed removing current § 74.15(b) because it deals with affiliation and is therefore addressed in § 74.5. VA proposed amending newly designated § 74.15(a) to improve specificity. VA proposed amending new designated § 74.15(b) to require participants to inform CVE within 30 days of changes affecting eligibility. VA proposed amending redesignated § 74.15(c) to include all situations in which the eligibility period may be shortened. VA proposed redesignating (c), (d), and (e) as (d), (e), and (f), respectively. VA further proposed amending the redesignated § 74.15(e) to reference immediate removals pursuant to § 74.2. VA received one comment that agrees with the process in § 74.15(b), requiring firms to inform VA within thirty days of changes affecting eligibility, but expressed a concern that VA should provide guidance on which changes would affect eligibility, since most firms would not be aware of which changes are material. In response, VA has published guidance on the OSDBU website. The same guidance which affects companies applying for the verification program would likewise apply to a company seeking to modify aspects of ownership and control in its business documents. In addition, VA has a list of trained verification counselors, who are available to assist with issues concerning a company's eligibility. VA received another comment that a company may lose its eligibility by no longer qualifying as a small business, but under an existing award, it remains eligible to perform a long-term contract. The fear is that the business would no longer appear as an eligible concern on the VIP database. In response, eligibility for a long-term contract is a contracting issue that should be managed through the contracting officer. Verification for the VIP database speaks to current eligibility under existing standards. The regulations do not contain an exception for companies performing long-term contracts. Thus, VA sees no basis in making additional amendments to the regulations based on these comments. As there are no other comments to § 74.15(a) through (c) and (e), VA is adopting the amendments exactly as proposed.

VA received a comment on § 74.15(d) that firms should be informed of the nature and facts against them when VA initiates a verification examination upon receipt of credible evidence concerning its eligibility. In response, VA informs a participant concerning issues of eligibility when it initiates cancellation proceedings. Upon the issuance of a Notice of Proposed Cancellation, the concern receives notice of the nature and specific facts which VA considers to adversely impact the firm's eligibility and is provided an opportunity to provide a response. VA received another comment that there should be an appeals process if a company is removed from the VIP database on the grounds of ineligibility and the company should remain eligible in the database pending resolution of the appeal. VA responds that, in the event a participant is removed as the result of a verified status cancellation, it has a right of appeal. Specifically, in accordance with the NDAA, the VA post decision process will be transferred to SBA OHA. All appeals will be adjudicated in accordance with 13 CFR part 134. However, the regulation does not allow concerns to retain their eligibility during the appeal process. Upon a finding that a company no longer qualifies for the VIP database, it is removed immediately. VA sees no basis in making any additional amendments to the regulations based on these comments. As there are no other comments on § 74.15(d), VA is adopting the amendments exactly as proposed.

M. Section 74.20

VA proposed amending the first three sentences of § 74.20(b). In the first sentence, VA proposed removing the phrase ''or parts of the program examination''. In the second sentence, VA proposed changing ''location'' to ''location(s)'' and in the third sentence, VA proposed changing the word ''[e]xaminers'' to ''CVE''. As the proposed revisions to § 74.12 fully address the required documentation necessary for verification, VA proposed removing the list of documents from § 74.20. VA did not receive any comments on the proposed amendment

to § 74.20 and is therefore adopting the amendments as proposed.

N. Section 74.21

VA proposed amending § 74.21 to reorder changes made to other sections of this part. VA proposed amending § 74.21(a) to remove reference to the '' 'verified' status button'' in order to reflect the current user interface of the VIP database. VA proposed amending § 74.21(c) by referencing the immediate removal provisions established in § 74.2. VA additionally proposed redesignating § 74.21(c) as § 74.21(d). VA received one comment on § 74.21(d)(4) that it is redundant and therefore irrelevant, since it is covered under § 74.21(d)(1) and (2). In response, VA agrees with the commenter that § 74.21(d)(4) may overlap with § 74.21(d)(1) and (2) to some degree. However, § 74.21(d)(4) contains a specific control requirement which is highlighted to ensure clarity. VA proposed removing § 74.21(c)(5) and (8) as involuntary exclusions are now addressed in § 74.2. VA also proposes redesignating § 74.21(c)(6), (7), and (10) and (d) as § 74.21(d)(5), (6), and (7) and (e), respectively. VA proposed adding § 74.21(d)(8) to notify the public that failure to report changed circumstances within 30 days is good cause to initiate cancellation proceedings. VA received one comment that § 74.21(d)(9) should provide for a cure period prior to the issuance of a Notice of Proposed Cancellation and that the regulations should take into consideration the varying nature of licenses. In response, the comment to § 74.21(d)(9) is not the subject of the proposed change to the regulation. Additionally, the cancellation proceedings provide the concern an opportunity to respond and refute the proposed bases for cancellation prior to any adverse action being taken. As it is each participant's obligation to remain eligible for the program in accordance with the applicable verification requirements, and the current procedures contain procedural safeguards, VA sees no need to create an additional cure period.

In addition, VA proposed removing the term '' 'verified' status button'' to reflect the current user interface of the database and adding the phrase ''or its agents'' to clarify who may request documents. VA proposed deleting the words ''a pattern of'' to clarify the requirements necessary to remove a company for failure to provide requested information. VA also proposed removing the term ''application'' as VA Form 0877 reflects current program requirements. VA additionally proposed changing the phrase '60 days' to '30 days' to conform with revised § 74.3(f)(1). Considering the comments received on § 74.21(d), VA sees no basis in making any additional amendments to the regulations based on these comments. As there are no other comments on § 74.21(d), VA is adopting the amendments exactly as proposed.

O. Section 74.22

VA proposed amending § 74.22(a) to note the beginning of the relevant 30-day time period as the date on which CVE sends notice of proposed cancellation of verified status. VA additionally proposed to amend § 74.22(e) to implement the new appeals procedure to OHA prescribed in the NDAA. VA did not receive any comments on the proposed amendment to § 74.22 and is therefore adopting the amendments as proposed.

P. Sections 74.25 and 74.26

VA proposed amending § 74.25 to replace ''the Department'' with ''VA'' and amending § 74.26 to add more specificity to the regulation concerning the information to be submitted for verification. VA received one comment on the proposed revision to § 74.26 which stated that it needed OMB authorization. In response, without more specific information, VA is unaware of the requirement for obtaining OMB authorization for § 74.26 other than the ordinary review process. Moreover, there are no material amendments to § 74.26 as the language is merely being refined. Therefore, VA sees no basis in making any additional amendments to the regulations based on the comment. As no other comments to §§ 74.25 and 74.26 were received, VA is adopting the amendments exactly as proposed.

Q. Section 74.27

VA amends § 74.27 to outline document storage requirements. VA received one comment on § 74.27 that it needed OMB authorization. In response, without more specific information, VA is unaware of the requirement for obtaining OMB authorization for the provisions contained § 74.27 other than the ordinary review process. Moreover, the amendment to § 74.27 is not substantive. There are no material amendments to § 74.27. VA proposed amending § 74.27 to reword the first sentence to specify that all documents submitted will be stored electronically. ''Vendor Information Pages'' is changed to ''CVE'' and the location reference is removed. The second sentence is revised to indicate that owner information will be compared to available records. In addition, information is added regarding records management procedures and data breaches. Therefore, VA sees no basis in making any additional amendments to the regulations based on the comment. As no other comments on the amendments to § 74.27 were received, VA is adopting the amendments exactly as proposed.

R. Sections 74.28 and 74.29

VA proposed amending § 74.28 to replace 'Department of Veterans Affairs' and 'Center for Veterans Enterprise' with VA and CVE, respectively and § 74.29 to refer to VA's records management procedures. VA did not receive any comments on the proposed amendments to §§ 74.28 and 74.29 and is therefore adopting the amendments as proposed.

Effect of Rulemaking

The Code of Federal Regulations, as proposed to be revised by this rulemaking, would represent the exclusive legal authority on this subject. No contrary rules or procedures would be authorized. All VA guidance would be read to conform with the rule finally adopted if possible or, if not possible, such guidance would be superseded.

Justification for the October 1, 2018 Effective Date

The Administrative Procedure Act (APA) requires that ''publication or service of a substantive rule shall be made not less than 30 days before its effective date, except . . . as otherwise provided by the agency for good cause found and published with the rule.'' 5 U.S.C. 553(d)(3). The purpose of the APA provision delaying the effective date of a rule for 30 days after publication is to provide interested and affected members of the public sufficient time to adjust their behavior before the rule takes effect. For the reasons set forth below, VA finds that good cause exists to make this final rule become effective on October 1, 2018, less than 30 days after it is published in the **Federal Register**.

As noted above, VA and the SBA have been working together to jointly implement the provisions of NDAA 2017. In doing so, VA and the SBA believe a single date on which all of the changes go into effect is the most effective path for implementation. VA and the SBA consider October 1, 2018 to be the best date for implementation of new unified rules for the programs. October 1, 2018 is the start of the new fiscal year, and is therefore the best date for separation of contract actions between different sets of regulations.

Having contract actions applying different regulations in the same fiscal year can often lead to confusion among contracting officials, and program participants. Procurements conducted in fiscal year 2018 will generally follow the old rules, while all new procurements in fiscal year 2019 will follow the new jointly developed regulations which VA believes will lead to less confusion.

In addition to the joint effort in implementing these provisions of NDAA 2017, VA has in a related rule making process implemented Sections 1932 and 1833 of NDAA 2017. These sections dealt with the transition of certain protest and appeal functions from the VA to SBA's Office of Hearings and Appeals. The final rule implementing those sections also has an implementation date of October 1, 2018. 83 FR 13626.

VA and SBA believe that a uniform transition combining the programs ownership and control requirements is extremely important. As such, VA believes that an earlier effective date that aligns with the new fiscal year for contracting, and with the other changes implementing NDAA 2017 is the best course of action.

Paperwork Reduction Act

This rule contains no provision constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. Small entities include small businesses, small not-for-profit organizations, and small governmental jurisdictions. Section 605 of the RFA allows an agency to certify a rule, *in lieu* of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

This rule making has an average cost to the small business of $803, and it would apply only to applying for verified status in the VIP database. The regulation merely clarifies and streamlines the existing rule and adds no additional burdens or restrictions on applicants or participants regarding VA's VOSB Verification Program. The overall impact of the rule is of benefit to small businesses owned by veterans or service-disabled veterans.

The overall impact of the rule will not affect small businesses owned and controlled by veterans and service-disabled veterans. The rule removes ownership and control from 38 CFR part 74 which will be assumed under a separate set of regulations promulgated by SBA. The rule also refines and clarifies process steps and removes post examination review. Post examination review will also be assumed under a separate set of regulations.

Examination of businesses seeking verification as veteran-owned small businesses or service-disabled veteran-owned small businesses seeking VA set aside contract opportunities is through the examination model. The examination model revises the verification process by assigning dedicated case analysts and providing applicants with additional access to VA staffers during verification.

From December 2016 through February 2017, 352 small businesses that completed the process and received determination letters participated in a follow-up survey detailing their costs and the attribution of the costs. Seventy-three (73) percent of participating businesses had either $0 costs or responded not applicable; 14 percent estimated costs between $1 and $1,000; 3 percent responded with a cost estimate between $1,001 and $2,000; 3 percent responded with a cost estimate between $2,001 and $3,000; 2 percent responded with a cost estimate between $3,001 and $4,000; 2 percent responded with a cost estimate between $4,001 and $5,000; and 4 percent responded with a cost estimate over $5,000. The average cost of all businesses providing survey responses was $803 per business. The largest cost categories were employee costs, attorney costs, travel/printing, consultants, and accountants. Currently, there are 14,560 verified companies in VA's database and approximately 2,100 companies with applications in process. In addition, no comments were received regarding RFA issues. Therefore, the Secretary certifies that the adoption of this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act. Therefore, under 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages, distributive impacts and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' which requires review by the Office of Management and Budget (OMB), as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm* by following the link for VA Regulations Published from FY 2004 through FYTD. This rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This rule will not have such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

This rule will affect the verification guidelines of veteran-owned small

businesses, for which there is no Catalog of Federal Domestic Assistance program number.

List of Subjects in 38 CFR Part 74

Administrative practice and procedure, Affiliation, Appeals, Application guidelines, Control requirements, Definitions, Eligibility requirements, Eligibility term, Ownership requirements, Procedures for cancellation, Reapplication, Records management, Request for reconsideration, Verification examination.

Signing Authority

The Secretary of Veterans Affairs approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on September 12, 2018, for publication.

Dated: September 12, 2018.

Jeffrey M. Martin,

Impact Analyst, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons set forth in the preamble, we amend 38 CFR part 74 as follows:

PART 74—VETERANS SMALL BUSINESS REGULATIONS

■ 1. The authority citation for part 74 is revised to read as follows:

Authority: 38 U.S.C. 501 and 513, unless otherwise noted.

■ 2. Revise § 74.1 to read as follows:

§ 74.1 What definitions are important for Vendor Information Pages (VIP) Verification Program?

For the purpose of this part, the following definitions apply:

Applicant means a firm applying for inclusion in the VIP database.

Application days means the time period from when a veteran registers for verification to the time of a determination, excluding any days in which CVE is waiting for the firm to submit information or documentation necessary for the office to continue processing the application.

Center for Verification and Evaluation (CVE) is an office within the U.S. Department of Veterans Affairs (VA) and is a subdivision of VA's Office of Small and Disadvantaged Business Utilization. CVE receives and reviews all applications for eligibility under this part and maintains the VIP database. CVE assists VA contracting offices to identify veteran-owned small businesses and communicates with the Small Business Administration (SBA) with regard to small business status.

Days are calendar days unless otherwise specified. In computing any period of time described in this part, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal holiday. Similarly, in circumstances where CVE is closed for all or part of the last day, the period extends to the next day on which the agency is open.

Eligible individual means a veteran, service-disabled veteran, or surviving spouse, as defined in the United States Code and the regulation promulgated by the SBA, currently 13 CFR part 125.

Joint venture is an association of two or more business concerns for which purpose they combine their efforts, property, money, skill, or knowledge in accordance with 13 CFR part 125. A joint venture must be comprised of at least one veteran-owned small business. For VA contracts, a joint venture must be in the form of a separate legal entity.

Non-veteran means any individual who does not claim veteran status, or upon whose status an applicant or participant does not rely in qualifying for the VIP Verification Program participation.

Office of Small and Disadvantaged Business Utilization (OSDBU) is the office within VA that establishes and monitors small business program goals at the prime and subcontract levels. OSDBU works with VA Acquisitions to ensure the creation and expansion of small businesses opportunities by promoting the use of set-aside contracting vehicles within VA procurement. OSDBU connects and enables veterans to gain access to these Federal procurement opportunities. The Executive Director, OSDBU, is the VA liaison with the SBA. Information copies of correspondence sent to the SBA seeking a certificate of competency determination must be concurrently provided to the Director, OSDBU. Before appealing a certificate of competency, the Head of Contracting Activity must seek concurrence from the Director, OSDBU.

Participant has the same meaning given to such term in 13 CFR part 125.

Primary industry classification means the six-digit North American Industry Classification System (NAICS) code designation which best describes the primary business activity of the participant. The NAICS code designations are described in the NAICS Manual published by the U.S. Office of Management and Budget.

Principal place of business means the business location where the individuals who manage the concern's daily business operations spend most working hours and where top management's current business records are kept. If the office from which management is directed and where the current business records are kept are in different locations, CVE will determine the principal place of business for program purposes.

Register means the initiation of an application for verification or reverification by the business owner or a business representative.

Service-disabled veteran has the same meaning given to such term in 13 CFR part 125.

Service-disabled veteran-owned small business concern (SDVOSB) has the same meaning given to such term in 13 CFR part 125.

Small business concern (SBC) has the same meaning given to such term in 13 CFR part 125.

Surviving spouse has the same meaning given to such term in 13 CFR part 125.

VA is the U.S. Department of Veterans Affairs.

Vendor Information Pages (VIP) is a database of businesses eligible to participate in VA's Veteran-owned Small Business Program. The online database may be accessed at no charge via the internet at *https://www.va.gov/osdbu*.

Verification eligibility period is a 3-year period that begins on the date CVE issues its approval letter establishing verified status. The participant must submit a new application for each eligibility period to continue eligibility.

Veteran has the same meaning given to such term in 13 CFR part 125.

Veteran-owned small business concern (VOSB) has the same meaning given to such term in 13 CFR part 125.

Veterans Affairs Acquisition Regulation (VAAR) is the set of rules that specifically govern requirements exclusive to VA prime and subcontracting actions. The VAAR is chapter 8 of title 48, Code of Federal Regulations, and supplements the Federal Acquisition Regulation (FAR), which contains guidance applicable to most Federal agencies.

■ 3. Revise § 74.2 to read as follows:

§ 74.2 What are the eligibility requirements a concern must meet for the VIP Verification Program?

(a) *Ownership and control.* A small business concern must be

unconditionally owned and controlled by one or more eligible veterans, service-disabled veterans or surviving spouses, have completed the online VIP database forms, submitted required supplemental documentation at *http://www.va.gov/osdbu,* and have been examined by VA's CVE. Such businesses appear in the VIP database as ''verified''.

(b) *Good character and exclusions in System for Award Management (SAM).* Individuals having an ownership or control interest in verified businesses must have good character. Debarred or suspended concerns or concerns owned or controlled by debarred or suspended persons are ineligible for VIP Verification. Concerns owned or controlled by a person(s) who is currently incarcerated, or on parole or probation (pursuant to a pre-trial diversion or following conviction for a felony or any crime involving business integrity) are ineligible for VIP Verification. Concerns owned or controlled by a person(s) who is formally convicted of a crime set forth in 48 CFR 9.406–2(b)(3) are ineligible for VIP Verification during the pendency of any subsequent legal proceedings. If, after verifying a participant's eligibility, the person(s) controlling the participant is found to lack good character, CVE will immediately remove the participant from the VIP database, notwithstanding the provisions of § 74.22.

(c) *False statements.* If, during the processing of an application, CVE determines, by a preponderance of the evidence standard, that an applicant has knowingly submitted false information, regardless of whether correct information would cause CVE to deny the application, and regardless of whether correct information was given to CVE in accompanying documents, CVE will deny the application. If, after verifying the participant's eligibility, CVE discovers that false statements or information have been submitted by a firm, CVE will remove the participant from the VIP database immediately, notwithstanding the provisions of § 74.22. Whenever CVE determines that the applicant submitted false information, the matter will be referred to the VA Office of Inspector General for review. In addition, CVE will request that debarment proceedings be initiated by the Department.

(d) *Financial obligations.* Neither an applicant firm nor any of its eligible individuals that fails to pay significant financial obligations, including unresolved tax liens and defaults on Federal loans or State or other government assisted financing, owed to the federal government, the District of Columbia or any state, district, or territorial government of the United States, is eligible for VIP Verification. If after verifying the participant's eligibility CVE discovers that the participant no longer satisfies this requirement, CVE will remove the participant from the VIP database in accordance with § 74.22.

(e) *Protest Decisions or other negative findings.* Any firm verified in the VIP database that is found to be ineligible by a SDVOSB/VOSB status protest decision will be immediately removed from the VIP database, notwithstanding the provisions of § 74.22. Any firm verified in the VIP database that is found to be ineligible due to a U.S. Small Business Administration (SBA) protest decision or other negative finding may be immediately removed from the VIP database, notwithstanding the provisions of § 74.22. Until such time as CVE receives official notification that the firm has proven that it has successfully overcome the grounds for the determination, that the decision is overturned on appeal, or the firm applies for and receives verified status from CVE, the firm will not be eligible to participate in the 38 U.S.C. 8127 program.

(f) *System for Award Management (SAM) registration.* All applicants for VIP Verification must be registered in SAM at *http://www.sam.gov* prior to application submission.

■ 4. Revise § 74.3 to read as follows:

§ 74.3 Who does CVE consider to own a veteran-owned small business?

(a) *Ownership.* Ownership is determined in accordance with 13 CFR part 125. However, where 13 CFR part 125 is limited to SDVOSBs, CVE applies the same ownership criteria to firms seeking verified VOSB status.

(b) *Change of ownership.* (1) A participant may remain eligible after a change in its ownership or business structure, so long as one or more veterans own and control it after the change. The participant must file an updated VA Form 0877 and supporting documentation identifying the new veteran owners or the new business interest within 30 days of the change.

(2) Any participant that is performing contracts and desires to substitute one veteran owner for another shall submit a proposed novation agreement and supporting documentation in accordance with FAR subpart 42.12 to the contracting officer prior to the substitution or change of ownership for approval.

(3) Where the transfer results from the death or incapacity due to a serious, long-term illness or injury of an eligible principal, prior approval is not required, but the concern must file an updated VA Form 0877 with CVE within 60 days of the change. Existing contracts may be performed to the end of the instant term. However, no options may be exercised.

(4) Continued eligibility of the participant with new ownership requires that CVE verify that all eligibility requirements are met by the concern and the new owners.

■ 5. Revise § 74.4 to read as follows:

§ 74.4 Who does CVE consider to control a veteran-owned small business?

Control is determined in accordance with 13 CFR part 125. However, where 13 CFR part 125 is limited to SDVOSBs, CVE applies the same control criteria to firms seeking verified VOSB status.

■ 6. Revise § 74.5 to read as follows:

§ 74.5 How does CVE determine affiliation?

(a) CVE does not determine affiliation. Affiliation is determined by the SBA in accordance with 13 CFR part 121.

(b) Joint ventures may apply for inclusion in the VIP Verification Program. To be eligible for inclusion in the VIP Verification Program, a joint venture must demonstrate that:

(1) The underlying VOSB upon which eligibility is based is verified in accordance with this part; and

(2) The joint venture agreement complies with the requirements set forth in 13 CFR part 125 for SDVOSBs. However, while 13 CFR part 125 is limited to SDVOSBs, CVE will apply the same requirements to joint venture firms seeking verified VOSB status.

■ 7. Revise § 74.10 to read as follows:

§ 74.10 Where must an application be filed?

An application for VIP Verification status must be electronically filed in the Vendor Information Pages database located on the CVE's Web portal, *http://www.va.gov/osdbu.* Guidelines and forms are located on the Web portal. Upon receipt of the applicant's electronic submission, an acknowledgment message will be dispatched to the concern containing estimated processing time and other information. Address information for CVE is also located on the Web portal.

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0675.)

■ 8. Revise § 74.11 to read as follows:

§ 74.11 How does CVE process applications for VIP Verification Program?

(a) The Director, CVE, is authorized to approve or deny applications for VIP Verification. CVE will receive, review, and examine all VIP Verification applications. Once an applicant registers, CVE will contact the applicant within 30 days to initiate the process. If CVE is unsuccessful in its attempts to contact the applicant, the application will be administratively removed. If CVE is successful in initiating contact with the applicant, CVE will advise the applicant of required documents and the timeline for submission. If the applicant would be unable to provide conforming documentation, the applicant will be given the option to withdraw its application. CVE will process an application for VIP Verification status within 90 application days, when practicable, of receipt of a registration. Incomplete application packages will not be processed.

(b) CVE, in its sole discretion, may request clarification of information relating to eligibility at any time in the eligibility determination process. CVE will take into account any clarifications made by an applicant in response to a request for such by CVE.

(c) CVE, in its sole discretion, may request additional documentation at any time in the eligibility determination process. Failure to adequately respond to the documentation request shall constitute grounds for a denial or administrative removal.

(d) An applicant's eligibility will be based on the totality of circumstances existing on the date of application, except where clarification is made pursuant to paragraph (b) of this section, additional documentation is submitted pursuant to paragraph (c) of this section, as provided in paragraph (e) of this section or in the case of amended documentation submitted pursuant to § 74.13(a). The applicant bears the burden to establish its status as a VOSB.

(e) Changed circumstances for an applicant occurring subsequent to its application and which affect eligibility will be considered and may constitute grounds for denial of the application. The applicant must inform CVE of any changed circumstances that could affect its eligibility for the program (*i.e.,* ownership or control changes) during its application review.

(1) *Bankruptcy.* Bankruptcy is a change in circumstance requiring additional protection for the agency. Should a VOSB enter into bankruptcy the participant must:

(i) Inform CVE of the filing event within 30 days;

(ii) Specify to CVE whether the concern has filed Chapter 7, 11, or 13 under U.S. Bankruptcy code; and

(iii) Any participant that is performing contracts must assure performance to the contracting officer(s) prior to any reorganization or change if necessary including such contracts in the debtor's estate and reorganization plan in the bankruptcy.

(2) [Reserved]

(f) The decision of the Director, CVE, to approve or deny an application will be in writing. A decision to deny verification status will state the specific reasons for denial and will inform the applicant of any appeal rights.

(g) If the Director, CVE, approves the application, the date of the approval letter is the date of participant verification for purposes of determining the participant's verification eligibility term.

(h) The decision may be sent by mail, commercial carrier, facsimile transmission, or other electronic means. It is the responsibility of the applicant to ensure all contact information is current in the applicant's profile.

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0675.)

■ 9. Revise § 74.12 to read as follows:

§ 74.12 What must a concern submit to apply for VIP Verification Program?

Each VIP Verification applicant must submit VA Form 0877 and supplemental documentation as CVE requires. All electronic forms are available on the VIP database web pages. From the time the applicant dispatches the VA Form 0877, the applicant must also retain on file, at the principal place of business, a complete copy of all supplemental documentation required by, and provided to, CVE for use in verification examinations. The documentation to be submitted to CVE includes, but is not limited to: Articles of Incorporation/Organization; corporate by-laws or operating agreements; shareholder agreements; voting records and voting agreements; trust agreements; franchise agreements, organizational, annual, and board/member meeting records; stock ledgers and certificates; State-issued Certificates of Good Standing; contract, lease and loan agreements; payroll records; bank account signature cards; financial statements; Federal personal and business tax returns for up to 3 years; and licenses.

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0675.)

■ 10. Amend § 74.13 by revising the section heading and paragraphs (a) and (b) to read as follows

§ 74.13 Can an applicant appeal CVE's initial decision to deny an application?

(a) An applicant may appeal CVE's decision to deny an application by filing an appeal with the United States Small Business Administration (SBA) Office of Hearings and Appeals (OHA) after the applicant receives the denial in accordance with 13 CFR part 134. The filing party bears the risk that the delivery method chosen will not result in timely receipt by OHA.

(b) A denial decision that is based on the failure to meet any veteran eligibility criteria is not subject to appeal and is the final decision of CVE.

* * * * *

■ 11. Revise § 74.14 to read as follows:

§ 74.14 Can an applicant or participant reapply for admission to the VIP Verification Program?

(a) Once an application, an appeal of a denial of an application, or an appeal of a verified status cancellation has been denied, or a verified status cancellation which was not appealed has been issued, the applicant or participant shall be required to wait for a period of 6 months before a new application will be processed by CVE.

(b) Participants may reapply prior to the termination of their eligibility period. If a participant is found to be ineligible, the participant will forfeit any time remaining on their eligibility period and will be immediately removed from the VIP Verification database. An applicant removed pursuant to this section may appeal the decision to OHA in accordance with § 74.13. The date of a new determination letter verifying an applicant will be the beginning of the next 3-year eligibility period.

■ 12. Revise § 74.15 to read as follows:

§ 74.15 What length of time may a business participate in VIP Verification Program?

(a) A participant receives an eligibility term of 3 years from the date of CVE's approval letter establishing verified status.

(b) The participant must maintain its eligibility during its tenure and must inform CVE of any changes that would affect its eligibility within 30 days.

(c) The eligibility term may be shortened by removal pursuant to § 74.2, application pursuant to § 74.14(b), voluntary withdrawal by the participant pursuant to § 74.21, or cancellation pursuant to § 74.22.

(d) CVE may initiate a verification examination whenever it receives

credible information concerning a participant's eligibility as a VOSB. Upon its completion of the examination, CVE will issue a written decision regarding the continued eligibility status of the questioned participant.

(e) If CVE finds that the participant does not qualify as a VOSB, the procedures at § 74.22 will apply, except as provided in § 74.2.

(f) If CVE finds that the participant continues to qualify as a VOSB, the original eligibility period remains in effect.

■ 13. Revise § 74.20 to read as follows:

§ 74.20 What is a verification examination and what will CVE examine?

(a) *General.* A verification examination is an investigation by CVE officials, which verifies the accuracy of any statement or information provided as part of the VIP Verification application process. Thus, examiners may verify that the concern currently meets the eligibility requirements, and that it met such requirements at the time of its application or its most recent size recertification. An examination may be conducted on a random, unannounced basis, or upon receipt of specific and credible information alleging that a participant no longer meets eligibility requirements.

(b) *Scope of examination.* CVE may conduct the examination at one or all of the participant's offices or work sites. CVE will determine the location(s) of the examination. CVE may review any information related to the concern's eligibility requirements including, but not limited to, documentation related to the legal structure, ownership, and control. Examiners may review any or all of the organizing documents, financial documents, and publicly available information as well as any information identified in § 74.12.

■ 14. Revise § 74.21 to read as follows:

§ 74.21 What are the ways a business may exit VIP Verification Program status?

A participant may:

(a) Voluntarily cancel its status by submitting a written request to CVE requesting that the concern be removed from public listing in the VIP database; or

(b) Delete its record entirely from the VIP database; or

(c) CVE may remove a participant immediately pursuant to § 74.2; or

(d) CVE may remove a participant from public listing in the VIP database for good cause upon formal notice to the participant in accordance with § 74.22. Examples of good cause include, but are not limited to, the following:

(1) Submission of false information in the participant's VIP Verification application.

(2) Failure by the participant to maintain its eligibility for program participation.

(3) Failure by the participant for any reason, including the death of an individual upon whom eligibility was based, to maintain ownership, management, and control by veterans, service-disabled veterans, or surviving spouses.

(4) Failure by the concern to disclose to CVE the extent to which non-veteran persons or firms participate in the management of the participant.

(5) Failure to make required submissions or responses to CVE or its agents, including a failure to make available financial statements, requested tax returns, reports, information requested by CVE or VA's Office of Inspector General, or other requested information or data within 30 days of the date of request.

(6) Cessation of the participant's business operations.

(7) Failure by the concern to provide an updated VA Form 0877 within 30 days of any change in ownership, except as provided in § 74.3(f)(3).

(8) Failure to inform CVE of any such changed circumstances, as outlined in paragraphs (c) and (d) of this section.

(9) Failure by the concern to obtain and keep current any and all required permits, licenses, and charters, including suspension or revocation of any professional license required to operate the business.

(e) The examples of good cause listed in paragraph (d) of this section are intended to be illustrative only. Other grounds for canceling a participant's verified status include any other cause of so serious or compelling a nature that it affects the present responsibility of the participant.

■ 15. Amend § 74.22 by revising paragraphs (a) and (e) to read as follows:

§ 74.22 What are the procedures for cancellation?

(a) *General.* When CVE believes that a participant's verified status should be cancelled prior to the expiration of its eligibility term, CVE will notify the participant in writing. The Notice of Proposed Cancellation Letter will set forth the specific facts and reasons for CVE's findings and will notify the participant that it has 30 days from the date CVE sent the notice to submit a written response to CVE explaining why the proposed ground(s) should not justify cancellation.

* * * * *

(e) *Appeals.* A participant may file an appeal with OHA concerning the Notice of Verified Status Cancellation decision in accordance with 13 CFR part 134. The decision on the appeal shall be final.

■ 16. Revise § 74.25 to read as follows:

§ 74.25 What types of personally identifiable information will VA collect?

In order to establish owner eligibility, VA will collect individual names and Social Security numbers for veterans, service-disabled veterans, and surviving spouses who represent themselves as having ownership interests in a specific business seeking to obtain verified status.

■ 17. Revise § 74.26 to read as follows:

§ 74.26 What types of business information will VA collect?

VA will examine a variety of business records. See § 74.12, ''What must a concern submit to apply for VIP Verification Program?''

■ 18. Revise § 74.27 to read as follows:

§ 74.27 How will VA store information?

VA stores records provided to CVE fully electronically on the VA's secure servers. CVE personnel will compare information provided concerning owners against any available records. Any records collected in association with the VIP verification program will be stored and fully secured in accordance with all VA records management procedures. Any data breaches will be addressed in accordance with the VA information security program.

■ 19. Revise § 74.28 to read as follows:

§ 74.28 Who may examine records?

Personnel from VA, CVE, and its agents, including personnel from the SBA, may examine records to ascertain the ownership and control of the applicant or participant.

■ 20. Revise § 74.29 to read as follows:

§ 74.29 When will VA dispose of records?

The records, including those pertaining to businesses not determined to be eligible for the program, will be kept intact and in good condition and retained in accordance with VA records management procedures following a program examination or the date of the last Notice of Verified Status Approval letter. Longer retention will not be required unless a written request is received from the Government Accountability Office not later than 30 days prior to the end of the retention period.

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POSTAL SERVICE

39 CFR Parts 265 and 266

Production or Disclosure of Material or Information

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: In June 2018, the Postal Service proposed to amend its Freedom of Information Act and Privacy Act regulations. Most of these changes consisted of minor technical corrections. In addition to these technical changes, the Postal Service proposed changes to create a definition of ''information of a commercial nature'' as it pertains to the Postal Reorganization Act's provisions concerning disclosure of information under the Freedom of Information Act, add guidance for determining what information qualifies as commercial information under the Act, and provide specific examples. The Postal Service received three sets of comments and addresses them here.

DATES: This rule is effective as of October 24, 2018.

FOR FURTHER INFORMATION CONTACT: Ruth B. Stevenson, Attorney, Federal Compliance, *ruth.b.stevenson@usps.gov,* 202–268–6627.

SUPPLEMENTARY INFORMATION:

Background

In June 2018, the Postal Service proposed to amend its Freedom of Information Act (FOIA) and Privacy Act regulations. 83 FR 27933 (June 15, 2018). Most of these changes were minor, intended to improve clarity and make technical corrections. In addition to these technical changes, the Postal Service proposed substantive changes intended to create a definition of ''information of a commercial nature'' as it pertains to the Postal Reorganization Act's provisions concerning disclosure of information under the FOIA, add guidance for determining what information qualifies as commercial information under the Act, and provide specific examples. The Postal Service received three sets of comments. The Postal Service has considered these comments and addresses them below.

The Postal Reorganization Act of 1970 (PRA) subjected the newly formed United States Postal Service to certain federal statutes, including the FOIA. *See* 39 U.S.C. 410(b). The PRA was the result of over two years of congressional deliberation and debate seeking to reestablish the Postal Service as an independent executive organization that would ''be run more like a business than had its predecessor, the Post Office Department.'' *Franchise Tax Bd. of Cal.* v. *U.S. Postal Serv.,* 467 U.S. 512, 520 (1984); *see also Nat'l Ass'n of Greeting Card Publishers* v. *U.S. Postal Serv.,* 462 U.S. 810, 822 (1983) (noting that under the Act ''Congress sought to ensure that the Postal Service would be managed in a businesslike way''). In recognition of these new mandates and expectations, Congress specifically exempted the Postal Service from disclosing six types of operational information under the FOIA. *See* 39 U.S.C. 410(c). In particular, Congress exempted ''information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed.'' 39 U.S.C. 410(c)(2). The original form of the PRA's final iteration, H.R. 17070, would not have subjected the Postal Service to the FOIA at all. *Id.* However, the Senate conditioned its approval of H.R 17070 on the inclusion of several significant amendments embodied in S. 3842, including Section 410. S. 3842, 91st Cong. (1970); s*ee also e.g.,* S. Rep. No. 91–912 (1970); H.R. Rep. No. 91–1363 (1970). This section both subjects the Postal Service to the FOIA and contains certain specific exemptions from disclosure. The House accepted the amendments in S. 3842 with few changes and minimal discussion. *See* H.R. Rep. No. 91–1363 (1970) *and* Public Law 91–375 (August 12, 1970). In addition, despite the fact that the inclusion of Section 410 was demanded by the Senate, the Senate record is devoid of specific discussion of this provision and its relationship to the FOIA. These omissions from the congressional record make it difficult to discern, beyond the plain language, how Congress intended the Postal Service to interpret section 410—specifically, what constitutes ''information of a commercial nature'' under section 410(c)(2).

The Postal Service's FOIA regulations were originally promulgated in 1975. *See* U.S. Postal Service, Freedom of Information Act Regulations, 40 FR 7330 (Feb. 19, 1975). Just as Congress did not define commercial information in Section 410, the original **Federal Register** notice concerning 39 CFR 265.14(b)(3) did not define, nor even discuss, commercial information or the proposed exemption of certain categories of records. *Id.* Despite some minor clarifying edits, the regulatory language of § 265.14(b)(3) has remained substantially unchanged since 1975. *See* 51 FR 26385 (July 23, 1986) (adding two categories of records without discussion). Several courts have observed the absence of such definition, from either Congress or Postal Service regulations, as they endeavored to define the term themselves. *See e.g., Carlson* v. *U.S. Postal Serv.,* 504 F.3d 1123, 1128 (9th Cir. 2007) (noting that neither Congress nor Postal Service regulations have defined ''information of a commercial nature''); *Nat'l W. Life Ins. Co.* v. *U.S.,* 512 F. Supp. 454, 459–60 (N.D. Tex. 1980) (stating that there is ''no authority as to what constitutes commercial information''); *Carlson* v. *U.S. Postal Serv.,* No. 13–CV–06017–JSC, 2015 WL 9258072, at *4 (N.D. Cal. Dec. 18, 2015) (stating that ''without a statutory or regulatory definition,'' the courts have been forced to turn to the dictionary for the common meaning). It was with these criticisms in mind that the Postal Service endeavored to make the proposed changes to its regulations at question here. *See* proposed § 265.14(b)(3).

Summary of Commenter A's Comments and Postal Service Responses

Commenter A made several thoughtful comments in response to the proposed rule changes. Chiefly, Commenter A questions the necessity of making any changes at all to § 265.14 under the assumption that ''there has been relatively little litigation over the scope of either 39 U.S.C. 410(c)(2) or 39 CFR 265.14(b)(3).'' The Postal Service disagrees. The scope of Section 410(c)(2), and more precisely how to define commercial information, has been the subject of numerous court decisions. *See e.g., Wickwire Gavin, P.C.* v. *U.S. Postal Serv.,* 356 F.3d 588, 594–596 (4th Cir. 2004); *Carlson,* 504 F.3d at 1128; *Nat'l W. Life Ins. Co.,* 512 F. Supp. at 459–60; *Piper & Marbury* v. *U.S. Postal Serv.,* No. CIV. A. 99–2383JMFCKK, 2001 WL 214217, at *1 (D.D.C. Mar. 6, 2001); *Carlson,* No. 13–CV–06017–JSC, 2015 WL 9258072, at *4. This topic has also been the subject of several other filed complaints that either never, or have not yet, reached judicial decision. Moreover, the scope of section 410(c)(2) is constantly a topic of controversy in the administrative appeal decisions the Postal Service issues under the FOIA. Therefore, the Postal Service believes that the level of controversy surrounding the scope of section 410(c)(2) merits regulatory clarification.

Commenter A next posits that the Postal Service's proposed definition of ''information of a commercial nature'' would do more to confuse rather than clarify the scope of section 410(c)(2). The Postal Service proposes to amend

§ 265.14(b)(3) to state ''information is of a commercial nature if it relates to commerce, trade, profit, or the Postal Service's ability to conduct itself in a businesslike manner.'' 83 FR 27934, proposed § 265.14(b)(3). The Postal Service's proposed amendments follow this subsection with six factors to evaluate in determining whether particular information meets this definition. Commenter A, while recognizing that this ''is generally consistent with case law,'' opines that the definition ''is so broad as to be meaningless.'' Again, the Postal Service disagrees. The proposed definition is clear, concise, and places new parameters on the scope of section 410(c)(2) where none previously existed. Furthermore, it is considerably narrower than both the current regulatory language of § 265.14(b)(3) and the relatively boundless statutory text of section 410(c)(2). Moreover, the addition of six factors to apply in making a determination of information's commercial nature provide further clarity to the proposed definition while also providing guidance as to its application in real world circumstances.

In addition to the proposed definition of ''information of a commercial nature'' and the six evaluation factors, the proposed amendment to § 265.14 also includes a demonstrative, non-exclusive list of 21 examples of specific types of information the Postal Service has determined meets that definition. 83 FR 27934, proposed § 265.14(b)(3)(ii). The remainder of Commenter A's comments argue that certain of these listed examples would not qualify for withholding, including ''Facility-specific volume, revenue, and cost information,'' proposed § 265.14(b)(3)(ii)(J), ''Country-specific international mail volume and revenue data,'' proposed § 265.14(b)(3)(ii)(K), and ''Parties to Negotiated Service Agreements,'' proposed § 265.14(b)(3)(ii)(O).

Courts have identified several characteristics that tend to weigh either in favor of or against a determination that information is commercial in nature. Some of those characteristics include whether and to what extent the information: Is publicly available, is intrinsically economic or financial, is transactional, involves cost and pricing, would be useful to competitors, or could cause competitive harm if disclosed. *See e.g., Carlson,* 504 F.3d at 1130 (taking note that most of the requested information was already publicly available); *Nat'l W. Life Ins. Co.,* 512 F. Supp. at 459–60 (noting that the information requested was not ''intrinsically economic or financial''); *Carlson,* No. 13–CV–06017–JSC, 2015 WL 9258072, at *7 (noting the transactional nature of the requested information, its potential utility to competitors, and recognizing that other courts have protected cost and pricing information); *Wickwire Gavin,* 356 F.3d at 595 (rejecting an ''implied additional requirement'' of competitive harm, but noting that ''competitive harm [is] one of many considerations'' in determining the commercial nature of information).

Facility-specific and country-specific volume, revenue, and cost information share many of those characteristics. It is non-public, intrinsically economic and financial, and involves cost and pricing. Likewise, the Postal Service does not make the parties to its Negotiated Service Agreements public. The Postal Service uses these agreements to offer customized pricing and classifications to certain mailers to compete for those mailers' business. Neither of these items would typically be released ''under good business practice.'' Other businesses, including the Postal Service's competitors, do not release facility-specific or country-specific volume, revenue and cost information. Customers who hold Negotiated Service Agreements with the Postal Service do not publicly disclose such agreements.

As such, the Postal Service declines making changes to its proposed amendments in response Commenter A's comments.

Summary of Commenter B's Comments and Postal Service Responses

Likewise, Commenter B made several thoughtful comments in response to the proposed rule changes. All of Commenter B's comments relate to proposed § 265.14(b)(3)(ii)(Q) which deems ''negotiated terms in leases'' commercial information under section 410(c)(2). Commenter B asks that the Postal Service delete this item from the list of examples included at proposed § 265.14(b)(3)(ii). Commenter B's comments do not contest that negotiated terms in leases qualify as commercial information under section 410(c)(2), rather, it asserts that withholding this information is not ''consistent with good business practices for the commercial and business sector.''

The PRA exempted from disclosure under the FOIA ''information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed.'' 39 U.S.C. 410(c)(2). Section 410(c)(2) creates a two-pronged inquiry; first, whether the information is commercial in nature, and second, whether it would be publicly disclosed under good business practice. *See e.g., Wickwire Gavin,* 356 F.3d at 594–95*; Carlson* No. 13–cv–06017–JSC, 2015 WL 9258072, at *8. In order to determine whether commercial information would be disclosed under good business practice, courts look to the common practices of other businesses. *See id.* The Postal Service notes that its regulatory changes only encompass the definition of ''commercial information.'' To the extent that Commenter B asserts that this information is not information that falls within the second prong of this inquiry, the Postal Service submits that such an assertion is outside the scope of this rulemaking. However, to the extent Commenter B's comments have any bearing on the instant rulemaking, the Postal Service declines to make changes to 39 CFR 265.14(b) that conform to Commenter B's comments for the reasons discussed below.

First, Commenter B asserts that leasing information should not be exempt from public disclosure because this type of information is ''routinely made publicly available in the commercial leasing industry,'' citing searchable databases provided by third-party companies. The Postal Service is not aware of any of its competitors publicly releasing the terms of their commercial leases. In fact, it is common practice for parties to a commercial lease to require non-disclosure agreements as part of their lease terms for the very purpose of insuring that terms do not become public. As such, the Postal Service disagrees that this is a routine procedure in keeping with good business practice.

Commenter B next points out that the United States General Services Administration (GSA) provides a searchable database containing information on the terms of its leases. While true, the Postal Service occupies a different position than GSA. GSA is not required to operate in a businesslike manner as its costs are paid through appropriated funds, whereas the Postal Service is self-funded by revenue it generates through operations. Congress enacted section 410(c)(2) in recognition of the Postal Service's dual role as both a government entity and a business competing in the market. This provision only applies to the Postal Service. Quite simply, GSA does not enjoy these same protections that Congress saw fit to provide the Postal Service. Moreover, section 410(c)(2) references withholding information ''under good business practice'' with courts looking to the practices of other businesses. GSA is not a business. Thus, GSA's practices regarding lease terms do not warrant

altering the proposed amendments to 39 CFR 265.14(b).

Commenter B also asserts that the past practice of releasing Postal Service lease information ''has benefited both the Postal Service and the lessors of postal buildings.'' The Postal Service agrees that such practice has benefited lessors—but to the detriment of the Postal Service's bargaining position as lessee. It has been the Postal Service's experience that negotiations in which the lessor has access to extensive Postal Service lease information for other properties result in less-favorable economic terms for the Postal Service. In other words, the Postal Service is disadvantaged when lessors know exactly what rents, concessions, and other terms were accepted by the Postal Service for other properties in the Postal Service's lease portfolio. The circumstances surrounding the acceptance of less than optimal terms in one lease do not necessarily support the Postal Service's acceptance of similar terms in other leases. However, lessors can use the knowledge of the former to insist on the same non-beneficial terms in their leases to the detriment of the Postal Service.

Finally, Commenter B posits that without public access to the Postal Service's negotiated lease terms, insurance underwriters will have a more difficult time accurately estimating risk, causing premiums to increase. Commenter B asserts that this is especially so for ''loss of rent coverage.'' In theory, an increase in premiums will lead to an increase in rents. The Postal Service will not speculate on what factors impact pricing in insurance markets. However, it should be noted that insurance coverage is the responsibility of the lessor. Moreover, Postal Service leases do not require lessors to carry loss of rent coverage as this coverage solely benefits the lessor—protecting the lessor's income stream. The commercial real estate market dictates what rents are paid. While a hypothetical increase in insurance rates for lessors may somewhat increase the lessor's costs, the market will determine whether such an increase in cost can be passed on to tenants. In this case, the Postal Service does not believe that this will cause a significant increase in the rents it pays as determined by relevant commercial real estate market conditions. Regardless, even if such a hypothetical cost increase to the lessor were to trickle into the actual rents paid, the Postal Service estimates that any increase would be far offset by its improved bargaining position as a result of not publicly disclosing its lease information. As such, the Postal Service declines Commentator B's invitation to change the proposed amendments.

Summary of the Commenter C's Comments and Postal Service Responses

Commenter C submitted comments supporting the Postal Service's proposed changes to 39 CFR 265.14(b). While Commenter C recognizes the importance of the FOIA's goal of promoting transparency in government, Commenter C also underlines the importance of ensuring that the Postal Service can adequately protect third party sensitive business information. Commenter C notes that the disclosure of such information may allow an unfair advantage to a business's competitors. Moreover, Commenter C notes that businesses in the private sector would be much more hesitant to conduct business with the Postal Service if they faced uncertainty as to whether the Postal Service could protect their confidential business information from public disclosure.

The Postal Service appreciates and agrees with Commenter C. In order to effectively operate in a competitive commercial environment, the Postal Service must not only protect its own sensitive business information but must also have the ability to give its partners adequate assurances that the Postal Service can maintain the confidentiality of their information. The Postal Service believes that the edits to 39 CFR 265.14(b) achieve a balance between the goals of the FOIA and the Postal Service's ability to conduct itself in a business-like manner.

List of Subjects

39 CFR Part 265

Administrative practice and procedure, Courts, Freedom of information, Government employees.

39 CFR Part 266

Privacy.

For the reasons stated in the preamble, the Postal Service amends 39 CFR chapter I as follows:

PART 265—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

■ 1. The authority citation for part 265 continues to read as follows:

Authority: 5 U.S.C. 552; 5 U.S.C. App. 3; 39 U.S.C. 401, 403, 410, 1001, 2601; Pub. L. 114–185.

■ 2. Amend § 265.1 by revising paragraph (a)(1) to read as follows:

§ 265.1 General provisions.

(a) * * *

(1) This subpart contains the regulations that implement the Freedom of Information Act (FOIA), 5 U.S.C. 552, insofar as the Act applies to the Postal Service. These rules should be read in conjunction with the text of the FOIA and the Uniform Freedom of Information Act Fee Schedule and Guidelines published by the Office of Management and Budget (OMB Guidelines). The Postal Service FOIA Requester's Guide, an easy-to-read guide for making Postal Service FOIA requests, is available at *http://about.usps.com/who-we-are/foia/welcome.htm.*

* * * * *

■ 3. Amend § 265.3 by revising paragraphs (d) and (e) to read as follows:

§ 265.3 Procedure for submitting a FOIA request.

* * * * *

(d) *First-party requests.* A requester who is making a request for records about himself must provide verification of identity sufficient to satisfy the component as to his identity prior to release of the record. For Privacy Act-protected records, the requester must further comply with the procedures set forth in 39 CFR 266.5.

(e) *Third-party requests.* Where a FOIA request seeks disclosure of records that pertain to a third party, a requester may receive greater access by submitting a written authorization signed by that individual authorizing disclosure of the records to the requester, or by submitting proof that the individual is deceased (*e.g.,* a copy of a death certificate or an obituary). As an exercise of administrative discretion, each component can require a requester to supply a notarized authorization, a declaration, a completed Privacy Waiver as set forth in 39 CFR 266.5(b)(2)(iii), or other additional information if necessary in order to verify that a particular individual has consented to disclosure.

* * * * *

■ 4. Amend § 265.6 by adding paragraph (e)(2) to read as follows:

§ 265.6 Responses to requests.

* * * * *

(e) * * *

(2) Any component invoking an exclusion must maintain an administrative record of the process of invocation and approval of exclusion by OIP.

■ 5. Amend § 265.9 by revising paragraph (c)(3) to read as follows:

§ 265.9 Fees.

* * * * *

(c) * * *

(3) *Review.* Commercial-use requesters shall be charged review fees at the rate of $21.00 for each half hour by personnel reviewing the records. Review fees shall be assessed in connection with the initial review of the record, *i.e.,* the review conducted by a component to determine whether an exemption applies to a particular record or portion of a record. No charge will be made for review at the administrative appeal stage of exemptions applied at the initial review stage. However, if a particular exemption is deemed to no longer apply, any costs associated with a component's re-review of the records in order to consider the use of other exemptions may be assessed as review fees.

* * * * *

■ 6. Amend § 265.14 by revising paragraphs (b) and (d)(1) and (2) to read as follows:

§ 265.14 Rules concerning specific categories of records.

* * * * *

(b) *Information not subject to mandatory public disclosure.* Certain types of information are exempt from mandatory disclosure under exemptions contained in the Freedom of Information Act and in 39 U.S.C. 410(c). The Postal Service will exercise its discretion, in accordance with the policy stated in § 265.1(c), as implemented by instructions issued by the Records Office with the approval of the General Counsel in determining whether the public interest is served by the inspection or copying of records that are:

(1) Related solely to the internal personnel rules and practices of the Postal Service.

(2) Trade secrets, or privileged or confidential commercial or financial information, obtained from any person.

(3) Information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed. Information is of a commercial nature if it relates to commerce, trade, profit, or the Postal Service's ability to conduct itself in a businesslike manner.

(i) When assessing whether information is commercial in nature, the Postal Service will consider whether the information:

(A) Relates to products or services subject to economic competition, including, but not limited to, ''competitive'' products or services as defined in 39 U.S.C. 3631, an inbound international service, or an outbound international service for which rates or service features are treated as nonpublic;

(B) Relates to the Postal Service's activities that are analogous to a private business in the marketplace;

(C) Would be of potential benefit to individuals or entities in economic competition with the Postal Service, its customers, suppliers, affiliates, or business partners or could be used to cause harm to a commercial interest of the Postal Service, its customers, suppliers, affiliates, or business partners;

(D) Is proprietary or includes conditions or protections on distribution and disclosure, is subject to a nondisclosure agreement, or a third party has otherwise expressed an interest in protecting such information from disclosure;

(E) Is the result of negotiations, agreements, contracts or business deals between the Postal Service and a business entity; or

(F) Relates primarily to the Postal Service's governmental functions or its activities as a provider of basic public services.

(ii) No one factor is determinative. Rather, each factor should be considered in conjunction with the other factors and the overall character of the particular information. Some examples of commercial information include, but are not limited to:

(A) Information related to methods of handling valuable registered mail.

(B) Records of money orders except as provided in section 509.3 of the Domestic Mail Manual.

(C) Technical information concerning postage meters and prototypes submitted for Postal Service approval prior to leasing to mailers.

(D) Quantitative data, whether historical or current, reflecting the number of postage meters or PC postage accounts.

(E) Reports of market surveys conducted by or under contract on behalf of the Postal Service.

(F) Records indicating carrier or delivery lines of travel.

(G) Information which, if publicly disclosed, could materially increase procurement costs.

(H) Information which, if publicly disclosed, could compromise testing or examination materials.

(I) Service performance data on competitive services.

(J) Facility specific volume, revenue, and cost information.

(K) Country-specific international mail volume and revenue data.

(L) Non-public international volume, revenue and cost data.

(M) Pricing and negotiated terms in bilateral arrangements with foreign postal operators.

(N) Information identifying USPS business customers.

(O) Financial information in or the identities of parties to Negotiated Service Agreements or Package Incentive Agreements.

(P) Negotiated terms in contracts.

(Q) Negotiated terms in leases.

(R) Geolocation data.

(S) Proprietary algorithms or software created by the Postal Service.

(T) Sales performance goals, standards, or requirements.

(U) Technical information or specifications concerning mail processing equipment.

* * * * *

(d) * * *

(1) *Change of address.* The new address of any specific business or organization that has filed a permanent change of address order (by submitting PS Form 3575, a hand written order, or an electronically communicated order) will be furnished to any person upon request. If a domestic violence shelter has filed a letter on official letterhead from a domestic violence coalition stating:

(i) That such domestic violence coalition meets the requirements of 42 U.S.C. 10410; and

(ii) That the organization filing the change of address is a domestic violence shelter, the new address shall not be released except pursuant to applicable routine uses. The new address of any individual or family that has filed a permanent or temporary change of address order will be furnished only in those circumstances stated at paragraph (d)(5) of this section. Disclosure will be limited to the address of the specifically identified individual about whom the information is requested (not other family members or individuals whose names may also appear on the change of address order). The Postal Service reserves the right not to disclose the address of an individual for the protection of the individual's personal safety. Other information on PS Form 3575 or copies of the form will not be furnished except in those circumstances stated at paragraph (d)(5)(i), (d)(5)(iii), or (d)(5)(iv) of this section.

(2) *Name and address of permit holder.* The name and address of the holder of a particular bulk mail permit, permit imprint or similar permit (but not including postage meter licenses), and the name of any person applying for a permit on behalf of a holder will be furnished to any person upon request. For the name and address of a postage

meter license holder, see paragraph (d)(3) of this section. (Lists of permit holders may not be disclosed to members of the public. See paragraph (e)(1) of this section.)

* * * * *

PART 266—PRIVACY OF INFORMATION

■ 7. The authority citation for part 266 continues to read as follows:

Authority: 5 U.S.C. 552a; 39 U.S.C. 401.

■ 8. Amend § 266.3 by revising paragraphs (a) introductory text, (a)(3), (b)(1) introductory text, (b)(1)(i), (b)(1)(iii), (b)(2) introductory text, (b)(2)(iii), and (b)(2)(xi), and the paragraph (b)(5) heading to read as follows:

§ 266.3 Collection and disclosure of information about individuals.

(a) This section governs the collection of information about individuals, as defined in the Privacy Act of 1974, throughout the United States Postal Service and across its operations;

* * * * *

(3) The Postal Service will maintain no record describing how an individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

* * * * *

(b) * * *

(1) *Limitations.* The Postal Service will not disclose information about an individual unless reasonable efforts have been made to assure that the information is accurate, complete, timely and relevant to the extent provided by the Privacy Act and unless:

(i) The individual to whom the record pertains has requested in writing, or with the prior written consent of the individual to whom the record pertains, that the information be disclosed, unless the individual would not be entitled to access to the record under the Postal Reorganization Act, the Privacy Act, or other law;

* * * * *

(iii) The disclosure is in accordance with paragraph (b)(2) of this section.

(2) *Conditions of Disclosure.* Disclosure of personal information maintained in a system of records may be made:

* * * * *

(iii) For a routine use as contained in the system of records notices published in the **Federal Register**;

* * * * *

(xi) Pursuant to the order of a court of competent jurisdiction. A court of competent jurisdiction is defined in Article III of the United States Constitution including, but not limited to any United States District Court, any United States or Federal Court of Appeals, the United States Court of Federal Claims, and the United States Supreme Court. For purposes of this section, state courts are not courts of competent jurisdiction.

* * * * *

(5) *Employment status.* * * *

* * * * *

Ruth Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2018–20585 Filed 9–21–18; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0073; EPA–R04–OAR–2018–0187; FRL–9984–20-Region 4]

Air Plan Approval; SC and TN; Regional Haze Plans and Prong 4 (Visibility) for the 2012 $PM_{2.5}$, 2010 NO_2, 2010 SO_2, and 2008 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the portions of South Carolina's and Tennessee's State Implementation Plan (SIP) revisions submitted by these States with letters dated September 5, 2017, and November 22, 2017, respectively, seeking to change reliance from the Clean Air Interstate Rule (CAIR) to the Cross-State Air Pollution Rule (CSAPR) for certain regional haze requirements; converting EPA's limited approvals/limited disapprovals of South Carolina's and Tennessee's regional haze plans to full approvals; removing EPA's Federal Implementation Plans (FIPs) for South Carolina and Tennessee that replaced reliance on CAIR with reliance on CSAPR to address the deficiencies identified in the limited disapprovals of South Carolina's and Tennessee's regional haze plans; and converting the conditional approvals to full approvals for the visibility prongs of South Carolina's infrastructure SIP submittals for the 2012 Fine Particulate Matter ($PM_{2.5}$), 2010 Nitrogen Dioxide (NO_2), 2010 Sulfur Dioxide (SO_2), and 2008 8-hour Ozone National Ambient Air Quality Standards (NAAQS) and the visibility prongs of Tennessee's infrastructure SIP submittals for the 2012 $PM_{2.5}$, 2010 NO_2, and 2010 SO_2 NAAQS.

DATES: This rule is effective October 24, 2018.

ADDRESSES: EPA has established dockets for these actions under Docket Identification Nos. EPA–R04–OAR–2018–0073 (SC) and EPA–R04–OAR–2018–0187 (TN). All documents in the dockets are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be 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: Michele Notarianni, 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. Ms. Notarianni can be reached by telephone at (404) 562–9031 or via electronic mail at *notarianni.michele@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

South Carolina and Tennessee submitted infrastructure SIPs that relied on having fully-approved regional haze plans to satisfy the visibility transport provision of Clean Air Act section 110(a)(2)(D)(i)(II).[1] The CAA requires

[1] EPA's 2013 Guidance on Infrastructure SIP Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2) (2013 Guidance) provides that one way a state may demonstrate that its SIP will ensure that emissions from the state will not interfere with measures required to be in other states' plans to protect visibility (*i.e.,* to satisfy prong 4) is through confirmation in its infrastructure SIP submission

Continued

that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, commonly referred to as an ''infrastructure SIP.'' This visibility provision, known as ''prong 4,'' prohibits any source or other type of emissions activity in a state from emitting any air pollutant in amounts which will interfere with measures required to be included in the applicable SIP for any other state to protect visibility. Specifically, South Carolina submitted infrastructure SIPs for the 2008 8-Hour Ozone (July 17, 2012), 2010 NO_2 (April 30, 2014), 2010 SO_2 (May 8, 2014), and 2012 annual $PM_{2.5}$ (December 18, 2015) NAAQS, and Tennessee submitted infrastructure SIPs for the 2010 NO_2 (March 13, 2014), 2010 SO_2 (March 13, 2014), and 2012 annual $PM_{2.5}$ (December 16, 2015) NAAQS.[2] However, at the time of these submissions, EPA had not fully approved South Carolina's or Tennessee's regional haze plan, as the Agency had issued limited disapprovals of these States' original regional haze plans on June 7, 2012 (77 FR 33642) for South Carolina and April 4, 2012 (77 FR 24392) for Tennessee due to these plans' reliance on CAIR. In conjunction with the limited disapprovals, EPA promulgated FIPs replacing reliance on CAIR with reliance on CSAPR to address the deficiencies in the regional haze plans for South Carolina and Tennessee. *See* 77 FR 33642 (June 7, 2012).

EPA conditionally approved the aforementioned infrastructure SIP submittals based on letters from South Carolina and Tennessee committing to submit SIP revisions revising their regional haze plans to replace reliance on CAIR with reliance on CSAPR.[3] *See* 81 FR 56512 (August 22, 2016) (South Carolina) and 82 FR 27428 (June 15, 2017) (Tennessee). In accordance with these commitments to correct the deficiencies in their regional haze plans in order to obtain approval of their infrastructure SIP submittals that rely on fully-approved regional haze plans, South Carolina and Tennessee submitted SIP revisions on September 5, 2017, and November 22, 2017, respectively, to replace reliance on CAIR with reliance on CSAPR for certain regional haze requirements.

On June 4, 2018 (83 FR 25604) and June 20, 2018 (83 FR 28582), EPA published notices of proposed rulemaking (NPRMs) proposing to approve the regional haze portions of South Carolina's September 5, 2017, and Tennessee's November 22, 2017 SIP revisions, respectively; fully approve South Carolina's and Tennessee's regional haze plans; remove the regional haze FIPs addressing the deficiencies in these plans; and approve the prong 4 elements of these states' infrastructure SIP submissions. The specific details of South Carolina's September 5, 2017, and Tennessee's November 22, 2017 SIP revisions and the rationale for EPA's proposed approvals are discussed in the respective NPRMs. EPA received no relevant comments on the NPRMs for South Carolina or Tennessee.

II. Final Action

EPA finds that the relevant portions of South Carolina's September 5, 2017, and Tennessee's November 22, 2017 SIP revisions satisfy the SO_2 and nitrogen oxides (NO_X) best available retrofit technology (BART) requirements; the states' reasonable progress obligations with respect to SO_2 emissions from electric generating units that were previously subject to CAIR; and, in part, the requirement that the states' long-term strategies contain the measures necessary to achieve reasonable progress.[4] Accordingly, EPA is approving the regional haze portions of these SIP revisions, determining that the revisions correct the deficiencies that led to EPA's limited approvals/limited disapprovals of these states' regional haze SIPs, and converting EPA's previous actions on South Carolina's and Tennessee's regional haze SIPs from limited approvals/limited disapprovals to full approvals. EPA is also removing the FIPs for South Carolina and Tennessee that replaced reliance on CAIR with reliance on CSAPR to address the limited disapprovals. With the approval of the portions of South Carolina's September 5, 2017, and Tennessee's November 22, 2017 SIP revisions related to regional haze requirements, these states' implementation plans now provide for the measures needed to ensure that their emissions do not interfere with measures required to be included in other states' plans to protect visibility. Therefore, EPA is also converting the conditional approvals to full approvals for the prong 4 portions of Tennessee's 2012 annual $PM_{2.5}$, 2010 NO_2, and 2010 SO_2 infrastructure SIP submittals and South Carolina's 2012 annual $PM_{2.5}$, 2010 NO_2, 2010 SO_2, and 2008 ozone infrastructure SIP submittals. All other applicable infrastructure requirements for the infrastructure SIP submissions have been or will be addressed in separate rulemakings.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

These actions are not significant regulatory actions and were therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

These actions are not Executive Order 13771 regulatory actions because these actions are not significant under Executive Order 12866.

C. Paperwork Reduction Act

These actions do not impose an information collection burden under the provisions of the Paperwork Reduction Act, because they do not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

I certify that these actions will not have a significant economic impact on a substantial number of small entities under the RFA. These actions will not impose any requirements on small entities.

E. Unfunded Mandates Reform Act (UMRA)

These actions do not contain any unfunded mandates as described in UMRA, 2 U.S.C. 1531–1538, and do not significantly or uniquely affect small governments. These actions impose no enforceable duty on any state, local or tribal governments or the private sector.

F. Executive Order 13132: Federalism

These actions do not have federalism implications. They will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and

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that it has an approved regional haze SIP that fully meets the requirements of 40 CFR 51.308 or 51.309. *See* 2013 Guidance at 33, *https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf.*

[2] EPA notes that the dates of submission reflect the dates on the transmittal cover letters for these infrastructure SIPs.

[3] The commitment letters are located in the respective dockets for today's actions.

[4] In their regional haze SIPs, South Carolina and Tennessee focused solely on evaluating SO_2 sources contributing to visibility impairment for additional emissions reductions for reasonable progress in the first implementation period. *See* 77 FR 11894, 11904 (February 28, 2012); 76 FR 33662, 33673 (June 9, 2011), respectively. EPA approved the states' ultimate conclusions that no additional controls beyond CAIR were reasonable for SO_2 for affected EGUs during this implementation period. *See* 77 FR 11906–07; 76 FR 33676, respectively.

responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

These actions do not have tribal implications, as specified in Executive Order 13175, in Tennessee or South Carolina. It will not have substantial direct effects on tribal governments. EPA has determined these actions do not have substantial direct effects on tribal governments because, as it relates to prong 4, these actions are not approving any specific rule, but rather determining that the approved SIPs for these states meet certain CAA requirements. As it relates to the regional haze SIPs, replacing reliance on CAIR with reliance on CSAPR has no substantial direct effects because the reliance on CSAPR for regional haze purposes in these states already existed through FIPs. The Catawba Indian Nation Reservation is located within the boundary of York County, South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120, ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' However, EPA has determined that the actions related to South Carolina do not have substantial direct effects on the Catawba Indian Nation for the reasons discussed above. EPA notes today's actions will not impose substantial direct costs on Tribal governments or preempt Tribal law.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. These actions are not subject to Executive Order 13045 because they do not concern an environmental health risk or safety risk.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

These actions are not subject to Executive Order 13211, because they are not significant regulatory actions under Executive Order 12866.

J. National Technology Transfer and Advancement Act

These rulemakings do not involve technical standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes that these actions do not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

L. Congressional Review Act (CRA)

These actions are subject to the CRA, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. These actions are not a ''major rule'' as defined by 5 U.S.C. 804(2).

M. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of these actions must be filed in the United States Court of Appeals for the appropriate circuit by November 23, 2018. Filing a petition for reconsideration by the Administrator of these final rules does not affect the finality of these actions 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. These actions may not be challenged later in proceedings to enforce its requirements. See CAA section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate Matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 13, 2018.

Andrew R. Wheeler,

Acting EPA Administrator.

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 PP—South Carolina

■ 2. Section 52.2120 is amended by adding entries for ''110(a)(1) and (2) Infrastructure Requirements for the 2008 8-hour Ozone NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO_2 NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour SO_2 NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS'' and ''Regional Haze Plan Revision'' at the end of the table in paragraph (e) to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(e) * * *

EPA-Approved South Carolina Non-Regulatory Provisions

Provision	State effective date	EPA approval date	Explanation
* *	*	* *	* * *
110(a)(1) and (2) Infrastructure Requirements for the 2008 8-hour Ozone NAAQS.	7/17/2012	9/24/2018, [Insert citation of publication].	Addressing prong 4 of section 110(a)(2)(D)(i)(II) only.
110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO_2 NAAQS.	4/30/2014	9/24/2018, [Insert citation of publication].	Addressing prong 4 of section 110(a)(2)(D)(i)(II) only.
110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour SO_2 NAAQS.	5/8/2014	9/24/2018 [Insert citation of publication].	Addressing prong 4 of section 110(a)(2)(D)(i)(II) only.

EPA-APPROVED SOUTH CAROLINA NON-REGULATORY PROVISIONS—Continued

Provision	State effective date	EPA approval date	Explanation
110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS.	12/18/2015	9/24/2018, [Insert citation of publication].	Addressing prong 4 of section 110(a)(2)(D)(i)(II) only.
Regional Haze Plan Revision ..	9/5/2017	9/24/2018, [Insert citation of publication].	

§ 52.2127 [Removed and Reserved]

■ 3. Section 52.2127 is removed and reserved.

§ 52.2132 [Removed and Reserved]

■ 4. Section 52.2132 is removed and reserved.

Subpart RR—Tennessee

■ 5. Section 52.2220 is amended by adding entries for ''110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO_2 NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour SO_2 NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS'' and ''Regional Haze Plan Revision'' at the end of the table in paragraph (e) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED TENNESSEE NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State effective date	EPA approval date	Explanation
* *	*	*	*	* *
110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO_2 NAAQS.	Tennessee	3/13/2014	9/24/2018, [Insert citation of publication].	Addressing prong 4 of section 110(a)(2)(D)(i)(II) only.
110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour SO_2 NAAQS.	Tennessee	3/13/2014	9/24/2018, [Insert citation of publication].	Addressing prong 4 of section 110(a)(2)(D)(i)(II) only.
110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS.	Tennessee	12/16/2015	9/24/2018, [Insert citation of publication].	Addressing prong 4 of section 110(a)(2)(D)(i)(II) only.
Regional Haze Plan Revision	Tennessee	11/22/2017	9/24/2018, [Insert citation of publication].	

§ 52.2219 [Removed and Reserved]

■ 6. Section 52.2219 is removed and reserved.

§ 52.2234 [Removed and Reserved]

■ 7. Sections 52.2234 is removed and reserved.

[FR Doc. 2018–20621 Filed 9–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2018–0509; FRL–9984–29—Region 10]

Air Plan Approval; Idaho; Interstate Transport Requirements for the 2012 $PM_{2.5}$ NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Clean Air Act (CAA) requires each State Implementation Plan (SIP) to contain adequate provisions prohibiting emissions that will have certain adverse air quality effects in other states. On December 23, 2015, the State of Idaho made a submission to the Environmental Protection Agency (EPA) to address these requirements. The EPA is approving the submission as meeting the requirement that each SIP contain adequate provisions to prohibit emissions that will contribute significantly to nonattainment or interfere with maintenance of the 2012 annual fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS) in any other state.

DATES: This final rule is effective October 24, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2018–0509. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and is publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt at (206) 553–0256, or *hunt.jeff@epa.gov.*

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

I. Background Information

On July 18, 2018, the EPA proposed to approve Idaho as meeting the requirement that each SIP contain adequate provisions to prohibit emissions that will contribute significantly to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS in any other state (83 FR

33892). An explanation of the Clean Air Act requirements, a detailed analysis of the submittal, and the EPA's reasons for proposing approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for the proposal ended August 17, 2018.

II. Response to Comments

We received two comments on the rulemaking. After reviewing the comments, we have determined that the comments are outside the scope of our proposed action and fail to identify any material issue necessitating a response. For more information, please see our memorandum included in the docket for this action.

III. Final Action

The EPA is approving Idaho's December 23, 2015, submission certifying that the SIP is sufficient to meet the interstate transport requirements of Clean Air Act section 110(a)(2)(D)(i)(I), specifically prongs one and two, as set forth in the proposed rulemaking for this action.

IV. 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, the 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 actions such as SIP approvals are exempted under Executive Order 12866;
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and
- does not provide the 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 and is also not approved to apply in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications 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. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 23, 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, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: September 5, 2018.

Chris Hladick,

Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart N—Idaho

■ 2. In § 52.670, paragraph (e) is amended by adding an entry at the end of the table for ''Interstate Transport Requirements for the 2012 $PM_{2.5}$ NAAQS'' to read as follows:

§ 52.670 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED IDAHO NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
* * *	*	*	* *	*
Interstate Transport Requirements for the 2012 $PM_{2.5}$ NAAQS.	State-wide	12/23/2015	9/24/2018, [Insert **Federal Register** citation].	This action addresses CAA 110(a)(2)(D)(i)(I).

[FR Doc. 2018–20616 Filed 9–21–18; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2018–0211; FRL–9984–22—Region 7]

Air Plan Approval; Missouri; Regional Haze Plan and Prong 4 (Visibility) for the 2012 $PM_{2.5}$, 2010 NO_2, 2010 SO_2, and 2008 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking several final actions regarding the Missouri State Implementation Plan (SIP). Three SIP actions relate to how the state addresses transport as related to visibility impairment in Class 1 areas and the 2012 Fine Particulate Matter ($PM_{2.5}$), 2010 Nitrogen Dioxide (NO_2), 2010 Sulfur Dioxide (SO_2), and 2008 Ozone National Ambient Air Quality Standards (NAAQS): The EPA is approving the portion of the state's September 5, 2014 Five-year Progress Report for the State of Missouri Regional Haze Plan and a subsequently submitted letter dated July 31, 2017, which clarified that the state was changing from reliance on the Clean Air Interstate Rule (CAIR) to reliance on the Cross State Air Pollution Rule (CSAPR) for certain regional haze requirements; the EPA is converting its limited approval/limited disapproval of the state's Regional Haze Plan to a full approval; and the EPA is approving the states' submissions addressing the Clean Air Act (CAA or the Act) provisions that prohibit emissions activity in one state from interfering with measures to protect visibility in another state (prong 4) of the state's infrastructure SIP submittals for the 2008 Ozone, the 2010 Nitrogen Dioxide (NO_2), the 2010 Sulfur Dioxide (SO_2), and the 2012 Fine Particulate Matter ($PM_{2.5}$) NAAQS. Finally, based on EPA's approval of the portion of the state's September 5, 2014, Five-year Progress Report that clarified that the state was changing from reliance on CAIR to reliance on CSAPR for certain regional haze requirements and conversion of its limited approval/limited disapproval of the state's Regional Haze Plan to a full approval, the EPA is withdrawing the June 7, 2012, Federal Implementation Plan (FIP) for regional haze.

DATES: This final rule is effective on October 24, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No EPA–R07–OAR–2018–0211. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Tracey Casburn, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7016, or by email at *casburn.tracey@epa.gov.*

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

I. Background Information

On May 3, 2018, the EPA proposed to approve the state's change from a reliance on CAIR to a reliance on CSAPR to meet certain Regional Haze planning obligations; to convert the EPA's limited approval/limited disapproval of the state's Regional Haze Plan to a full approval; to approve the prong 4 elements of the state's 2008 Ozone, 2010 NO_2, 2010 SO_2 and 2012 $PM_{2.5}$ NAAQS infrastructure SIP submittals; and to remove EPA's existing regional haze FIP from 40 CFR 52.1339(c) and (d). *See* 83 FR 19479. The EPA received six sets of comments prior to the close of the comment period; all six sets of comments were not directly related to the action. The EPA's rationale for approving those SIP submissions, was provided in the proposal action and will not be restated here. *See* 83 FR 19479.

II. Have the requirements for approval of the SIP submittals been met?

a. 2008 Ozone NAAQS

The state's submission met the public notice requirements for the Ozone infrastructure SIP submission in accordance with 40 CFR 51.102. The state held a public comment period from April 30, 2013, to June 6, 2013. The EPA provided comments on May 23, 2013, and was the only commenter. A public hearing was held on May 30, 2013. The submission satisfied the completeness criteria of 40 CFR part 51, appendix V, for all elements except 110(a)(2)(D)(i)(I)—significant contribution to nonattainment (prong 1), interfering with maintenance of the NAAQs (prong 2). The EPA published a document in the **Federal Register**, ''*Findings of Failure to Submit a Section 110 State Implementation Plan for Interstate Transport for the 2008 National Ambient Air Quality Standards for Ozone*''.[1] The state was included in this finding because it had not made a complete ''good neighbor'' SIP submittal to meet the prong 1 and 2 elements.

[1] See 80 FR 39961 (August 12, 2015).

b. 2010 NO_2 NAAQS

The state's submission met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The state held a public comment period from February 25, 2013, to April 4, 2013. The EPA provided comments to the state on April 3, 2013, and was the only commenter. A public hearing was held on March 28, 2013. The state revised its proposed SIP in response to the EPA's comments, and the state submitted the SIP to the EPA on April 30, 2013. The submission satisfied the completeness criteria of 40 CFR part 51, appendix V.

c. 2010 SO_2 NAAQS

The state's submission met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The state held a public comment period from April 30, 2013, to June 6, 2013. The EPA provided comments on May 23, 2013, and was the only commenter. A public hearing was held on May 30, 2013. The submission satisfied the completeness criteria of 40 CFR part 51, appendix V, for all elements except prongs 1 and 2.

d. 2012 $PM_{2.5}$ NAAQS

The state's submission met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The state held a public comment period from July 27, 2015, to September 3, 2015. The state received no comments during the public comment period. A public hearing was held on August 27, 2015. The submission satisfied the completeness criteria of 40 CFR part 51, appendix V.

e. Regional Haze Five-Year Progress Report

The state's submission met the public notice requirements for a SIP submission in accordance with 40 CFR 51.102. The state held a public comment period from April 28, 2014, to June 5, 2014. The EPA provided comments on May 30, 2014. A public hearing was held on May 29, 2014. Revisions were made to the draft report in response to comments received. The submission satisfied the completeness criteria of 40 CFR part 51, appendix V. On July 31, 2017, the state submitted a letter to EPA clarifying certain aspects of its Five-year Progress Report for regional haze. See 83 FR 19479.

III. The EPA's Response to Comments

As previously noted, the EPA received six sets of comments prior to the close of the comment period; all six sets of comments were not directly related to the action and therefore not considered by the EPA to be significant or adverse to the action being taken; therefore, the EPA is not providing responses here. No changes were made to the proposals in this final action after consideration of the comments received. All comments on the proposed action are available in the docket noted in this action.

IV. What action is the EPA taking?

As described above, the EPA is taking the following final actions: (1) Approving the portion of the state's September 5, 2014 *Five-year Progress Report for the State of Missouri Regional Haze Plan* which, as clarified by the July 31, 2017 letter, identified the state's change from reliance on CAIR to a reliance on the CSAPR FIP for certain regional haze requirements; (2) converting the EPA's limited approval/limited disapproval of the state's Regional Haze Plan to a full approval; and (3) approving the state's infrastructure SIP submissions addressing the CAA prong 4 requirements for the 2008 Ozone, 2012 $PM_{2.5,}$ 2010 NO_2, and 2010 SO_2 NAAQS. Based on EPA's approval of the portion of the state's September 5, 2014 Five-year Progress Report that clarified that the state was changing from reliance on CAIR to reliance on CSAPR for certain regional haze requirements and conversion of its limited approval/limited disapproval of the state's Regional Haze Plan to a full approval, the EPA is withdrawing the FIP from 40 CFR 52.1339(c) and (d) as noticed in the proposed regulatory text revisions.

V. Statutory and Executive Order Reviews

A. Executive Orders 12866 and 13563: Regulatory Planning and Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

D. Regulatory Flexibility Act (RFA)

This action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments. There are no Indian reservation lands in Missouri. Thus, Executive Order 13175 does not apply to this rule.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

L. Determination Under Section 307(d)

Pursuant to CAA section 307(d)(1)(B), this action is subject to the requirements of CAA section 307(d), as it revises a FIP under CAA section 110(c).

M. Congressional Review Act (CRA)

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).

N. Judicial Review

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 23, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See CAA section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Regional haze, Visibility.

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

Dated: September 13, 2018.

Andrew R. Wheeler,

Acting Administrator.

For the reasons set forth in the preamble, EPA is amending 40 CFR part 52 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 AA—Missouri

■ 2. In § 52.1320, the table in paragraph (e) is amended by:

■ a. Revising entry (70); and

■ b. Adding entry (74) in numerical order.

The revision and addition read as follows:

§ 52.1320 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS

Name of nonregulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* *	*	*	*	* *
(70) State Implementation Plan (SIP) Revision for Regional Haze (2014 Five-year Progress Report).	Statewide	9/5/2014	8/1/2016, 81 FR 50353; 9/24/2018, [Insert **Federal Register** citation].	Missouri submitted a clarification letter to its Five-year Progress Report on July 31, 2017 that is part of this action. [EPA–R07–OAR–2015–0581; FRL–9949–68—Region 7]; [EPA–R07–OAR–2018–0211; FRL–9984–22—Region 7.]
* *	*	*	*	* *
(74) Sections 110(a)(2) Infrastructure Prong 4 Requirements for the 2008 Ozone, 2010 Nitrogen Dioxide, 2010 Sulfur Dioxide, and the 2012 Fine Particulate Matter NAAQS.	Statewide	7/8/2013; 8/30/2013; 7/8/2013; 10/14/2015.	9/24/2018, [Insert **Federal Register** citation].	This action approves the following CAA elements: 110(a)(2)(D)(i)(II)—prong 4. [EPA–R07–OAR–2018–0211; FRL–9984–22—Region 7.]

■ 3. Amend § 52.1339 by:

■ a. Revising paragraph (a); and

■ b. Removing paragraphs (c) through (e).

The revision reads as follows:

§ 52.1339 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are met because the plan includes measures for the protection visibility in mandatory Class I Federal areas. The Regional Haze Plan submitted by Missouri on August 5, 2009, and supplemented on January 30, 2012, in addition to the 5-year progress report submitted on September 5, 2014, and supplemented by state letter on July 31, 2017, contain fully approvable measures for meeting the requirements of the Regional Haze Rule.

* * * * *

[FR Doc. 2018–20615 Filed 9–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0050; FRL–9984–10—Region 4]

Air Plan Approval; TN: Revisions to New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving changes to the Tennessee State Implementation Plan (SIP) to revise New Source Review (NSR) regulations. Specifically, EPA is approving the portions of a SIP revision submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on May 28, 2009, that modify the definitions of ''baseline actual emissions.'' This action is being taken pursuant to the Clean Air Act (CAA or Act).

DATES: This rule is effective October 24, 2018.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2017–0050. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be 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: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Akers can be reached via telephone at (404) 562–9089 or via electronic mail at *akers.brad@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is EPA taking?

On May 28, 2009, TDEC submitted a SIP revision to EPA for approval that contains changes to Tennessee's SIP-approved major NSR permitting regulations at Tennessee Air Pollution Control Regulations (TAPCR) 1200–3–9–.01—''Construction Permits,'' including the adoption of federal requirements and the modification of certain other provisions. In this action, EPA is approving the portions of this SIP submission that make changes to the definitions of ''baseline actual emissions'' in Tennessee's SIP-approved Prevention of Significant Deterioration (PSD) and nonattainment NSR (NNSR) regulations at TAPCR 1200–3–9–.01(4)—''Prevention of Significant Air Quality Deterioration'' and 1200–3–9–.01(5)(b)—''Nonattainment Areas,'' respectively. Tennessee's NSR regulations at TAPCR 1200–3–9–.01 were last revised in the SIP on July 25, 2013 (78 FR 44886).

On June 20, 2018 (83 FR 28577), EPA published a notice of proposed rulemaking (NPRM) proposing to approve the portions of Tennessee's SIP revision described in Section II, below. The details of Tennessee's SIP revision and the rationale for EPA's actions are further explained in the NPRM. EPA received no adverse comments on the proposed approval.

II. Analysis of Tennessee's Submittal

Tennessee's May 28, 2009, submittal revises the SIP-approved definitions of ''baseline actual emissions'' at TAPCR 1200–3–9–.01(4)(b)(45)(i)(III) and 1200–3–9–.01(4)(b)(45)(ii)(IV) for PSD, and 1200–3–9–.01(5)(b)(1)(xlvii)(I)III and 1200–3–9–.01(5)(b)(1)(xlvii)(II)IV for NNSR. The revised definitions read as follows (strikethrough indicates language removed from the SIP in this action and underlined text indicates language added):

BILLING CODE 6560–50–P

"For a regulated NSR pollutant, when a project involves multiple emissions units, ~~only~~ one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. However, the Technical Secretary is authorized to allow the use of multiple, pollutant specific consecutive 24-month baselines in determining the magnitude of a significant net emissions increase[1] and the applicability of major new source review requirements if all of the following conditions are met:

I. Construction of a new source[2] or modification would become subject to major new source review if a single 2-year baseline is used for all pollutants.

II. One or more pollutants were emitted during such 2-year period in amounts that were less than otherwise permitted for reasons other than operations at a lower production or utilization rate. Qualifying examples include, but are not limited to, the voluntary use of:

A. a cleaner fuel than otherwise permitted in a fuel burning operation (e.g., natural gas instead of coal in a multi-fuel boiler),

B. a coating with a lower VOC content than otherwise permitted in a coating operation,

[1] The "baseline actual emissions" for a proposed project are considered when determining whether a "significant emissions increase" will occur. If a "significant emissions increase" is shown as a result of the project, then the "net emissions increase" is calculated, considering contemporaneous and creditable increases and decreases from unrelated projects to determine whether the project will result in a "significant net emissions increase." Thus, the baseline period referenced here is most relevant to the determination of a "significant emissions increase."

[2] Although the revision refers to modifications and new sources, it does not affect new sources or new units because Tennessee's SIP-approved rules require new sources/units to use the actual-to-potential test—not the actual-to-projected-actual test—and the corresponding baseline actual emissions for new sources/units are set to zero. This is consistent with federal rules. The revision only applies to projects that involve multiple existing emissions units.

C. a voluntary improvement in the control efficiency of an air pollution control device or the voluntary addition of a control device where one did not exist before, and

D. alternate production methods, raw materials, or products that result in lower emissions of one or more pollutants.

III. Use of alternate 2-year baselines for the pollutants described in 2. above would result in the construction of the new source[3] or modification not being subject to major new source review.

IV. The use of the multiple baselines is not prohibited by any applicable provision of the USEPA's new source review regulations.

The burden for demonstrating that these conditions are met is upon the permit applicant. The demonstration and the Technical Secretary's approval will be made a part of the permit record."

BILLING CODE 6560–50–C

The changes mean that a project involving multiple emissions units is no longer subject to major NSR permitting under the revised definitions if it meets the limiting criteria identified above for the use of pollutant-specific baseline periods. EPA's major NSR rules do not contain such limiting criteria. Under the federal major NSR rules, a state must adopt the federal definitions into its SIP unless the state's definitions are more stringent than, or at least as stringent as, the federal definitions. *See* 40 CFR 51.165(a)(1) and 51.166(b). EPA finds that Tennessee's changes to its SIP-approved definitions of ''baseline actual emissions'' are more stringent than the federal definitions given the limiting criteria and are therefore allowable changes to Tennessee's SIP-approved NSR program pursuant to 40 CFR 51.165(a)(1) and 51.166(b).

Section 110(l) of the CAA prohibits EPA from approving a SIP revision that would interfere with any applicable requirement concerning attainment and RFP (as defined in section 171), or any other applicable requirement of the CAA. EPA has determined that the changes to the Tennessee SIP, as described above, would not violate section 110(l) for the following reasons: (1) Tennessee's changes will maintain the State program at a more stringent level than the federal NSR requirements;[4] (2) the State is currently attaining all of the NAAQS except for the 2010 1-hour sulfur dioxide (SO_2) NAAQS in a portion of Sullivan County;[5] and (3) any projects that would not qualify as major modifications under the revised definitions would still be subject to the preconstruction review and permitting requirements of Tennessee's SIP-approved minor NSR regulations at TAPCR 1200–3–9–.01(1). For a more complete discussion, see the NPRM.

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 the portions of TAPCR 1200–3–9–.01—''Construction Permits,''[6] which specifically revise the definitions of ''baseline actual emissions'' in Tennessee's SIP-approved PSD and NNSR regulations as discussed in Section II above,[7] state effective April 24, 2013. 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).

[3] *See* footnote 2.

[4] EPA also believes that the impact, if any, on air quality as a result of the changes would be small given the nature of the actual-to-projected-actual test and the limited applicability of the multiple baseline provision.

[5] On May 12, 2017, TDEC submitted a plan to EPA to attain the 2010 1-hour SO_2 NAAQS in Sullivan County. EPA proposed approval of the of the Sullivan County attainment demonstration on June 29, 2018 (83 FR 30609).

[6] The title of this regulation is erroneously listed as ''Definitions'' in the ''Title/subject'' column of 40 CFR 52.2220(c). Therefore, EPA is correcting the ''Title/subject'' entry in this action.

[7] The state effective date of the rule changes to the definitions of ''baseline actual emissions'' in Tennessee's May 28, 2009, SIP revision is May 10, 2009. However, these changes to Tennessee's rule are captured and superseded by the version of TAPCR 1200–3–9–.01 that was state effective on April 24, 2013. On July 25, 2013 (78 FR 44889), EPA approved portions of the April 24, 2013 version of TAPCR 1200–3–9–.01 that were included in a May 10, 2013 SIP revision and modified the state effective date at 40 CFR 52.2220(c) accordingly.

Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, 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.[8]

IV. Final Action

EPA is approving the changes to the definitions of ''baseline actual emissions'' in Tennessee's SIP-approved PSD and NNSR regulations at TAPCR 1200–3–9–.01(4)—''Prevention of Significant Air Quality Deterioration'' and 1200–3–9–.01(5)(b)—''Nonattainment Areas,'' respectively, because they are consistent with the CAA and federal regulations.

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

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

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 23, 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, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 10, 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. In § 52.2220, table 1 in paragraph (c) is amended by revising the entry ''Section 1200–3–9–.01'' to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

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

TABLE 1—EPA APPROVED TENNESSEE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Chapter 1200–3–9 Construction and Operating Permits				
Section 1200–3–9–.01 ..	Construction Permits	4/24/2013	9/24/2018, [insert **Federal Register** citation].	EPA approved Tennessee's May 10, 2013, SIP revision to Chapter 1200–3–9–.01 on July 25, 2013, with the exception of the $PM_{2.5}$ SILs (at 1200–3–9–.01(5)(b)1(xix)) and SMC (at 1200–3–9–.01(4)(d)6(i)(III)) as promulgated in the October 20, 2010, $PM_{2.5}$ Increments-SILs-SMC Rule.
*	*	*	*	*

* * * * *

[FR Doc. 2018–20629 Filed 9–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2018–0217; EPA–R03–OAR–2014–0299; EPA–R03–OAR–2016–0373; FRL–9984–30–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regional Haze Plan and Visibility Requirements for the 2010 Sulfur Dioxide and the 2012 Fine Particulate Matter Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the State of West Virginia (West Virginia). This SIP revision changes West Virginia's reliance on the Clean Air Interstate Rule (CAIR) to reliance on the Cross-State Air Pollution Rule (CSAPR) with the purpose of addressing certain regional haze requirements and the visibility protection requirements for the 2010 sulfur dioxide (SO_2) national ambient air quality standards (NAAQS). EPA is approving this SIP revision and consequently converting the Agency's prior limited approval/limited disapproval of West Virginia's regional haze SIP revision to a full approval and withdrawing the federal implementation plan (FIP) provisions for addressing our prior limited disapproval. Based on our full approval of West Virginia's regional haze program, EPA is also approving the portions of West Virginia's infrastructure SIP revisions for the 2010 SO_2 and 2012 fine particulate matter ($PM_{2.5}$) NAAQS addressing visibility protection requirements. This action is being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on October 24, 2018.

ADDRESSES: EPA has established a docket for this rulemaking action under Docket ID Number EPA–R03–OAR–2018–0217. The following previously established dockets are also relevant to today's action: Docket ID Number EPA–R03–OAR–2014–0299; and EPA–R03–OAR–2016–0373. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Emlyn Vélez-Rosa, (215) 814–2038, or by email at *velez-rosa.emlyn@epa.gov.*

SUPPLEMENTARY INFORMATION: On September 16, 2015, the State of West Virginia via the West Virginia Department of Environmental Protection (WVDEP) submitted a revision to its SIP to update its regional haze plan and to meet the visibility protection requirement in section 110(a)(2)(D)(i)(II) of the CAA for the 2010 SO_2 NAAQS. EPA is also addressing as part of this rulemaking action two SIP revisions submitted by West Virginia on October 16, 2014 and May 12, 2017 addressing the visibility protection requirement in section 110(a)(2)(D)(i)(II) for the 2010 SO_2 and 2012 $PM_{2.5}$ NAAQS, respectively.

I. Background

On March 23, 2012, EPA finalized a limited approval and a limited disapproval of a West Virginia SIP revision submitted on June 18, 2008 addressing regional haze program requirements.[1] The limited disapproval of this SIP revision was based upon West Virginia's reliance on CAIR as an alternative to best available retrofit technology (BART) and as a measure for reasonable progress. On June 7, 2012, EPA promulgated a FIP for West Virginia that replaced reliance on CAIR with reliance on CSAPR to meet BART and reasonable progress requirements, to address the deficiency in the State's CAIR-dependent regional haze SIP.[2] Consequently, this particular aspect of West Virginia's regional haze requirements was satisfied by EPA's issuance of a FIP (hereafter referred to as partial Regional Haze FIP).

On September 16, 2015, the State of West Virginia submitted a SIP revision to change its present reliance from CAIR to CSAPR for the purpose of meeting BART for regional haze and addressing reasonable progress requirements, thereby eliminating West Virginia's need for the partial Regional Haze FIP. The SIP revision was also submitted to meet the outstanding visibility protection requirement under section 110(a)(2)(D)(i)(II) of the CAA for the 2010 SO_2 NAAQS, also known as prong 4. The prong 4 requirement under the CAA requires that a state's SIP include adequate provisions prohibiting any source or other type of emissions activity in one state from interfering with measures to protect visibility

[1] 77 FR 16937 (March 23, 2012).

[2] 77 FR 33643 (June 7, 2012).

required to be included in another state's overall SIP. One way in which prong 4 can be satisfied is if a state has a fully approved regional haze program within its SIP. The September 16, 2015 SIP revision amends the portion of West Virginia's October 16, 2014 infrastructure SIP submission for the 2010 SO_2 NAAQS addressing prong. On May 12, 2017, West Virginia submitted another SIP revision addressing infrastructure requirements under section 110(a)(2) for the 2012 $PM_{2.5}$ NAAQS, including prong 4 for visibility protection. The May 12, 2017 relies on the September 16, 2015 SIP revision to meet prong 4.

On June 14, 2018 (83 FR 27734), EPA published a notice of proposed rulemaking (NPR) addressing West Virginia's three SIP revisions submitted to address certain regional haze requirements and the visibility provisions of section 110(a)(2)(D)(i) of the CAA for the 2010 SO_2 and the 2012 $PM_{2.5}$ NAAQS. In the NPR, EPA proposed to take the following actions: (1) To approve West Virginia's September 16, 2015 SIP revision that changed West Virginia's reliance on CAIR to reliance on CSAPR for certain elements of West Virginia's regional haze program; (2) to convert EPA's limited approval/limited disapproval [3] of West Virginia's regional haze program to a full approval; (3) to remove the partial Regional Haze FIP for West Virginia that addressed the deficiencies associated with the Agency's prior limited disapproval; and (4) to approve portions of West Virginia's October 16, 2014 and May 12, 2017 infrastructure SIP revisions for the 2010 SO_2 and the 2012 $PM_{2.5}$ NAAQS, respectively, addressing the visibility protection provisions of section 110(a)(2)(D)(i) of the CAA.

II. Summary of SIP Revision and EPA Analysis

The September 16, 2015 SIP revision from West Virginia corrects the deficiencies identified by EPA in the June 7, 2012 limited disapproval of West Virginia's regional haze program, by replacing reliance on CAIR with reliance on CSAPR in its regional haze SIP. Specifically, the September 16, 2015 SIP submittal changes the West Virginia regional haze program to specify that the State is relying on CSAPR in its regional haze SIP to meet the best available retrofit technology (BART) for certain electric generating units (EGUs) and reasonable progress requirements to support visibility improvement progress goals for West Virginia's Class I areas, Dolly Sods and Otter Creek Wilderness Areas.

As did EPA's partial Regional Haze FIP for West Virginia, the State's September 16, 2015 regional haze SIP revision relies on CSAPR to address the deficiencies identified in EPA's June 2012 limited disapproval of West Virginia's regional haze SIP. As discussed in the NPR in greater detail, EPA finds that this SIP revision satisfies West Virginia's BART requirements for its EGUs and reasonable progress requirements and therefore allows for a fully approvable regional haze program. With today's final approval, the State has a SIP in place to address all of its regional haze requirements. EPA finds that West Virginia's reliance in its SIP upon CSAPR for certain BART and reasonable progress requirements is in accordance with the CAA and regional haze rule requirements (including 40 CFR 51.308(e)(2)), as EPA has recently affirmed that CSAPR remains an appropriate alternative to source-specific BART controls for EGUs participating in CSAPR.[4] Because the deficiencies in West Virginia's regional haze SIP associated with the State's reliance on CAIR that were identified in EPA's prior limited disapproval are addressed through West Virginia's revised SIP, the Agency is now fully approving the State's regional haze SIP.

Additionally, EPA finds that the prong 4 portions of West Virginia's infrastructure SIP revision submittals for the 2010 SO_2 NAAQS and the 2012 $PM_{2.5}$ NAAQS, respectively, are fully approvable as West Virginia now has a fully approved regional haze SIP.[5] The specific details of West Virginia's September 16, 2015 SIP revision and the rationale for EPA's approval of the three SIP revisions are discussed in the NPR (83 FR 27734, June 14, 2018) and will not be restated here.

EPA received a total of three comments on the June 2018 NPR. Two of those did not concern any of the specific issues raised in the NPR, nor did they address EPA's rationale for the proposed approval of West Virginia's SIP revision submittals; therefore, EPA is not responding to those comments. EPA did receive one relevant comment. That comment, and EPA's response are discussed below. All comments received are included in the docket for this rulemaking action.

III. Public Comments and EPA's Response

EPA received an anonymous comment considered to be adverse and relevant to this rulemaking action. The commenter states that EPA did not act on West Virginia's SIP revisions by the required statutory deadline of 12 months after each of the SIP revisions became complete. Commenter also asserts that by EPA not approving West Virginia's SIP revisions timely, and consequently the underlying requirements not being federally enforceable for nearly 4 years, human health and the environment have been negatively impacted. Commenter questions why EPA has taken so long to act on these SIP revisions and requests an explanation of how visibility was protected in the last 3 to 4 years when the SIP revisions were deficient and unapprovable.

Response: EPA acknowledges that it missed the statutory deadlines to take action on the three West Virginia SIP revisions addressed in this rulemaking action. However, at this time, EPA is taking final action on these SIP revisions, and by doing so it would meet all such outstanding obligations under the CAA. EPA disagrees with commenter's assertion that delayed action on the three West Virginia SIP revisions concerning visibility protection has impacted human health and the environment. As explained in the NPR, West Virginia's regional haze requirements addressing visibility protection have been satisfied since 2012 by our limited approval of portions of West Virginia's June 18, 2008 comprehensive regional haze SIP revision and by EPA's promulgation of the partial Regional Haze FIP addressing BART for EGUs. EPA's limited approval of West Virginia's regional haze SIP and the partial Regional Haze FIP are federally enforceable and have been since 2012, and they have addressed fully West Virginia's regional haze obligations under CAA section 169A and 40 CFR 51.308. As discussed in the NPR, EPA finalized a limited approval and limited disapproval of West Virginia's June 18, 2008 SIP revision on March 23, 2012, disapproving only the portions of the SIP revision where West Virginia relied on CAIR as an alternative to BART for EGUs and as a measure for reasonable progress, since CAIR had been remanded to EPA by 2012. On June

[3] 77 FR 33642 (June 7, 2012).

[4] *See* 82 FR 45481 (September 29, 2017) (affirming the validity to EPA's determination that participation in CSAPR satisfies the criteria for an alternative to BART following changes to the program.)

[5] West Virginia's 2010 SO_2 NAAQS and 2012 $PM_{2.5}$ NAAQS infrastructure SIP submissions relied on the State having a fully approved regional haze program to satisfy its prong 4 requirements. However, at the time of both infrastructure SIP submittals, West Virginia did not have a fully approved regional haze program as the Agency had issued a limited disapproval of the State's regional haze plan on June 7, 2012, due to its reliance on CAIR.

7, 2012, EPA had promulgated partial Regional Haze FIPs for states that had relied on CAIR to replace reliance on CAIR with reliance on CSAPR for haze requirements, including West Virginia.

Thus, EPA's action on the portions of West Virginia's infrastructure SIP revisions for the 2010 SO_2 and the 2012 $PM_{2.5}$ NAAQS addressing visibility protection (prong 4) did not have any impact on implementation of required regional haze measures, given that EPA had already limitedly approved West Virginia's regional haze SIP and promulgated the partial Regional Haze FIP for BART and regional progress purposes for EGUs.

Because West Virginia was already subject to a FIP addressing West Virginia's reliance on CAIR for certain regional haze elements, EPA's disapproval of the State's infrastructure elements for visibility protection (prong 4) under either the 2010 SO_2 or the 2012 $PM_{2.5}$ NAAQS: (1) would not have imposed any mandatory sanctions under section 179 of the CAA, as neither infrastructure nor regional haze SIPs are subject to CAA 179 sanctions; and (2) would not have subjected EPA to any additional FIP duties, because a FIP addressing the underlying deficiency (*i.e.* the partial Regional Haze FIP) was already in place. Thus, earlier action by EPA on West Virginia's prong 4 SIP revisions for the 2010 SO_2 or the 2012 $PM_{2.5}$ NAAQS would not have further protected public health or the environment.

IV. Final Action

EPA is taking the following final actions: (1) Approving West Virginia's September 16, 2015 SIP revision that changes the State's reliance on CAIR to reliance on CSAPR for certain elements of West Virginia's regional haze program; (2) converting EPA's limited approval/limited disapproval of West Virginia's regional haze program to a full approval; (3) withdrawing the partial Regional Haze FIP provisions that address the limited disapproval of West Virginia's regional haze program; and (4) approving the portions of West Virginia's October 16, 2014 infrastructure SIP revision for the 2010 SO_2 NAAQS and the May 12, 2017 infrastructure SIP revision for the 2012 $PM_{2.5}$ NAAQS addressing the visibility provisions of CAA section 110(a)(2)(D)(i) for each NAAQS.

V. Statutory and Executive Order Reviews

A. Executive Orders 12866 and 13563: Regulatory Planning and Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities because small entities are not subject to the requirements of this rule. 83 FR 27734 (June 14, 2018).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments. There are no Indian reservation lands in West Virginia. Thus, Executive Order 13175 does not apply to this rule.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

L. Determination Under Section 307(d)

Pursuant to CAA section 307(d)(1)(B), this action is subject to the requirements of CAA section 307(d), as it revises a FIP under CAA section 110(c).

M. Congressional Review Act (CRA)

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).

N. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action, addressing West Virginia's regional haze requirements and visibility protection for the 2010 SO_2 and 2012 $PM_{2.5}$ NAAQS and the withdrawal of the West Virginia partial Regional Haze FIP, must be filed in the United States Court of Appeals for the appropriate circuit by November 23, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See CAA section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Regional haze, Reporting and recordkeeping requirements, Sulfur oxides, Visibility.

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

Dated: September 14, 2018.

Andrew R. Wheeler,

Acting Administrator.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart XX—West Virginia

■ 2. Section 52.2520 is amended by revising the entries for ''Regional Haze Plan'', ''Section 110(a)(2) Infrastructure Requirements for the 2010 1-Hour Sulfur Dioxide NAAQS'', and ''Section 110(a)(2) Infrastructure Requirements for the 2012 p.m.2.5 NAAQS'' in the table in paragraph (e) to read as follows:

§ 52.2520 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	* * *
Regional Haze Plan	Statewide	9/16/15	9/24/18, [Insert **Federal Register** citation].	Converted Limited Approval/Limited Disapproval to Full Approval See §§ 52.2533(g) and 3/23/12, 77 FR 16937.
*	*	*	*	* * *
Section 110(a)(2) Infrastructure Requirements for the 2010 1-Hour Sulfur Dioxide NAAQS.	Statewide	6/25/13	10/16/14, 79 FR 62035; 9/24/18, [Insert **Federal Register** citation].	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C) (enforcement and minor source review), (D)(i)(II) (regarding visibility protection), (D)(ii), (E)(i) and (iii), (F), (G), (H), (J) (consultation, public notification, and visibility protection), (K), (L), and (M).
		7/24/14	3/9/15, 80 FR 12348	Addresses CAA element 110(a)(2)(E)(ii).
		6/1/2015	8/11/2016, 81 FR 53009 ..	Approval of PSD-related element 110(a)(2)(C), (D)(i)(II), and (J). *See* § 52.2520.
		9/16/15	9/24/18, [Insert **Federal Register** citation].	Addresses visibility protection element of CAA section 110(a)(2)(D)(i)(II).
*	*	*	*	* * *
Section 110(a)(2) Infrastructure Requirements for the 2012 $PM_{2.5}$ NAAQS.	Statewide	11/17/15	5/12/17, 82 FR 22078; 9/24/18, [Insert **Federal Register** citation].	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II) (regarding prevention of significant deterioration and visibility protection), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M), or portions thereof.
		9/16/15	9/24/18, [Insert **Federal Register** citation].	Addresses CAA element 110(a)(2)(D)(I)(II) for visibility.

* * * * *

■ 3. Section 52.2533 is amended by removing and reserving paragraphs (d), (e), and (f) and by adding paragraph (g).

The addition reads as follows:

§ 52.2533 Visibility protection.

* * * * *

(g) EPA converts its limited approval/limited disapproval of West Virginia's regional haze program to a full approval. This SIP revision changes West Virginia's reliance from the Clean Air Interstate Rule to the Cross-State Air Pollution Rule to meet the regional haze SIP best available retrofit technology requirements for certain sources and to meet reasonable progress requirements.

[FR Doc. 2018–20617 Filed 9–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 61 and 63

[EPA–R01–OAR–2017–0641; FRL–9979–67–Region 1]

Approval of the Clean Air Act Section 112(l), Authority for Hazardous Air Pollutants: Asbestos Management and Control; Clerical Corrections to Incorporation by Reference of Inactive Waste Disposal Rules; State of New Hampshire Department of Environmental Services

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting the New Hampshire Department of Environmental Services (NH DES) the authority to implement and enforce the amended Asbestos Management and Control Rule in place of the National Emission Standard for Asbestos (Asbestos NESHAP) as it applies to certain asbestos-related activities. NH DES's amended rule applies to all sources that otherwise would be regulated by the Asbestos NESHAP with the exception of inactive waste disposal sites that ceased operation on or before July 9, 1981. These inactive waste disposal sites are already regulated by State rules that were approved by the EPA on January 11, 2013. This approval makes NH DES's amended Asbestos Management and Control Rule federally enforceable. In addition, EPA is correcting clerical errors in our regulations that incorporate by reference New Hampshire rules regulating inactive waste disposal sites. This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on October 24, 2018. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of October 24, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2017–0641. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* 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 at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Office, Office of Ecosystem Protection, Air Permits, Toxics and Indoor Programs Unit, 5 Post Office Square—Suite 100, Boston, MA. The EPA requests that if at all possible, you contact the contact 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 legal holidays.

FOR FURTHER INFORMATION CONTACT: Susan Lancey, Air Permits, Toxics, and Indoor Programs Unit, U.S. Environmental Protection Agency, EPA Region 1 Office, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912, telephone number 617–918–1656, *lancey.susan@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background and Purpose

On March 26, 2018 (83 FR 12917), the EPA published a Notice of Proposed Rulemaking (NPRM) that proposed approval of NH DES's amended rules in Env-A 1800, ''Asbestos Management and Control,'' effective as of May 5, 2017, as a partial rule substitution for the Asbestos NESHAP, for all sources in New Hampshire except for inactive waste disposal sites not operated after July 9, 1981.

Under CAA section 112(l), the EPA may approve state or local rules or programs to be implemented and enforced in place of certain otherwise applicable Federal rules, emissions standards, or requirements. The Federal regulations governing EPA's approval of state and local rules or programs under section 112(l) are located at 40 CFR part 63, subpart E. *See* 58 FR 62262 (November 26, 1993), as amended by 65 FR 55810 (September 14, 2000). Under these regulations, a state air pollution control agency has the option to request EPA's approval to substitute a state rule for the applicable Federal rule (*e.g.,* the National Emission Standards for Hazardous Air Pollutants). Upon approval by the EPA, the state agency is authorized to implement and enforce its rule in place of the Federal rule, and the state rule becomes federally enforceable in that state.

The EPA first promulgated standards to regulate asbestos emissions on April 6, 1973. *See* 38 FR 8826. These standards have since been amended several times and re-codified in 40 CFR part 61, subpart M, ''National Emission Standard for Asbestos'' (Asbestos NESHAP). On January 11, 2013, the EPA approved the New Hampshire regulation Env-A 1800 titled ''Asbestos Management and Control'' (Asbestos Management and Control Rule) as a rule adjustment for the Asbestos NESHAP, applicable to all sources in New Hampshire except for inactive waste disposal sites not operated after July 9, 1981. *See* 78 FR 2333.[1] These inactive disposal sites are regulated by other State rules that were also approved by the EPA on January 11, 2013. *See id.*[2]

In a letter dated July 21, 2017, supplemented on August 21, 2017, September 21, 2017, and March 1, 2018, NH DES requested approval of its amended rules pertaining to asbestos management in New Hampshire. Specifically, NH requested approval of Parts Env-A 1801–1807 and Appendices B, C and D of Env-A 1800 titled ''Asbestos Management and Control,'' [3] effective as of May 5, 2017.

The details of NH's submission and the rationale for EPA's proposed action are explained in the NPRM and will not be restated here.

II. Response to Comments

We received a number of anonymous comments on the proposed action that were not germane to the proposal and/or did not specify what changes should be made to our proposed approval of New Hampshire's Asbestos Management and Control Rule. Many of the comments identified and pertained to issues that are outside the scope of, and do not reference, the proposed action. Therefore, the EPA will not provide any further specific responses to these comments. The EPA did however

[1] The EPA originally approved NH's Asbestos Management and Control Rule on November 28, 2006, *see* 71 FR 68746, and approved an updated version of the rule on January 11, 2013.

[2] The EPA originally approved NH's Inactive Waste Disposal Site Rule on May 28, 2003, *see* 68 FR 31611, and approved an updated version of the rule on January 11, 2013.

[3] NH did not request approval of the following provisions 1801.02(e), 1801.07, 1802.02, 1802.04, 1802.07–1802.09, 1802.13, 1802.15–1802.17, 1802.25, 1802.31, 1802.37, 1802.40, 1802.44, and 1803.05–1803.09. In addition, NH DES did not request approval of Env-A 1808 (relating to asbestos analytical requirements), Env-A 1808–1814 (relating to personnel licensing and training), and Appendix A: State Statutes and Federal Regulations Implemented.

receive one comment which could be construed to refer to the proposed approval of New Hampshire's Asbestos Management and Control Rule.

Comment: A single anonymous comment discussed EPA's use of certain data relating to greenhouse gas emissions. In this context, the comment also stated that ''The Rule created potentially unduly burdensome requirements [sic] Given the extremely limited pollutant loadings and relative high costs, according to EPA's own analysis, the requirements appear to be ripe for substantial reduction or elimination this [sic] entire subcategory would be excluded by rule given the de minimis amount of pollution.''

Response: The EPA believes this comment is not relevant as the proposed action does not use data relating to or regulate greenhouse gas emissions. Read in context, the commenter's reference to ''[t]he Rule'' appears to refer to a different, unspecified action relating to greenhouse gas emissions. However, to the extent that the reference is to the proposed rule we are finalizing in this action, the EPA disagrees with the comment because this action merely approves the State's requirements in place of Federal requirements and does not impose additional requirements beyond those imposed by state law.

III. Good Cause Finding for Revisions to Certain Regulations That Incorporate By Reference New Hampshire Rules Regulating Inactive Asbestos Disposal Sites Not Operated After July 9, 1981

EPA is also revising certain regulations that incorporate by reference New Hampshire rules regulating inactive asbestos disposal sites not operated after July 9, 1981 (''Inactive Asbestos Disposal Rules'').[4] These revisions are minor, non-substantive clarifications to 40 CFR 63.14(l)(6)(i) and 63.99(a)(30)(iii) and (a)(30)(iii)(A). Therefore, EPA is promulgating these revisions without notice and comment. Section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for finalizing this portion of the rule without prior proposal and opportunity for comment because such notice and opportunity for comment is unnecessary as these revisions correct minor, non-substantive, clerical errors.

EPA published a direct final rule approving the Inactive Asbestos Disposal Rules on January 11, 2013. *See* 78 FR 2333. We received no adverse comments. That rule correctly incorporated the State's Inactive Asbestos Disposal Rules by reference in both 40 CFR parts 61 and 63. In part 63, EPA codified its approval at 40 CFR 63.99(a)(30)(iii) and (a)(30)(iii)(A), and incorporated the State rule by reference at 40 CFR 63.14(d)(5)(i). Subsequently, on February 27, 2014, EPA, consistent with the then-policy of the Office of **Federal Register**, published a final rule revising 40 CFR 63.14 ''to arrange the materials that are incorporated by reference in alpha-numeric order.'' *See* 79 FR 11233. As a result, the Inactive Asbestos Disposal Rules were moved from paragraph (d)(5)(i) to paragraph (k)(6). Subsequently, in a rulemaking on September 18, 2015, EPA redesignated paragraph (k) as paragraph (l). *See* 80 FR 56699. These revisions also inadvertently created two clerical errors. First, EPA amended the IBR text, now at 40 CFR 63.14(l)(6), to refer to earlier versions of the State's Inactive Asbestos Disposal Rules, which EPA had approved in prior actions. Second, EPA neglected to amend the text at 40 CFR 63.99(a)(30)(iii), which continues to refer to 40 CFR 63.14(d). This action undoes both inadvertent errors. EPA revises 40 CFR 63.14(l)(6) to refer to the more recent version of the Inactive Asbestos Disposal Rules, and in substance, reverts to the text as originally and correctly promulgated in our 2013 approval. We also update the cross-reference at 40 CFR 63.99(a)(30)(iii) to refer to the correct provision consistent with the re-ordering and redesignating performed in the 2014 and 2015 rules.

Providing notice and comment for these revisions is unnecessary for three reasons. First, as explained above, this is a minor technical correction that simply undoes a subsequent clerical error and reverts the regulatory text back to its original form. Second, this action does not subject any new or existing parties to additional regulation, or otherwise alter the regulatory scheme. The relevant sources in New Hampshire remain subject to the same State Inactive Asbestos Disposal Rules, regardless of this correction. Third, this action does not affect the federal enforceability of the Inactive Asbestos Disposal Rules. Notwithstanding the clerical error introduced in the 2014 update, the Inactive Asbestos Disposal Rules remain federally enforceable under the existing regulations, because they are correctly incorporated by reference under part 61. *See* 40 CFR 61.04(c)(1)(i), 61.18(e)(1)(i). EPA properly promulgated those provisions in our 2013 approval, and they were not altered by the 2014 and 2015 updates that introduced the clerical error into the incorporation by reference in 40 CFR 63.14.

In addition, these revisions make additional, clerical corrections to 40 CFR 63.99(a)(30)(iii) and (a)(30)(iii)(A), to conform to the current policy of the Office of the Federal Register regarding citation format and placement of references. In 40 CFR 63.99(a)(30)(iii), we are changing the phrase ''New Hampshire Regulations Applicable to Hazardous Air Pollutants'' to ''New Hampshire Regulations Chapter Env-Sw 2100: Management and Control of Asbestos Disposal Sites Not Operated after July 9, 1981, effective February 16, 2010.'' This duplicates the precise citation to the State's regulations that is already present in paragraph (a)(30)(iii)(A). We are also changing the phrase ''as specified in'' to ''see.'' In 40 CFR 63.99(a)(30)(iii)(A), we are changing the phrase ''material incorporated into the New Hampshire Regulations at Env-Sw 2100'' to ''material incorporated from Chapter Env-Sw 2100.'' In addition, we are moving the reference to the effective date of the Inactive Asbestos Disposal Rules from paragraph (a)(30)(iii)(A) to paragraph (a)(30)(iii). We are also changing the word ''pertains'' to ''pertaining.'' See the full regulatory text of these paragraphs later in this notice. In addition, a strikeout display of the revised version against the existing version is provided in the public docket. These revisions have no legal effect, and therefore notice-and-comment is also unnecessary.

IV. Final Action

The EPA is approving NH DES's amended rules in Parts Env-A 1801–1807 and Appendices B, C, and D of Env-A 1800, ''Asbestos Management and Control,'' effective as of May 5, 2017 (excluding the following provisions: 1801.02(e), 1801.07, 1802.02, 1802.04, 1802.07–1802.09, 1802.13, 1802.15–1802.17, 1802.25, 1802.31, 1802.37, 1802.40, 1802.44, and 1803.05–1803.09) as a partial rule substitution for the Asbestos NESHAP, for all sources in New Hampshire except for inactive waste disposal sites not

[4] These revisions described in this section of the preamble to 40 CFR 63.14(l)(6)(i) and 63.99(a)(30)(iii) and (a)(30)(iii)(A), relating to EPA's incorporation by reference of the previously approved Inactive Asbestos Disposal Rules) are severable from the remainder of this final rule. Should this portion of the rule be set aside, EPA intends for the remainder of the rule to go into effect. Alternatively, should another portion of the rule be set aside, EPA intends for this portion to go into effect.

operated after July 9, 1981. In addition, the EPA is correcting clerical errors in our regulations that incorporate by reference New Hampshire rules regulating inactive waste disposal sites.

V. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of New Hampshire's Env-A 1800, ''Asbestos Management and Control,'' effective as of May 5, 2017, Parts Env-A 1801–1807, Appendices B, C, and D; excluding the following provisions: 1801.02(e), 1801.07, 1802.02, 1802.04, 1802.07–1802.09, 1802.13, 1802.15–1802.17, 1802.25, 1802.31, 1802.37, 1802.40, 1802.44, and 1803.05–1803.09. An attached letter from Clark B. Freise, Assistant Commissioner, Department of Environmental Services, State of New Hampshire, to David J. Alukonis, Interim Director, Office of Legislative Services, dated June 23, 2017, certifies that the copy of the chapter Env-A 1800 is the official version of this rule. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator has the authority to approve section 112(l) submissions that comply with the provisions of the Act and applicable Federal regulations. In reviewing section 112(l) submissions, EPA's role is to approve state choices, provided that they meet the criteria and objectives of the CAA and of EPA's implementing regulations. Accordingly, this action merely approves the State's request 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 regulatory action because this action is not significant 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 (Public Law 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);

In addition, this rule is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA. It also does not provide the 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). And it does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the EPA is not approving the submitted rule to apply in Indian country located in the State, and because the submitted rule will not impose substantial direct costs on Tribal governments or preempt Tribal law.

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 23, 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, or extend the time within which a petition for judicial review may be filed, or postpone the effectiveness of the 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 Parts 61 and 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: September 12, 2018.

Alexandra Dunn,

Regional Administrator, EPA Region 1.

Title 40 CFR parts 61 and 63 are amended as follows:

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

■ 1. The authority citation for part 61 continues to read as follows:

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

Subpart A—General Provisions

■ 2. Section 61.04 is amended by revising paragraph (c)(1)(ii) to read as follows:

§ 61.04 Address.

* * * * *

(c) * * *

(1) * * *

(ii) The remainder of the sources subject to the asbestos provisions in subpart M of this part, except for those listed under paragraph (c)(1)(i) of this section, must comply with the New Hampshire Code of Administrative Rules: Chapter Env-A 1800, Asbestos Management and Control, effective as of May 5, 2017 as incorporated by reference, see § 61.18.

* * * * *

■ 3. Section 61.18 is amended by revising paragraph (e)(1)(ii) to read as follows:

§ 61.18 Incorporation by reference.

* * * * *

(e) * * *

(1) * * *

(ii) New Hampshire Code of Administrative Rules: Chapter Env-A 1800, Asbestos Management and Control, effective as of May 5, 2017 (certified with June 23, 2017 letter from Clark B. Freise, Assistant Commissioner, Department of Environmental Services, State of New Hampshire), as follows: Revision Notes #1 and #2; Part Env-A 1801–1807, excluding Env-A 1801.02(e), Env-A 1801.07, Env-A 1802.02, Env-A 1802.04, Env-A 1802.07–1802.09, Env-A 1802.13, Env-A 1802.15–1802.17, Env-A 1802.25, Env-A 1802.31, Env-A 1802.37, Env-A 1802.40, Env-A 1802.44, and Env-A 1803.05–1803.09; and Appendices B, C, and D; IBR approved for § 61.04(c).

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

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

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

Subpart A—General Provisions

■ 5. Section 63.14 is amended by revising paragraph (l)(6) to read as follows:

§ 63.14 Incorporation by reference.

* * * * *

(l) * * *

(6)(i) New Hampshire Regulations at Env-Sw 2100, Management and Control of Asbestos Disposal Sites Not Operated after July 9, 1981, effective February 16, 2010 (including a letter from Thomas S. Burack, Commissioner, Department of Environmental Services, State of New Hampshire, to Carol J. Holahan, Director, Office of Legislative Services, dated February 12, 2010, certifying that the enclosed rule, Env-Sw 2100, is the official version of this rule), IBR approved for § 63.99(a).

(ii) New Hampshire Code of Administrative Rules: Chapter Env-A 1800, Asbestos Management and Control, effective as of May 5, 2017 (certified with June 23, 2017 letter from Clark B. Freise, Assistant Commissioner, Department of Environmental Services, State of New Hampshire), as follows: Revision Notes #1 and #2; Part Env-A 1801–1807, excluding Env-A 1801.02(e), Env-A 1801.07, Env-A 1802.02, Env-A 1802.04, Env-A 1802.07–1802.09, Env-A 1802.13, Env-A 1802.15–1802.17, Env-A 1802.25, Env-A 1802.31, Env-A 1802.37, Env-A 1802.40, Env-A 1802.44, and Env-A 1803.05–1803.09; and Appendices B, C, and D; IBR approved for § 63.99(a).

* * * * *

Subpart E—Approval of State Programs and Delegation of Federal Authorities

■ 6. Section 63.99 is amended by revising paragraphs (a)(30)(iii) and (iv) to read as follows:

§ 63.99 Delegated Federal authorities.

* * * * *

(a) * * *

(30) * * *

(iii) Affected inactive waste disposal sites not operated after July 9, 1981 within New Hampshire must comply with New Hampshire Regulations Chapter Env-Sw 2100: Management and Control of Asbestos Disposal Sites Not Operated after July 9, 1981, effective February 16, 2010 (incorporated by reference, see § 63.14) as described in paragraph (a)(30)(iii)(A) of this section:

(A) The material incorporated by reference from Chapter Env-Sw 2100, Management and Control of Asbestos Disposal Sites Not Operated after July 9, 1981, pertains to inactive waste disposal sites not operated after July 9, 1981 in the State of New Hampshire's jurisdiction, and has been approved under the procedures in § 63.93 to be implemented and enforced in place of the Federal NESHAPs for Inactive Waste Disposal Sites (40 CFR 61.151).

(B) [Reserved]

(iv) Affected asbestos facilities (*i.e.,* facilities found under 40 CFR part 61, subpart M, except those listed under paragraph (a)(30)(iii)) of this section) must comply with the New Hampshire Code of Administrative Rules, Chapter Env-A 1800, Asbestos Management and Control, effective as of May 5, 2017 (incorporated by reference as specified in § 63.14) as described in paragraph (a)(30)(iv)(A) of this section:

(A) The material incorporated by reference from Chapter Env-A 1800, Asbestos Management and Control, pertains to those affected sources in the State of New Hampshire's jurisdiction, and has been approved under the procedures in § 63.93 to be implemented and enforced in place of the federal NESHAPs found at 40 CFR part 61, subpart M (except those listed under paragraph (a)(30)(iii) of this section).

(B) [Reserved]

* * * * *

[FR Doc. 2018–20478 Filed 9–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2005–0011; FRL–9984–24—Region 3]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Dorney Road Landfill Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 3 announces the deletion of the Dorney Road Landfill Superfund Site (Site) located in located in Longswamp and Upper Macungie Townships, in Berks and Lehigh Counties, Pennsylvania from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP, Northeast Region), have determined that all appropriate response actions under CERCLA, other than operation and maintenance (O&M), monitoring, and Five-Year Reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This action is effective September 24, 2018.

ADDRESSES: *Docket:* EPA has established a docket for this action under Docket Identification No. EPA–HQ–SFUND–2005–0011. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *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 *http://www.regulations.gov* or in hard copy at the site information repositories. Locations, contacts, phone numbers and viewing hours are:

USEPA Region III Administrative Records Room, 1650 Arch Street, 6th Floor, Philadelphia, PA 19103–2029, 215–814–3157. Business Hours: Monday through Friday, 8:00 a.m.–4:30 p.m.; by appointment only

Local Repository, Upper Macungie Township Building, 8330 Schantz Road, Breinigsville, PA 18031. Business Hours: Monday through Friday, 7:30 a.m.–4:00 p.m.

FOR FURTHER INFORMATION CONTACT: David Greaves, Remedial Project Manager, U.S. Environmental Protection Agency, Region III, 3HS21, 1650 Arch Street, Philadelphia, PA 19103, 215–814–5729, email: *greaves.david@epa.gov.*

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Dorney Road Landfill Superfund Site, Longswamp and Upper Macungie Townships, in Berks and Lehigh Counties, Pennsylvania. A Notice of

Intent to Delete for this Site was published in the **Federal Register** (83 FR 33177) on July 17, 2018.

The closing date for comments on the Notice of Intent to Delete was August 16, 2018. No adverse or Site related public comments were received during the comment period. Therefore, no responsiveness summary was prepared.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 31, 2018.

Cosmo Servidio,

Regional Administrator, Region III.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B to Part 300—[Amended]

■ 2. Table 1 of appendix B to part 300 is amended by removing the listing under Pennsylvania for ''Dorney Road Landfill''.

[FR Doc. 2018–20745 Filed 9–21–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 829, 846, 847, 852, and 870

RIN 2900–AQ04

VA Acquisition Regulation: Taxes; Quality Assurance; Transportation; Solicitation Provisions and Contract Clauses; and Special Procurement Controls

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending and updating its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VA Acquisition Manual (VAAM), and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates portions of the removed VAAR as well as other internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, we will publish them in the **Federal Register**. In particular, this rulemaking revises VAAR concerning Taxes; Quality Assurance; Transportation; Solicitation Provisions and Contract Clauses; and Special Procurement Controls.

DATES: This rule is effective on October 24, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. Rafael N. Taylor, Senior Procurement Analyst, Procurement Policy and Warrant Management Services, 003A2A, 425 I Street NW, Washington, DC 20001, (202) 382–2787. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 25, 2018, VA published a proposed rule in the **Federal Register** (83 FR 17979) which announced VA's intent to amend regulations for VAAR Case RIN 2900–AQ04 (parts 829, 846, and 847). In particular, this final rule revises the 829 authorities to include the applicable U.S. code citations where the Secretary of the Treasury has exempted spirits and alcohol purchases by the Federal government, pursuant to 26 U.S.C. 5214(a)(2), 26 U.S.C. 5271, and 26 U.S.C. 7510; removes section 829.202–70, Tax exemptions for alcohol products, updates and moves it to the VAAM; adds a new section to provide the legislative authorities for withdrawal of distilled spirits from bonded premises free of tax or without payment of tax by, and for the use of, the VA; removes section 829.302, Application of State and local taxes to the Government, to the VAAM; removes 829.302–70, Purchases made from patients' funds, and the clause it prescribes, 852.229–70, Sales or Use Taxes.

In part 846, Quality Assurance, this rule adds a definition of ''rejected goods'' as used in a revised clause; revises subpart 846.3 to prescribe clauses 852.236–74, Inspection of Construction, 852.246–71, Rejected Goods, 852.246–72, Frozen Processed Foods, 852.246–73, Noncompliance with Packaging, Packing, and/or Marking Requirements, and 852.246–76, Purchase of Shellfish; it reduces subpart 846.4 to three sections, 846.408–70, Inspection of subsistence, 846.470, Use of commercial organizations for inspections and grading services, and 846.471, Food service equipment; it removes a warranty clause because there are sufficient FAR warranty clauses that could be used; removes policy requiring USDA inspections for subsistence since the Department of Agriculture no longer requires this type of inspection; removes coverage requiring inspection of repairs for properties under the Loan Guaranty Program and Direct Loan Programs, as such sections are unnecessary given that a private contractor performs such inspection and repair functions on VA's behalf; and provides coverage to state VA's policy regarding guarantee period services.

This rule adds guidance in part 847 to contracting officers for VA transportation contracts and transportation-related services and subsequent payments on those contracts; provides guidance on contractual requirements for insurance provisions and contractor personnel performing on VA transportation contracts; provides consignment instructions; and adds a clause providing packing instructions to ensure acceptance by common carriers and safe delivery at destination.

This rule also removes all remaining sections of part 870 as the guidance included therein was either moved to other parts, out of date, or duplicative of the FAR.

VA provided a 60-day comment period for the public to respond to the proposed rule. The comment period for the proposed rule ended on June 25, 2018 and VA received no comments. This document adopts as a final rule the proposed rule published in the **Federal**

Register on April 25, 2018, with minor formatting and/or grammatical edits. This final rule has **Federal Register** administrative format changes in the amendatory text which make no substantive text changes at the affected sections.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal Governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal Governments or on the private sector.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule will generally be small business neutral. The overall impact of the rule will be of benefit to small businesses owned by Veterans or service-disabled Veterans as the VAAR is being updated to remove extraneous procedural information that applies only to VA's internal operating procedures. VA is merely adding existing and current regulatory requirements to the VAAR and removing any guidance that is applicable only to VA's internal operation processes or procedures. VA estimates no cost impact to individual businesses will result from these rule updates. This rulemaking does not change VA's policy regarding small businesses, does not have an economic impact to individual businesses, and there are no increased or decreased costs to small business entities. On this basis, the final rule will not have an economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, under 5 U.S.C. 605(b), this regulatory action is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Executive Orders 12866, 13563 and 13771

Executive Orders (E.O.) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 12866, Regulatory Planning and Review defines ''significant regulatory action'' to mean any regulatory action that is likely to result in a rule that may: ''(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.''

VA has examined the economic, interagency, budgetary, legal, and policy implications of this regulatory action, and it has been determined not be a significant regulatory action under E.O. 12866 because it does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm* by following the link for VA Regulations Published from FY 2004 Through Fiscal Year to Date. This final rule is not subject to the requirements of E.O. 13771 because this final rule is expected to result in no more than *de minimis* costs.

List of Subjects

48 CFR Part 829

Government procurement, Taxes.

48 CFR Part 846

Government procurement.

48 CFR Part 847

Government procurement, Transportation.

48 CFR Part 852

Government procurement, Reporting and recordkeeping requirements.

48 CFR Part 870

Asbestos, Frozen foods, Government procurement, Telecommunications.

Signing Authority

The Secretary of Veterans Affairs approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on August 24, 2018, for publication.

Dated: September 14, 2018.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons set out in the preamble, VA amends 48 CFR parts 829, 846, 847, 852, and 870 as follows:

PART 829—TAXES

■ 1. The authority citation for part 829 is revised to read as follows:

Authority: 26 U.S.C. 5214(a)(2), 5271, 7510; 40 U.S.C. 121(c); 41 U.S.C. 1303(a)(2); 41 U.S.C. 1702 and 48 CFR 1.301–1.304.

■ 2. Subpart 829.2 is revised to read as follows:

Subpart 829.2—Federal Excise Taxes

829.203 Other Federal tax exemptions.

829.203–70 Tax exemptions for alcohol products.

(a) *General.* (1) Pursuant to 26 U.S.C. 5214(a)(2) and 26 U.S.C. 5271, VA may purchase spirits using a tax exemption as provided by Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations (see 27 CFR parts 1 through 39). As stated in 27 CFR 19.426, agencies of the United States Government that wish to obtain either specially denatured spirits or spirits free of tax for nonbeverage purposes must apply for and receive a permit on form TTB F 5150.33 or must have a previously issued permit on ATF Form 1444.

(2) When purchasing spirits under a tax exemption, the contracting officer

shall indicate in the contract document the basis for the exemption and make a copy of the permit available to the contractor. Upon receipt of the spirits, the contractor shall return the permit to the contracting officer unless future orders are anticipated or as directed by the contracting officer.

(3) Department of Veterans Affairs activities that require spirits free of tax for beverage purposes under 26 U.S.C. 7510 must provide a proper purchase order signed by the head of the agency or an authorized designee.

(b) *Specially denatured spirits or spirits free of tax for nonbeverage purposes.* Contracting officers may make purchases of excise tax-free spirits, including denatured alcohol and specially denatured alcohol only from qualified distillery plants or bonded dealers.

(1) Permits previously issued on Alcohol, Tobacco, and Firearms (ATF) Form 1444, Tax-Free Spirits for Use of United States, remain valid until surrendered or cancelled.

(2) A copy of the current ATF Form 1444 or TTB Form 5150.33 shall be made available to the supplier with the initial order. The permit number only needs to be referenced on any future orders with the same supplier.

(c) *Wine.* No tax exemption form or ATF/TTB permit is required for the tax-free procurement of wine from bonded wine premises. The purchase order must show the kind, quantity, and alcohol content of the wine and must state the purpose for which wine is to be used (see 27 CFR 24.293). An extra copy of a properly executed purchase order may be furnished to the bonded wine premises from which wine is purchased to facilitate record keeping. The order must be signed by the head of the contracting activity or their designee.

■ 3. Subpart 829.3 is revised to read as follows:

Subpart 829.3—State and Local Taxes

829.303 Application of State and local taxes to Government contractors and subcontractors.

(a) The authority to make the determination prescribed in FAR 29.303(a) is delegated, without power of redelegation, to the head of the contracting activity (HCA).

PART 846—QUALITY ASSURANCE

■ 4. The authority citation for part 846 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1303; 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

■ 5. Subpart 846.1 is added to read as follows:

Subpart 846.1—General

846.101 Definition.

As used in this part—

Rejected goods means supplies and/or equipment failing to meet contractual terms and conditions and/or generally accepted quality standards that may be returned by the Government at the contractor's risk and expense.

■ 6. Subpart 846.3 is revised to read as follows:

Subpart 846.3—Contract Clauses

Sec.

Subpart 846.3—Contract Clauses

846.312 Construction contracts.

The contracting officer shall insert the clause at 852.236–74, Inspection of Construction, in solicitations and contracts for construction that include the FAR clause at 52.246–12, Inspection of Construction.

846.370 Clauses for supplies, equipment or perishable goods.

846.370–1 Rejected goods.

The contracting officer shall insert the clause at 852.246–71, Rejected Goods, in solicitations and contracts for the acquisition of supplies, equipment or perishable goods. Perishable goods include such items as packing house and dairy products, bread and bakery products, fresh and frozen fruits, and vegetables.

846.370–2 Frozen processed foods.

(a) The contracting officer shall insert the clause at 852.246–72, Frozen Processed Foods, in solicitations and contracts for frozen processed foods.

(b) The following frozen processed food products must contain a label that complies with the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301), which requires all ingredients be listed in accordance with their predominance order:

(1) Frozen processed food products that contain meat, poultry, or a significant proportion of eggs.

(2) Frozen processed food products that contain fish or fish products.

(3) Frozen bakery products.

(c) All procured frozen processed food products that contain meat, poultry or a significant proportion of eggs must meet the following requirements:

(1) The products must be processed or prepared in plants operating under the supervision of the Department of Agriculture (USDA).

(2) The product must be inspected and approved in accordance with USDA regulations governing meat, poultry, or egg inspection. A label or seal that indicates compliance with USDA regulations, affixed to the container, will be accepted as evidence of compliance.

(d) All procured frozen processed food products that contain fish or fish products must meet the following requirements:

(1) The product must be processed or prepared in plants or vessels, sanitarily inspected, approved, and certified by the United States Department of Commerce (USDC). The products are listed in USDC's publication ''USDC Approved Establishments'' under U.S. Establishments Approved for Sanitation and for Producing USDC Inspected Fishery Products. The inspected products packed under various labels bearing the brand names are produced in accordance with current U.S. Grade Standards or official product specifications, packed under optimum hygienic conditions, and must meet Federal, State, and city sanitation and health regulations. Such brand label or USDC seal indicating compliance with USDC regulations, affixed to a container, will be accepted as evidence of compliance.

(2) If the conditions in paragraph (d)(1) of this section were not met (*e.g.,* no seal), the shipment may be lot-inspected by the USDC and containers stamped to indicate acceptance or a Certification of Inspection issued to accompany the shipment.

(e) Producers of frozen bakery products that ship products in interstate commerce are required to comply with the Federal Food, Drug and Cosmetic Act. Therefore, the product must be verified as shipped interstate or that the producer ships products to other purchasers interstate.

846.370–3 Noncompliance with packaging, packing, and/or marking requirements.

The contracting officer shall insert the clause at 852.246–73, Noncompliance with Packaging, Packing, and/or Marking Requirements, in non-commercial item solicitations and contracts for supplies or equipment where there are special packaging, packing and/or marking requirements. The clause may be used in commercial item acquisitions if a waiver is approved in accordance with FAR 12.302(c).

846.370–4 Purchase of shellfish.

(a) The U.S. Food and Drug Administration (FDA) at *http://www.fda.gov* provides quality assurance seafood safety guidelines.

(b) The contracting officer shall insert the clause at 852.246–76, Purchase of Shellfish, in solicitations and contracts for shellfish.

■ 7. Subpart 846.4 is revised to read as follows:

Subpart 846.4—Government Contract Quality Assurance

Sec.
846.408–70 Inspection of subsistence.
846.470 Use of commercial organizations for inspections and grading services.
846.471 Food service equipment.

Subpart 846.4—Government Contract Quality Assurance

846.408–70 Inspection of subsistence.

(a) The contracting officer shall indicate the time and place of inspection in the solicitation.

(b) The contracting officer shall also provide in the solicitation that the contractor is responsible for all of the following:

(1) Arranging and paying for inspection services.

(2) Obtaining from the inspectors a certificate indicating that the product complies with specifications.

(3) Assuring that the certificate, or copy, accompanies the shipment.

(4) Furnishing samples for inspection at the contractor's expense.

(5) Indicating the address where inspection will occur.

(c) The contracting officer must furnish a copy of the purchase document to the inspecting activity.

846.470 Use of commercial organizations for inspections and grading services.

The contracting officer may use a commercial organization for inspection and grading services when the contracting officer determines that all of the following exist:

(a) The results of a technical inspection or grading are dependent upon the application of scientific principles or specialized techniques.

(b) VA is unable to employ the personnel qualified to properly perform the services and is unable to locate another Federal agency capable of providing the service.

(c) The inspection or grading results issued by a private organization are essential to verify the acceptance or rejection of a special commodity.

(d) The services may be performed without direct Government supervision.

846.471 Food service equipment.

(a) All new food service equipment purchased for Dietetic Service through other than the Defense General Supply Center sources must meet requirements set forth by NSF International (NSF) at *http://www.nsf.org.*

(b) The contracting officer will ensure that the following language is placed in the solicitation to assert that the equipment meets NSF standards:

The Government will accept an affixed NSF label and/or documentation of the NSF Certification from the contractor as evidence that the subject equipment meets NSF Sanitation standards.

■ 8. Subpart 846.7 is revised to read as follows:

Subpart 846.7—Warranties

846.702–70 Guarantee period services and specifications.

(a) Guarantee period of services are associated with preserving and protecting a specified piece of contractor-installed equipment that is guaranteed under a construction contract. Specifications for certain high-dollar or traditionally troublesome equipment are designed to allow for the original installer of the equipment to service the equipment throughout the guaranty period.

(b) Guarantee period services are not the same as the 1-year general construction guaranty clause found at FAR clause 52.246–21, Warranty of Construction.

(c) The contracting officer may determine, when in the best interest of VA that guarantee period services, not to exceed a period of 5 years, are appropriate to protect the integrity of the installed equipment and ensure that the equipment performs as guaranteed.

(d) When the determination is made under paragraph (c) of this section, the contracting officer shall include the guarantee period of services as a separately priced contract line item number (CLIN) in solicitations and contracts.

(e) The contracting officer shall insert the clause at 852.246–75, Warranty of Construction—Guarantee Period Services, in solicitations and contracts for construction that include the FAR clause 52.246–21, Warranty of Construction, and that also include guarantee period services.

(f) In accordance with the approved VA specifications, the following types of equipment contain the guarantee period services specifications. The following represents a sampling of these specifications.

(1) *Division 14—Conveying Equipment.* (i) Electric Dumbwaiters Geared Traction and Winding Drum (VA 14 12 11).

(ii) Electric Traction Elevators (VA 14 21 00).

(iii) Traction Cartlift (VA 14 21 11).

(iv) Hydraulic Elevators (VA 14 24 00).

(v) Hydraulic Cartlift (VA 14 24 11).

(2) *Division 27—Communications.* (i) Public Address and Mass Notification Systems (VA 27 51 16).

(ii) Intercommunication and Program Systems (VA 27 51 23).

(g) The construction contractor shall require the original installer of the equipment, which is normally a subcontractor, to provide the guarantee period services.

PART 847—TRANSPORTATION

■ 9. The authority citation for part 847 is revised to read as follows:

Authority: 38 U.S.C. 513; 40 U.S.C. 121(c); 41 U.S.C. 1303; 41 U.S.C. 1702; 41 CFR part 102–117; and 48 CFR 1.301–1.304.

■ 10. Subpart 847.2 is added to read as follows:

Subpart 847.2—Contracts for Transportation or for Transportation-Related Services

Sec.
847.207 Solicitation provisions, contract clauses, and special requirements.
847.207–8 Government responsibilities.
847.207–70 VA solicitation provisions, contract clauses, and special requirements.

Subpart 847.2—Contracts for Transportation or for Transportation-Related Services

847.207 Solicitation provisions, contract clauses, and special requirements.

847.207–8 Government responsibilities.

Transportation payments are audited by the Traffic Manager, to ensure that payment and payment mechanisms for agency transportation are uniform and appropriate in accordance with 41 CFR part 102–118.

847.207–70 VA solicitation provisions, contract clauses, and special requirements.

(a) *Insurance under patient transportation contracts.* The contracting officer shall ensure that all the proper certificates of insurance are submitted to perform on the contract, as outlined in the solicitation, and subsequently included in the contract file. In accordance with 828.306, the contracting officer shall insert the provision at 852.228–71, Indemnification and Insurance, in solicitations when utilizing term

contracts or contracts of a continuing nature for ambulance, automobile and aircraft service. When contracting for these services, consider using requirements language such as the following:

(1) Written proof of insurance coverage as required and outlined in the solicitation is required prior to award of any contract. Coverage must be maintained continually through the life of the contract.

(2) Within 10 days of notification of acceptance and pending award of contract, the contractor shall furnish to the contracting officer a certificate of insurance which shall contain an endorsement to the effect that cancellation of, or any material change in, the policies which adversely affect the interests of the Government in such insurance shall not be effective unless a 30-day advance written notice of cancellation or change is furnished to the contracting officer.

(3) Within 10 days of notification of acceptance and pending award of contract, and prior to award of a contract, the contractor shall furnish to the contracting officer a copy of the contractor's current and valid Worker's Compensation certificate.

(b) *Contractor personnel.* The contracting officer shall ensure that contractor personnel have the appropriate level of training, experience, licensure, and pertinent qualifications to ensure patient safety. When contracting for these services, consider using requirements language such as the following:

(1) All contractor personnel performing contract services shall meet the qualifications as specified in the contract, as well as any qualifications required by Federal, State, County, and local Government entities from the place in which they operate. Contractor personnel shall meet these qualifications at all times while performing contract services.

(2) During the contract period of performance, if the contractor proposes to add-on, or replace personnel to perform contract services, the contractor shall submit required evidence of training, certifications, licensing, background, and security clearances, and any other applicable qualifications to the designated contracting officer's representative (COR). At no time shall the contractor utilize add-on or replacement personnel to perform contract services who do not meet the qualifications under the terms and conditions of the contract.

(3) Records of contractor personnel qualifications and eligibility to perform on the contract must be current and maintained throughout the life of the contract, and be made available for inspection upon request. The contractor shall forward to the contracting officer, on an annual basis, a list of contractor employees listing the employees name, position(s), and licenses and/or certifications and their current certification number. This annual statement of driver competency must include any advanced certifications, such as Advanced Cardiac Life Support or specialized training to assist and secure patients by stretcher or wheelchair, as applicable.

(4) Within seven (7) days after receipt of award notification, the contractor shall provide evidence of required training, certifications, licensing and any other qualifications of any personnel who will be performing services under the contract. The initial documentation shall be provided to the contracting officer and COR.

(c) Contracts must include requirements to report vehicle accidents and incidents to the contracting officer with a formal accident report.

(d) Contracts for ambulance services must require that the contractor meet the current specifications of Federal Specification KKK–A–1822E, ''Star of Life Ambulance'' standard.

(e) Contracts must include requirements to ensure patient safety is maintained through the consistent practice of securing patient care equipment, other cargo, and vehicles, and ensure that security of patients in vehicles is established and observed when transportation needs are either primary or secondary in the actual performance of the contract. When contracting for these services, consider using requirements language to ensure that patient transportation meets industry standards for transporting patients based on the patient's condition/needs (*e.g.,* wheelchair, ambulatory, on stretcher, etc.).

■ 11. Subpart 847.3 is revised to read as follows:

Subpart 847.3—Transportation in Supply Contracts

Subpart 847.3—Transportation in Supply Contracts

847.302 Place of delivery—f.o.b. point.

The contracting officer shall insert clause 852.247–71, Delivery Location, or a clause substantially the same as the clause at 852.247–71, Delivery Location, in supply contracts when it is necessary to specify delivery locations. If appropriate, the clause may reference an attachment which lists various delivery locations and other delivery details (*e.g.,* quantities to be delivered to each location, etc.).

847.305 Solicitation provisions, contract clauses, and transportation factors.

847.305–10 Packing, marking, and consignment instructions.

(a) The contracting officer shall insert clause 852.247–72, Marking Deliverables, or a clause substantially the same as 852.247–72 in solicitations and contracts if special marking on deliverables are required.

(b) The contracting officer shall insert the clause at 852.247–73, Packing for Domestic Shipment, in contracts when item(s) will be delivered for immediate use to a destination in the continental United States; when the material specification or purchase description does not provide preservation, packaging, packing, and/or marking requirements; and/or when the requiring activity has not cited a specific specification for packaging.

847.305–70 Potential destinations known but quantities unknown.

When the contracting officer contracts with multiple bidders to provide items directly to VA field installations, on an f.o.b. origin basis, the evaluation of bids must follow specific procedures. In these instances, the contracting officer shall insert clause 852.247–70, Determining Transportation Costs for Evaluation of Offers, or a clause substantially the same as clause 852.247–70. By inserting this clause, each bid is placed on an equal basis, even though specific quantities required by each facility cannot be predetermined. The contracting officer must use an anticipated demand factor in proportion to the number of hospital beds or patient workload.

847.305–71 VA contract clauses.

(a) The contracting officer shall insert clause 852.247–74, Advance Notice of Shipment, or a clause substantially the same as 852.247–74, in solicitations and contracts when the f.o.b. point is destination, and special Government assistance is required in the delivery or receipt of the items.

(b) The contracting officer shall insert clause 852.247–75, Bills of Lading, or a clause substantially the same as clause at 852.247–75, in f.o.b. origin solicitations and contracts.

847.306 Transportation factors in the evaluation of offers.

847.306–70 Records of claims.

When contracting for transportation, and consistent with FAR 15.304, contracting officers should consider using offerors' record of claims involving loss or damage as an evaluation factor or subfactor.

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 12. The authority citation for part 852 continues to read as follows:

Authority: 38 U.S.C. 8127–8128, and 8151–8153; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1303; 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

852.229–70 [Removed and Reserved]

■ 13. Section 852.229–70 is removed and reserved.

852.246–70 [Removed and Reserved]

■ 14. Section 852.246–70 is removed and reserved.

■ 15. Section 852.246–71 is revised to read as follows:

852.246–71 Rejected Goods.

As prescribed in 846.370–1, insert the following clause:

Rejected Goods (Oct 2018)

(a) *Supplies and equipment.* Rejected goods will be held subject to Contractor's order for not more than 15 days, after which the rejected merchandise will be returned to the Contractor's address at the Contractor's risk and expense. Expenses incident to the examination and testing of materials or supplies that have been rejected will be charged to the Contractor.

(b) *Perishable supplies.* The Contractor shall remove rejected perishable supplies within 48 hours after notice of rejection. Supplies determined to be unfit for human consumption will not be removed without permission of the local health authorities. Supplies not removed within the allowed time may be destroyed. The Department of Veterans Affairs will not be responsible for, nor pay for, products rejected. The Contractor will be liable for costs incident to examination of rejected products.

(End of Clause)

■ 16. Section 852.246–72 is revised to read as follows:

852.246–72 Frozen Processed Foods.

As prescribed in 846.370–2, insert the following clause:

Frozen Processed Foods (Oct 2018)

The products delivered under this contract shall be in excellent condition, shall not show evidence of defrosting, refreezing, or freezer burn and shall be transported and delivered to the consignee at a temperature of 0 degrees Fahrenheit or lower.

(End of Clause)

■ 17. Section 852.246–73 is revised to read as follows:

852.246–73 Noncompliance with Packaging, Packing, and/or Marking Requirements.

As prescribed in 846.370–3, insert the following clause:

Noncompliance With Packaging, Packing and/or Marking Requirements (Oct 2018)

Failure to comply with the packaging, packing and/or marking requirements indicated herein, or incorporated herein by reference, may result in rejection of the merchandise and request for replacement or repackaging, repacking, and/or marking. The Government reserves the right, without obtaining authority from the Contractor, to perform the required repackaging, repacking, and/or marking services and charge the Contractor at the actual cost to the Government for the same or have the required repackaging, repacking, and/or marking services performed commercially under Government order and charge the Contractor at the invoice rate. In connection with any discount offered, time will be computed from the date of completion of such repackaging, repacking and/or marking services.

(End of Clause)

852.246–74 [Removed and Reserved]

■ 18. Section 852.246–74 is removed and reserved.

■ 19. Section 852.246–75 is revised to read as follows:

852.246–75 Warranty of Construction—Guarantee Period Services.

As prescribed in 846.702–70(e), insert the following clause:

Warranty of Construction—Guarantee Period Services (Oct 2018)

The clause 52.246–21, Warranty of Construction, is supplemented as follows:

Should the Contractor fail to complete the work or fail to proceed promptly to provide guarantee period services after notification by the Contracting Officer, the Government may, subject to the default clause contained at FAR 52.249–10, Default (Fixed-Price Construction), and after allowing the Contractor 10 days to correct and comply with the contract, terminate the right to proceed with the work (or the separable part of the work) that has been delayed or unsatisfactorily performed. In this event, the Government may take over the work and complete it by contract or otherwise, and may take possession of and use any materials, appliances, and plant on the work site necessary for completing the work. The Contractor and its sureties shall be liable for any damages to the Government resulting from the Contractor's refusal or failure to complete the work within this specified time, whether or not the Contractor's right to proceed with the work is terminated. This liability includes any increased costs incurred by the Government in completing the work.

(End of Clause)

■ 20. Section 852.246–76 is added to read as follows:

852.246–76 Purchase of Shellfish.

As prescribed in 846.370–4 insert the following clause:

Purchase of Shellfish (OCT 2018)

The supplier certifies that oysters, clams, and mussels will be furnished only from plants approved by and operated under the supervision of shellfish authorities of States whose certifications are endorsed currently by the U.S. Public Health Service, and the names and certificate numbers of those shellfish dealers must appear on current lists published by the U.S. Public Health Service. These items shall be packed and delivered in approved containers, sealed in such manner that tampering is easily discernible, and marked with packer's certificate number impressed or embossed on the side of such containers and preceded by the State abbreviation. Containers shall be tagged or labeled to show the name and address of the approved producer or shipper, the name of the State of origin, and the certificate number of the approved producer or shipper.

(End of Clause)

■ 21. Section 852.247–70 is revised to read as follows:

852.247–70 Determining Transportation Costs for Evaluation of Offers.

As prescribed in 847.305–70, insert the following provision:

Determining Transportation Costs for Evaluation of Offers (Oct 2018)

For the purpose of evaluating bids and for no other purpose, the delivered price per unit will be determined by adding the nationwide average transportation charge to the f.o.b. origin bid prices. The nationwide average transportation charge will be determined by applying the following formula: Multiply the guaranteed shipping weight by the freight, parcel post, or express rate, whichever is proper, to each destination shown below and then multiply the resulting transportation charges by the anticipated demand factor shown for each destination. Total the resulting weighted transportation charges for all destinations and divide the total by 20 to give the nationwide average transportation charge.

ANTICIPATED DEMAND

Area destination	Factor
Oakland, California	3
Dallas, Texas	2
Omaha, Nebraska	3

ANTICIPATED DEMAND—Continued

Area destination	Factor
Fort Wayne, Indiana	4
Atlanta, Georgia	3
New York, New York	5
Total of factors	20

(End of Provision)

■ 22. Section 852.247–71 is added to read as follows:

852.247–71 Delivery Location.

As prescribed in 847.302, insert a clause substantially as follows:

Delivery Location (Oct 2018)

Shipment of deliverable items, other than reports, shall be to: __ [*Contracting Officer shall insert appropriate identifying data*].

(End of Clause)

■ 23. Section 852.247–72 is added to read as follows:

852.247–72 Marking Deliverables.

As prescribed in 847.305–10(a) insert a clause substantially the same as:

Marking Deliverables (Oct 2018)

(a) The contract number shall be placed on or adjacent to all exterior mailing or shipping labels of deliverable items called for by the contract.

(b) Mark deliverables, except reports, for: __[*Contracting Officer shall insert appropriate identifying data*].

(End of Clause)

■ 24. Section 852.247–73 is added to read as follows:

852.247–73 Packing for Domestic Shipment.

As prescribed in 847.305–10(b), insert the following clause:

Packing for Domestic Shipment (Oct 2018)

Material shall be packed for shipment in such a manner that will insure acceptance by common carriers and safe delivery at destination. Containers and closures shall comply with regulations of carriers as applicable to the mode of transportation.

(End of Clause)

■ 25. Section 852.247–74 is added to read as follows:

852.247–74 Advance Notice of Shipment.

As prescribed in 847.305–71(a), insert the following clause:

Advance Notice of Shipment (Oct 2018)

__ [*Insert number of work days*] work days prior to shipping item(s)

__ [*Insert items to be shipped*], the Contractor shall furnish the anticipated shipment date, bill of lading number (if applicable), and carrier identity to __ [*Insert individual(s) to receive notification*] and to the Contracting Officer.

(End of Clause)

■ 26. Section 852.247–75 is added to read as follows:

852.247–75 Bills of Lading.

As prescribed in 847.305–71(b), insert the following clause:

Bills of Lading (Oct 2018)

The purpose of this clause is to define when a commercial bill of lading or a Government bill of lading is to be used when shipments of deliverable items under this contract are f.o.b. origin.

(a) *Commercial bills of lading.* All domestic shipments shall be made via commercial bills of lading (CBLs). The Contractor shall prepay domestic transportation charges. The Government shall reimburse the Contractor for these charges if they are added to the invoice as a separate line item supported by the paid freight receipts. If paid receipts in support of the invoice are not obtainable, a statement as described below must be completed, signed by an authorized company representative, and attached to the invoice.

''I certify that the shipments identified below have been made, transportation charges have been paid by __ [*company name*], and paid freight or comparable receipts are not obtainable.

Contract or Order Number: __

Destination: __ .''

(b) *Government bills of lading.* (1) International (export) and domestic overseas shipments of items deliverable under this contract shall be made by Government bills of lading (GBLs). As used in this clause, ''domestic overseas'' means non-continental United States, *i.e.,* Hawaii, Commonwealth of Puerto Rico, and possessions of the United States.

(2) At least 15 days before shipment, the Contractor shall request in writing GBLs from: __ [*Insert name, title, and mailing address of designated transportation officer or other official delegated responsibility for GBLs*]. If time is limited, requests may be by telephone: __ [*Insert appropriate telephone number*]. Requests for GBLs shall include the following information.

(i) Item identification/description.
(ii) Origin and destination.
(iii) Individual and total weights.
(iv) Dimensional weight.
(v) Dimensions and total cubic footage.
(vi) Total number of pieces.
(vii) Total dollar value.
(viii) Other pertinent data.

(End of Clause)

852.270–2 [Removed]

■ 27. Section 852.270–2 is removed.

852.270–3 [Removed]

■ 28. Section 852.270–3 is removed.

PART 870—[REMOVED AND RESERVED]

■ 29. Under the authority of 48 CFR 1.301 through 1.304, part 870 is removed and reserved.

[FR Doc. 2018–20323 Filed 9–21–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170817779–8161–02]

RIN 0648–XG398

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Pot Catcher/Processors in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher/processors using pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the annual apportionment of the 2018 Pacific cod total allowable catch allocated to catcher/processors using pot gear in the BSAI.

DATES: Effective September 20, 2018, through 2400 hours, A.l.t., December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The annual apportionment of the 2018 Pacific cod total allowable catch (TAC) allocated to catcher/processors using pot gear in the BSAI is 2,720 metric tons (mt) as established by the final 2018 and 2019 harvest specifications for groundfish in the BSAI (83 FR 8365, February 27, 2018).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the annual apportionment of the 2018 Pacific cod TAC allocated as a directed fishing allowance to catcher/processors using pot gear in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by pot catcher/processors in the BSAI. While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for Pacific cod by pot catcher/processors in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 18, 2018.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: September 19, 2018.

Margo B. Schulze-Haugen,

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

[FR Doc. 2018–20713 Filed 9–20–18; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 185
Monday, September 24, 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 THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–130244–17]

RIN 1545–BO02

Proposed Removal of Section 385 Documentation Regulations

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes removing final regulations setting forth minimum documentation requirements that ordinarily must be satisfied in order for certain related-party interests in a corporation to be treated as indebtedness for federal tax purposes (Documentation Regulations). This notice of proposed rulemaking also proposes conforming amendments to other final regulations to reflect the proposed removal of the Documentation Regulations. The final regulations to be amended and removed generally affect corporations that issue purported indebtedness to related corporations or partnerships.

DATES: Written or electronic comments and requests for a public hearing must be received by December 24, 2018.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–130244–17), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–130244–17), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224 or sent electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS REG–130244–17).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed removal and amendments, Austin Diamond-Jones, (202) 317–6847; concerning submissions of comments or requests for a public hearing, Regina Johnson, (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35), the information collection included in these regulations under control number 1545–2267 will be discontinued upon the adoption of a final rule.

Background

Overview

Section 385 of the Internal Revenue Code (Code) authorizes the Secretary of the Treasury (Secretary) to prescribe rules to determine whether an interest in a corporation is treated for purposes of the Code as stock or indebtedness (or as in part stock and in part indebtedness) by setting forth factors to be taken into account with respect to particular factual situations.

On April 8, 2016, the Department of the Treasury (Treasury Department) and the IRS published proposed regulations (REG–108060–15) under section 385 of the Code (proposed regulations) in the **Federal Register** (81 FR 20912 (April 8, 2016)) concerning the treatment of certain interests in corporations as stock or indebtedness. A public hearing on the proposed regulations was held on July 14, 2016. The Treasury Department and the IRS also received numerous written comments in response to the proposed regulations, all of which are available at *http://www.regulations.gov*.

On October 21, 2016, the Treasury Department and the IRS published final and temporary regulations under section 385. TD 9790 (I.R.B. 2016–46, 81 FR 72858 (October 21, 2016)). The preamble to TD 9790 describes in detail the comments received on the proposed regulations and the thorough consideration given to each comment. The preamble to TD 9790 also explains the decisions reached by the Treasury Department and the IRS and the revisions that were made to the proposed regulations.

The final and temporary regulations under section 385 are primarily comprised of (i) the Documentation Regulations, which establish minimum documentation requirements that ordinarily must be satisfied in order for purported debt obligations among related parties to be treated as debt for federal tax purposes; and (ii) rules that treat as stock certain debt that is issued by a corporation to a controlling shareholder in a distribution or in another related-party transaction that achieves an economically similar result (together, the Section 385 Regulations).

Under the proposed regulations, the Documentation Regulations would have been applicable with respect to interests issued or deemed issued on or after the date the regulations were finalized. However, when finalized, the Documentation Regulations were made applicable with respect to interests issued or deemed issued on or after January 1, 2018. See §§ 1.385–1(f), 1.385–2(d)(2)(iii), and 1.385–2(i). This delayed applicability date responded to taxpayer concerns of inadequate time to begin complying with the Documentation Regulations once they were finalized

Executive Order 13789

Executive Order 13789, issued on April 21, 2017 (E.O. 13789), instructs the Secretary to review all significant tax regulations issued on or after January 1, 2016, and to take concrete action to alleviate the burdens of regulations that (i) impose an undue financial burden on U.S. taxpayers; (ii) add undue complexity to the federal tax laws; or (iii) exceed the statutory authority of the IRS.

E.O. 13789 further instructs the Secretary to submit to the President within 60 days a report (First Report) that identifies regulations that meet these criteria. Notice 2017–38 (2017–30 I.R.B. 147 (July 24, 2017)) included the Section 385 Regulations in a list of eight regulations identified by the Secretary in the First Report as meeting at least one of the first two criteria specified in E.O. 13789. E.O. 13789 further instructs the Secretary to submit to the President a second report (Second Report) that recommends specific actions to mitigate the burden imposed by regulations identified in the First Report.

Notice 2017–36

As previously noted, the final Documentation Regulations were originally promulgated to be applicable with respect to interests issued or deemed issued on or after January 1, 2018. However, in response to continued taxpayer concern with the application of the Documentation

Regulations, and in light of contemplated further actions concerning the Section 385 Regulations in connection with the review of those regulations under E.O. 13789, the Treasury Department and the IRS determined that a further delay in the application of the Documentation Regulations would be appropriate. Accordingly, in Notice 2017–36 (2017–33 I.R.B. 208 (August 14, 2017)), the Treasury Department and the IRS announced the intent to amend the Documentation Regulations to delay the applicability of the regulations for 12 months, making the regulations applicable only to interests issued or deemed issued on or after January 1, 2019.

Comments Received in Connection With E.O. 13789

In response to Notice 2017–38 and Notice 2017–36, the Treasury Department and the IRS received approximately 40 comment letters submitted by professional and trade associations, private businesses, public interest groups, and trade unions, as well as over 68,500 comments submitted by individual taxpayers on *http://www.regulations.gov* (website comments) regarding the Section 385 Regulations. The approximately 40 comment letters reflect a wide range of opinions, advocating everything from strengthening to eliminating the Documentation Regulations. The individual taxpayer comments, however, uniformly urged that the Section 385 Regulations as a whole be retained or strengthened.

1. Supporting Retaining or Strengthening the Documentation Regulations

At one end of the spectrum are comment letters from various public interest groups, trade unions, and other associations that, together, represent almost 500 organizations, comment letters from private citizens, and the 68,502 website comments. These comments strongly urged that the Section 385 Regulations be retained and enforced, if not strengthened. These commenters would not be subject to the Documentation Regulations. However, they are concerned with the possibility of their withdrawal because they view the Section 385 Regulations as an important tool for maintaining the federal income tax base so that small, domestic businesses and working people and families would not be forced to bear an unfair and disproportionate portion of the cost of U.S. society and infrastructure. Further, these commenters view the Section 385 Regulations as an important step in leveling the playing field for small, domestic businesses that cannot take advantage of earnings stripping tax planning, thus allowing such domestic businesses to compete with large multinational companies based solely on their products and services, and not their ability to take advantage of tax planning. In addition, these commenters argued that allowing large multinational corporations to shift earnings offshore does not create jobs or economic growth in the United States and only serves to disadvantage domestic companies.

2. Supporting Limiting or Withdrawing the Documentation Regulations

All of the remaining commenters raised concerns about the complexity, cost, and burden imposed by the Documentation Regulations. Most of these commenters made various suggestions for modifications that would reduce the scope and burden of the Documentation Regulations in ways they believed would make the rules more reasonable. Few disputed the Treasury Department's authority to promulgate the Documentation Regulations, however.

Among the commenters that made suggestions for modifications to the Documentation Regulations, there was considerable consensus on the modifications being recommended. Most commenters urged that transactions done in the ordinary course of business, including trade payables, be removed from the application of the Documentation Regulations. Many also urged that ''market standards'' be broadly adopted as the test for determining whether the documentation requirements are satisfied.

Another common concern raised by these commenters was that the consequences of failing to satisfy the Documentation Regulations are too harsh, and commenters suggested expanding the rules to make it easier to cure or avoid noncompliance and to modify the consequences of noncompliance to make these consequences more proportionate to the concerns addressed by the Documentation Regulations. For example, commenters noted that the time for curing defects in documentation could be expanded, the rules for establishing substantial compliance or reasonable cause could be expanded, and an exception could be added to excuse transactions that pose no base-erosion concern. In addition, there were comments suggesting that the consequences of failing to satisfy the regulations could be limited to a denial of interest deductions, which would avoid the collateral effects of re-characterizing the interest as equity.

Most of these commenters also requested that the application of the Documentation Regulations be delayed so that taxpayers would have adequate time to comply with the Documentation Regulations, taking into account any potential additional modifications. Some suggested delaying applicability for an additional year or two, while others suggested delaying applicability until a date that would presumably allow the effects of any tax reform legislation to be taken into account. But many urged that applicability simply be delayed until the Treasury Department and IRS have completed their review, to avoid the expense of putting systems in place that would not satisfy the Documentation Regulations that are ultimately applicable.

There were also various other modifications suggested. Some modifications would apply to taxpayers generally, such as excluding transactions between commonly held consolidated groups, removing the ''reserved'' sections, and replacing the entire rule with an anti-abuse rule. Other modifications were specific to the industry of the commenter or its constituents, such as raising the threshold amounts for certain businesses with higher gross asset levels and exempting industries that are perceived as less likely to engage in abusive transactions or more likely to engage in activities that further public policy.

While a number of commenters supported the withdrawal of the Documentation Regulations, most of those commenters were among those also offering suggestions for modifications. However, there were a few commenters that argued only for withdrawal.

Explanation of Provisions

On October 16, 2017, the Secretary published the Second Report in the **Federal Register** (82 FR 48013 (October 16, 2017)) stating that the Treasury Department and the IRS are considering revoking the Documentation Regulations and are actively considering developing and proposing streamlined regulations. After careful consideration of the comments received on the Documentation Regulations in connection with E.O. 13789, including with respect to Notice 2017–36 and Notice 2017–38, this notice of proposed rulemaking proposes the removal of the Documentation Regulations.

The Treasury Department and the IRS will continue to study the issues addressed by the Documentation

Regulations. When that study is complete, the Treasury Department and the IRS may propose a modified version of the Documentation Regulations. Any such regulations would be substantially simplified and streamlined to reduce the burden on U.S. corporations and yet would still require sufficient documentation and other information for tax administration purposes. Further, they would be proposed with a prospective effective date to allow sufficient lead-time for taxpayers to design and implement systems to comply with those regulations.

Proposed Effective/Applicability Date

The proposed removal of § 1.385–2 and conforming modifications are proposed to be applicable as of the date of publication in the **Federal Register** of a Treasury decision adopting these proposed regulations as final regulations. However, taxpayers may rely on these proposed regulations, in their entirety, until the date a Treasury decision adopting these regulations as final regulations is published in the **Federal Register**.

Statement of Availability of IRS Documents

IRS Revenue Procedures, Revenue Rulings, Notices, and other guidance cited in this document are published in the Internal Revenue Bulletin (or Cumulative Bulletin) and are available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at *http://www.irs.gov.*

Special Analyses

I. Regulatory Planning and Review

Executive Order 13777 directs agencies to alleviate unnecessary regulatory burdens placed on the American people by managing the costs associated with the governmental imposition of private expenditures required to comply with federal regulations. Executive Orders 13771, 13563, and 12866 direct agencies to prudently manage the cost of planned regulations by assessing costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

These proposed regulations have been designated as subject to review under Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) (the ''Treasury-OMB MOA'') between the Treasury Department and the Office of Management and Budget regarding review of tax regulations. These proposed regulations have been designated a ''significant regulatory action'' by OIRA under section 3(f) of Executive Order 12866 because they raise novel policy issues. This proposed rule, when final, is expected to be an Executive Order 13771 deregulatory action.

Pursuant to section 6(a)(3)(B) of Executive Order 12866, the following analysis discusses the anticipated economic effects of these proposed regulations. Although not required by that section, the Treasury Department and the IRS have generally provided monetized estimates in this analysis. These proposed regulations have been reviewed by the Office of Management and Budget.

A. Affected Population

This analysis uses an expansive definition of the estimated affected population in order to minimize the risk that the analysis will not capture the effects on collateral groups.

1. Application to C Corporations

As discussed in TD 9790, this regulatory action affects approximately 6,300 large C corporations out of 1.6 million C corporations and 5.8 million corporations of all types. This is because only C corporations that are part of expanded affiliated groups in which one or more members have sufficient assets ($100 million) or revenue ($50 million), or are publicly traded, would have been required to document the relevant transactions.

2. Documentation of Intercompany Loans and Compliance

While there is variation across businesses, longer-term intercompany debt would typically be documented, in some form of agreement containing terms and rights, by corporations following good business practices. However, some information that would have been required by the Documentation Regulations, such as a debt capacity analysis, may not typically be prepared in some cases. If applicable, the Documentation Regulations would not have required that a specific type of credit analysis or documentation be prepared in order to establish a related-party debtor's creditworthiness and ability to repay, but merely would have imposed a standard intended to be closer to commercial practice. To the extent that information supporting such analysis is already prepared in accordance with a company's normal business practice, removal of the Documentation Regulations would have a relatively low compliance cost savings. However, where a business has not typically prepared and maintained written debt instruments, term sheets, cash flow, or debt capacity analyses for intercompany debt, compliance cost savings related to the removal of the Documentation Regulations would have been higher. While the level of documentation required is clearly evident in third-party lending, there is little available information on the extent to which related parties document their intercompany loans. Anecdotal evidence and comments received indicate that businesses vary in the extent to which related-party indebtedness is documented.

B. Description of the Documentation Regulations

1. In General

If applicable, the Documentation Regulations would have prescribed the nature of the documentation necessary to substantiate the federal income tax treatment of related-party interests as indebtedness, including documentation of factors analogous to those found in third-party loans. This generally means that taxpayers would have had to be able to provide such things as: Evidence of an unconditional and binding obligation to make interest and principal payments on certain fixed dates; that the holder of the loan has the rights of a creditor, including superior rights to shareholders in the case of dissolution; a reasonable expectation of the borrower's ability to repay the loan; and evidence of conduct consistent with a debtor-creditor relationship. The Documentation Regulations would have applied to relevant intercompany debt issued by U.S. borrowers beginning in 2019 and would have required that the taxpayer's documentation for a given tax year be prepared by the time the borrower's federal income tax return is filed.

The Documentation Regulations would have applied only to related groups of corporations in which the stock of at least one member is publicly traded or the group's financial results report assets exceeding $100 million or annual revenue exceeding $50 million. Because there is no general definition of a small business under the Code, these asset and revenue limits were designed to exceed the maximum receipts

threshold used by the Small Business Administration in defining small businesses (U.S. Small Business Administration, *Table of Small Business Size Standards, 2016).* In addition, these thresholds exclude about 99 percent of C corporation taxpayers while retaining 85 percent of economic activity as measured by total income. Approximately 1.5 million out of 1.6 million C corporation tax filers are single entities and therefore have no affiliates with which to engage in tax arbitrage. The intent was to limit the Documentation Regulations to large businesses with highly-related affiliates, which are responsible for most corporate activity. For example, large foreign-controlled domestic C corporations (FCDCs) (those having assets over $100 million or total income over $50 million) make up 3 percent of FCDCs but report 90 percent of FCDC interest deductions and 93 percent of FCDC total income. Similarly, the Documentation Regulations would have exempted most ordinary course transactions.

C. Assessment of the Documentation Regulations' Effects

The Treasury Department and the IRS estimate that 6,300 or 0.4 percent of C corporation taxpayers would have been affected by the Documentation Regulations, mainly because 95 percent of taxpayers do not have affiliated corporations, and the regulations would have affected only transactions between affiliates.

While only a small fraction of corporate taxpayers will be affected by the removal of the Documentation Regulations, these 6,300 taxpayers tend to be the largest C corporation tax filers, claiming 65 percent of total interest deductions claimed by C corporations, 53 percent of total income claimed by C corporations, 81 percent of total income subject to tax claimed by C corporations, and 75 percent of total income tax after credits claimed by C corporations. Of these C corporations, approximately one-third are FCDCs that report about 20 percent of the affected total income and 20 percent of the affected interest deductions.

1. Monetized Estimates

The revenue and compliance burden effects are measured against a no-action baseline, which captures tax-related behavior in the absence of the proposed regulatory action and includes taxpayer behavior the Treasury Department and the IRS expect as a result of the enactment of Public Law 115–97 (TCJA). While this particular regulation does not implement TCJA requirements, it interacts with the TCJA. There are several provisions of the TCJA that reduced the tax advantages of Foreign Controlled Domestic Corporations (FCDCs) over domestically controlled companies (DCCs) and thus may affect the tax revenue and compliance burden consequences of the removal of the Documentation Regulations. First, for taxable years beginning after December 31, 2017, the TCJA reduced the statutory corporate tax rate from 35 percent to 21 percent, which lowers the effective tax rate for DCCs more than for FCDCs. Second, the ability of FCDCs to strip earnings out of the United States using deductions for interest expense was significantly reduced by the TCJA through amendments to section 163(j) of the Code. Specifically, the section 163(j) statutory amendments (1) eliminated the debt-equity ratio safe harbor, (2) reduced the maximum net interest deductions' share of adjusted taxable income from 50 percent to 30 percent, (3) limited all, rather than just related-party, interest deductions, and (4) eliminated the carryforward of excess limitation under pre-TCJA section 163(j). The TCJA's Base Erosion Anti-abuse Tax (BEAT) further reduces this ability. Thus, the benefits of the Documentation Regulations in reducing foreign acquisitions of U.S. assets and interest stripping were reduced by the TCJA.

The vast majority of TCJA provisions are self-executing, which means that they are binding on taxpayers and the IRS without any regulatory action and therefore their applicability and potential taxpayers' responses to such applicability are assumed in the baseline. The Treasury Department and the IRS recognize, however, that the section 163(j) amendments and the BEAT, along with other TCJA provisions, while self-executing, provide interpretive latitude for taxpayers and the IRS and that, without further implementation guidance, those provisions could prompt a variety of potential taxpayer responses. Faced with ambiguous tax provisions that are susceptible to a range of reasonable interpretations, some taxpayers will take conservative filing positions, others will take aggressive filing positions, and still others will simply forego business activity that implicates any uncertain provisions. Accordingly, the Treasury Department and the IRS have included in the baseline their best assessment of taxpayer behavior under current law and regulatory guidance; the baseline does not assume regulatory guidance that has not yet been issued. To the extent that taxpayer responses to any future legislation or rules regarding section 163(j) or the BEAT differ from this assessment, the revenue and compliance burden estimates with respect to the proposed removal of the Documentation Regulations would also be affected.

The Treasury Department and the IRS solicit comments on the revenue and compliance burden estimates with respect to the proposed removal of the Documentation Regulations.

a. Revenue Effects of Proposed Regulations

The Treasury Department and the IRS previously addressed revenue effects in the original regulatory impact analysis (RIA) published in the preamble to T.D. 9790 and have received comments that address the revenue effect of the Documentation Regulations. The removal of the Documentation Regulations may slightly increase the ability of some firms to strip earnings out of the United States and so reduce their tax payments. The Treasury Department and the IRS estimate that removal of the Documentation Regulations will reduce revenue by $407 million over the period 2019–2028, using standard revenue reporting conventions (undiscounted nominal total). The net present value of the revenue loss is $302 and $243 ($2018 millions) using real discount rates of 3 and 7 percent, respectively. The annualized amounts are $35.4 and $34.5 ($2018 millions), again based on 3 percent and 7 percent real rates respectively. The revenue effects were estimated using the methodology described in the original RIA published in the preamble to T.D. 9790, although the estimate now covers 2019 to 2028 and includes factors that have changed as a result of TCJA as well as other technical adjustments.

Annualized discounted revenue effects are shown in the following table.

	Fiscal years 2019 to 2028 (3% real discount rate)	Fiscal years 2019 to 2028 (7% real discount rate)
Estimated change in annual tax revenue (annualized value, $2018 millions)	−$35.4	−$34.5

b. Compliance Burden Effects From Proposed Regulations

The Treasury Department and the IRS estimate that removal of the Documentation Regulations will reduce compliance costs by $924 million over the period 2019–2028 (undiscounted nominal total). The net present value of the compliance cost savings is $773 and $685 ($2018 millions) using real discount rates of 3 and 7 percent respectively. These amounts are $90.6 million and $97.5 million on an annualized basis, again based on 3 percent and 7 percent real rates respectively. The methodology for estimating the compliance cost savings also followed the methodology described in the original RIA published in the preamble to T.D. 9790, with analogous adjustments due to the change in the period covered, the effects of TCJA, and other technical adjustments. The Treasury Department and the IRS view the proposed action (removal of § 1.385–2) as reducing both tax revenues and compliance costs but they view the TCJA as primarily affecting the reduction in tax revenue from the action due mainly to reduced allowable interest deductions (163(j)) and to a lesser extent, taxation of certain base eroding payments to related parties (BEAT), including interest. The Treasury Department and the IRS do not expect a significant reduction in the number of relevant related party transactions, only a reduction in the dollar amounts, and therefore see a smaller effect of the TCJA on compliance cost savings than on revenue losses, relative to previous estimates.

In addition, the analysis includes a sensitivity analysis in which the compliance costs were estimated for a 90 percent interval around the central estimate. Annualized discounted ongoing and start-up changes in compliance costs ($2018 millions) are shown in the following table.

Estimated change in annual compliance costs (annualized value, $2018 millions)	Fiscal years 2019 to 2028 (3% real discount rate)	Fiscal years 2019 to 2028 (7% real discount rate)
Central estimate	−$90.6	−$97.5
High estimate	−113.3	−121.9
Low estimate	−68.0	−73.1

Technical note: In this rulemaking, the Treasury Department made technical adjustments relative to the 2016 rulemaking in calculating the annualized compliance cost estimates. The cost stream in this rulemaking is in 2018 dollars, reflects a two-year delay in effective date (relative to the previous estimates), and applies real discount rates of 3 and 7 percent. Technical adjustments account for part of the difference in the estimates between the rulemakings.

2. Non-Monetized Effects

a. Reduced Tax Compliance

By slightly increasing the ability of some taxpayers to strip earnings out of the United States through transactions with no meaningful economic or non-tax benefit, and so reducing their tax payments, removal of the Documentation Regulations is likely to slightly reduce the overall perceived legitimacy of the U.S. tax system, and hence reduce voluntary compliance.

b. Efficiency and Growth Effects

By changing the treatment of certain transactions and activities, removal of the Documentation Regulations potentially affects economic efficiency and growth (output). While the removal of the Documentation Regulations may have multiple and to some extent offsetting effects, on net they are likely to slightly reduce economic efficiency. For example, the removal of the Documentation Regulations will likely increase the tax advantage foreign owners have over domestic owners of U.S. assets, and consequently will increase the propensity for foreign acquisitions and ownership of U.S. assets that are motivated by tax considerations rather than economic substance. While these effects will likely be small, they likely reduce efficiency and growth. By increasing the ability to undertake tax-motivated acquisitions or ownership structures, removal of the Documentation Regulations may slightly reduce the incentive for assets to be owned or managed by those most capable of putting the assets to their highest-valued use. Moreover, removal of the Documentation Regulations may put purely domestic U.S. firms on less even tax footing than their foreign-owned competitors operating in the United States. On the other hand, removal of the Documentation Regulations may slightly reduce the effective tax rate and compliance costs on U.S. inbound investment. While the magnitude of this reduction is small, to the extent that it increases new capital investment in the United States, its effects would be efficiency and growth enhancing. Most inbound investment is via acquisition of existing U.S. companies rather than greenfield (new) investment in the United States, however, and thus such investment changes the ownership of existing assets, without necessarily adding to the stock of capital employed in the United States. On balance, the likely effect of the removal of the Documentation Regulations is to reduce the efficiency of the corporate tax system slightly.

c. Higher Tax Administrative Costs for the IRS

The reduced loan documentation required of large corporations as a result of the removal of the Documentation Regulations will reduce the ability of the IRS to more effectively administer the tax laws by making it harder for the IRS to evaluate whether purported debt transactions are legitimate loans. This will raise the cost of auditing and evaluating the tax returns of companies engaged in these transactions.

II. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that the proposed regulations will not have a significant economic

impact on a substantial number of small entities.

As discussed earlier in this preamble, on October 21, 2016, the Treasury Department and the IRS published final and temporary regulations under section 385. The final and temporary regulations under section 385, among other things, established minimum documentation requirements that must be satisfied in order for purported debt obligations among related parties to be treated as debt for federal tax purposes. When finalized in October 2016, the Documentation Regulations were made applicable with respect to interests issued or deemed issued on or after January 1, 2018. In response to continued taxpayer concern with the application of the Documentation Regulations, the Treasury Department and the IRS, in Notice 2017–36, further delayed the applicability of the regulations by making the regulations applicable only to interests issued or deemed issued on or after January 1, 2019. This proposed rule, if finalized, would remove these Documentation Regulations that have not yet been made applicable to any interests issued by any taxpayer.

Section 1.385–2, if applicable, would have provided documentation requirements to substantiate the treatment of certain related party instruments as indebtedness. Section 1.385–2 would have applied to large corporate groups (specifically, those that are publically traded, or have assets exceeding $100 million or annual total revenue exceeding $50 million in its expanded group), thus limiting the scope of small entities affected. Section 1.385–2 would have applied to financial institutions, which are considered small entities under the Regulatory Flexibility Act if they have less than $550 million in assets (13 CFR 121). The Treasury Department and the IRS believe that § 1.385–2 would not affect a substantial number of small entities other than small financial institutions. Even if the regulations affected a substantial number of small entities in that sector, the economic impact of this rule would be minimal because the proposed regulations would remove the currently inapplicable documentation requirements in § 1.385–2. Accordingly, a regulatory flexibility analysis is not required.

Pursuant to section 7805(f), this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any federal mandate that may result in expenditures in any one year by a state, local, or tribal government, in the aggregate, or by the private sector, of $100 million in 1995 dollars, updated annually for inflation. In 2018, that threshold is approximately $150 million. This proposed rule does not include any mandate that may result in expenditures by state, local, or tribal governments, or by the private sector in excess of that threshold.

Executive Order 13132: Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on state and local governments, and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Comments and Requests for Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the **ADDRESSES** heading. All comments will be available at *http://www.regulations.gov* or upon request. A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place of the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of this notice of proposed rulemaking is Austin Diamond-Jones of the Office of the Associate Chief Counsel (Corporate). However, other personnel from the Treasury Department and the IRS participated in its development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by removing the sectional authority for § 1.385–2 to read, in part, as follows:

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

* * * * *

■ **Par. 2.** Section 1.385–1 is amended by revising paragraph (a), the last sentence of paragraphs (c) introductory text and (c)(4)(iv), paragraph (d)(1)(i), the first sentence of paragraph (d)(1)(ii), and paragraphs (d)(1)(iii) and (d)(1)(iv)(A), and removing and reserving paragraph (d)(2)(i).

The revisions read as follows:

§ 1.385–1 General provisions.

(a) *Overview of section 385 regulations.* This section and §§ 1.385–3 through 1.385–4T (collectively, the section 385 regulations) provide rules under section 385 to determine the treatment of an interest in a corporation as stock or indebtedness (or as in part stock and in part indebtedness) in particular factual situations. Paragraph (b) of this section provides the general rule for determining the treatment of an interest based on provisions of the Internal Revenue Code and on common law, including the factors prescribed under common law. Paragraphs (c), (d), and (e) of this section provide definitions and rules of general application for purposes of the section 385 regulations. Section 1.385–3 sets forth additional factors that, when present, control the determination of whether an interest in a corporation that is held by a member of the corporation's expanded group is treated (in whole or in part) as stock or indebtedness.

* * * * *

(c) * * * For additional definitions that apply for purposes of their respective sections, see §§ 1.385–3(g) and 1.385–4T(e).

* * * * *

(4) * * *

(iv) * * * For purposes of the section 385 regulations, a corporation is a member of an expanded group if it is described in this paragraph (c)(4)(iv) of this section immediately before the relevant time for determining membership (for example, immediately before the issuance of a debt instrument (as defined in § 1.385–3(g)(4)) or immediately before a distribution or

acquisition that may be subject to § 1.385–3(b)(2) or (3)).

* * * * *

(d) * * *

(1) * * *

(i) *In general.* If a debt instrument (as defined in § 1.385–3(g)(4)) is deemed to be exchanged under the section 385 regulations, in whole or in part, for stock, the holder is treated for all federal tax purposes as having realized an amount equal to the holder's adjusted basis in that portion of the debt instrument as of the date of the deemed exchange (and as having basis in the stock deemed to be received equal to that amount), and, except as provided in paragraph (d)(1)(iv)(B) of this section, the issuer is treated for all federal tax purposes as having retired that portion of the debt instrument for an amount equal to its adjusted issue price as of the date of the deemed exchange. In addition, neither party accounts for any accrued but unpaid qualified stated interest on the debt instrument or any foreign exchange gain or loss with respect to that accrued but unpaid qualified stated interest (if any) as of the deemed exchange. This paragraph (d)(1)(i) does not affect the rules that otherwise apply to the debt instrument prior to the date of the deemed exchange (for example, this paragraph (d)(1)(i) does not affect the issuer's deduction of accrued but unpaid qualified stated interest otherwise deductible prior to the date of the deemed exchange). Moreover, the stock issued in the deemed exchange is not treated as a payment of accrued but unpaid original issue discount or qualified stated interest on the debt instrument for federal tax purposes.

(ii) *Section 988.* Notwithstanding the first sentence of paragraph (d)(1)(i) of this section, the rules of § 1.988–2(b)(13) apply to require the holder and the issuer of a debt instrument that is deemed to be exchanged under the section 385 regulations, in whole or in part, for stock to recognize any exchange gain or loss, other than any exchange gain or loss with respect to accrued but unpaid qualified stated interest that is not taken into account under paragraph (d)(1)(i) of this section at the time of the deemed exchange. * * *

(iii) *Section 108(e)(8).* For purposes of section 108(e)(8), if the issuer of a debt instrument is treated as having retired all or a portion of the debt instrument in exchange for stock under paragraph (d)(1)(i) of this section, the stock is treated as having a fair market value equal to the adjusted issue price of that portion of the debt instrument as of the date of the deemed exchange.

(iv) * * *

(A) A debt instrument that is issued by a disregarded entity is deemed to be exchanged for stock of the regarded owner under § 1.385–3T(d)(4); * * *

* * * * *

§ 1.385–2 [Removed]

■ **Par. 3.** Section 1.385–2 is removed.

■ **Par. 4.** Section 1.385–3 is amended by revising paragraph (g)(4) to read as follows:

§ 1.385–3 Transaction in which debt proceeds are distributed or that have a similar effect.

* * * * *

(g) * * *

(4) *Debt instrument.* The term debt instrument means an interest that would, but for the application of this section, be treated as a debt instrument as defined in section 1275(a) and § 1.1275–1(d).

* * * * *

■ **Par. 5.** Section 1.1275–1 is amended by revising the last sentence of paragraph (d) to read as follows:

§ 1.1275–1 Definitions.

* * * * *

(d) * * * See § 1.385–3 for rules that treat certain instruments that otherwise would be treated as indebtedness as stock for federal tax purposes.

* * * * *

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2018–20652 Filed 9–21–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 13, 15, and 16

[FAR Case 2017–010; Docket No. 2017–0009; Sequence No. 1]

RIN 9000–AN54

Federal Acquisition Regulation: Evaluation Factors for Multiple-Award Contracts

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017.

DATES: Interested parties should submit comments to the Regulatory Secretariat Division at one of the addresses shown below on or before November 23, 2018 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments in response to FAR Case 2017–010 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by entering ''FAR Case 2017–010'' under the heading ''Enter Keyword or ID'' and selecting ''Search''. Select the link ''Comment Now'' that corresponds with ''FAR Case 2017–010''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''FAR Case 2017–010'' on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division, ATTN: Lois Mandell, 1800 F Street NW, 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite ''FAR case 2017–010'' in all correspondence related to this case. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Michael O. Jackson, Procurement Analyst, at 202–208–4949. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite ''FAR Case 2017–010.''

SUPPLEMENTARY INFORMATION:

I. Background

Section 825 of the NDAA for FY 2017 (Pub. L. 114–328) amends 10 U.S.C. 2305(a)(3) to modify the requirement to consider cost or price as an evaluation factor for the award for certain multiple-award task order contracts issued by DoD, NASA, or the Coast Guard. Section 825 provides that, at the Government's discretion, solicitations for multiple-award contracts for the same or similar services that state the Government

intends to award a contract to each qualifying offeror do not require price or cost as an evaluation factor for contract award. This exception does not apply to solicitations for multiple-award contracts that provide for sole source orders pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)). When cost or price is not evaluated during contract award, the contracting officer shall consider price or cost as a factor for the award of each order under the contract. Section 825 of the NDAA for FY 2017 also amends 10 U.S.C. 2304c(b) to add exemptions for the use of competitive procedures when placing an order under a multiple-award contract.

II. Discussion and Analysis

This rule proposes to amend the FAR, as follows:

- FAR parts 13 and 15 are revised to add, for use by DoD, NASA, or the Coast Guard, the exception to requiring price or cost as an evaluation factor in solicitations valued above the simplified acquisition threshold for multiple-award contracts for the same or similar services when the Government intends to award a contract to each and all qualifying offerors; explain what a qualifying offeror is in terms of the rule; and clarify that the exception shall not apply to solicitations for multiple-award contracts that provide for sole source orders pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)).
- FAR part 16 is revised to add, for use by DoD, NASA, or the Coast Guard, the exceptions for use of other than full and open competition, listed in FAR 6.302, to the list of exceptions to fair opportunity at FAR 16.505(b)(2).

III. Expected Impact of the Proposed Rule and Proposed Cost Savings

Currently, offerors on solicitations for multiple-award contracts for services are required to submit cost or price information with their proposals in order to be eligible for award. The time and effort that offerors expend to produce this cost or price information varies according to numerous factors, such as the proposed contract type, the source selection approach, or the offeror's internal processes and resources.

Upon implementation of a final rule, contracting officers from DoD, NASA, and the Coast Guard may choose not to include cost or price as an evaluation factor in solicitations for multiple-award contracts for services, as long as an award will be made to each and all qualified offerors. As a result, offerors responding to these solicitations will not incur costs to develop and prepare the cost or price information typically required to be eligible for contract award. Subsequently, the FAR also requires cost and price information to be evaluated before the award of an order placed under a multiple-award contract. This rule does not impact that process. As this rule, when utilized, will remove a burden from offerors and does not implement any new requirements on offerors, DoD, GSA, and NASA consider this rule to be deregulatory.

In an attempt to monetize an offeror's cost savings as a result of this rule, DoD, GSA, and NASA seek input from service contractors that could be impacted by this rule. In particular, DoD, GSA, and NASA welcome feedback on (i) the type of personnel (*e.g.,* accountants or program managers) used to develop and prepare cost or price information for proposals on multiple-award service contracts; (ii) the number of hours (in a range) that would be spent by each type of personnel to develop and prepare the cost or price information for such a proposal; and (iii) the average hourly rate for each type of personnel used to develop and prepare the cost or price information for such a proposal, or the total average amount spent for each type of personnel to develop and prepare the cost or price information for such a proposal. Please identify the types of services you typically submit proposals for and whether or not your efforts/costs to provide cost or price information vary depending on different factors related to the solicitation (*e.g.,* contract type or service type). If you do experience a variation in your efforts/costs to provide cost or price information, please describe these variations in your efforts/cost, to the extent possible, in your response.

IV. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

No contract clauses or solicitation provisions are being created or revised by this rule.

V. Executive Order 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

VI. Executive Order 13771

This rule is not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12866. However, as explained in Section III of this preamble, DoD, GSA, and NASA believe the rule is deregulatory and seek public input on this preliminary determination, as well as information that can help monetize any savings.

VII. Regulatory Flexibility Act

DoD, GSA, and NASA do not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* However, an Initial Regulatory Flexibility Analysis (IRFA) has been performed and is summarized as follows:

DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 825 of the National Defense Authorization Act (NDAA) for FY 2017 (Pub. L. 114–328; 10 U.S.C. 2305(a)(3) and 10 U.S.C. 2304c(b)(5)).

The objective of this proposed rule is to implement section 825 of the NDAA for FY 2017.

This rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* There were 3,963 new multiple-award contracts for services awarded in Fiscal Year 2016, and 2,810 (71 percent) of these actions were awarded to small business. The proposed rule applies to all entities who do business with the Federal Government, but it is not expected to have a significant impact.

This rule does not impose any new reporting, recordkeeping or other compliance requirements. The rule does not duplicate, overlap, or conflict with any other Federal rules. There are no known significant alternative approaches to the proposed rule that would meet the requirements of the applicable statute.

The Regulatory Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in

subparts affected by this rule consistent with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2017–010) in correspondence.

VIII. Paperwork Reduction Act

This proposed rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 13, 15, and 16

Government procurement.

Dated: September 18, 2018.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA are proposing to amend 48 CFR parts 13, 15, and 16 as set forth below:

■ 1. The authority citation for 48 CFR parts 13, 15, and 16 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

■ 2. Amend 13.106–1 by revising paragraph (a)(2) to read as follows:

13.106–1 Soliciting competition.

(a) * * *

(2)(i) When soliciting quotations or offers, the contracting officer shall notify potential quoters or offerors of the basis on which award will be made (price alone or price and other factors, *e.g.,* past performance and quality).

(ii) Contracting officers are encouraged to use best value.

(iii) Solicitations are not required to state the relative importance assigned to each evaluation factor and subfactor, nor are they required to include subfactors.

(iv) For DoD, NASA, and the Coast Guard—

(A) When issuing a solicitation valued above the simplified acquisition threshold for a multiple-award contract for the same or similar services and the solicitation states that the Government intends to make an award to each and all qualifying offerors, the contracting officer may choose not to include price or cost as an evaluation factor for the contract award (10 U.S.C. 2305(a)(3));

(B) Whether or not cost or price is evaluated at contract award, the contracting officer shall consider price or cost as one of the factors in the selection decision for each order (see 16.505);

(C) A qualifying offeror is an offeror that is determined to be a responsible source, submits a technically acceptable proposal that conforms to the requirements of the solicitation, and the contracting officer has no reason to believe would be likely to offer other than fair and reasonable pricing (10 U.S.C. 2305(a)(3)); and

(D) The exception at 13.106–1(a)(2)(iv)(A) shall not apply to solicitations for multiple-award contracts that provide for sole source orders pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

PART 15—CONTRACTING BY NEGOTIATION

■ 3. Amend 15.304 by revising paragraph (c)(1) and paragraph (e) introductory text to read as follows:

15.304 Evaluation factors and significant subfactors.

* * * * *

(c) * * *

(1)(i) Price or cost to the Government shall be evaluated in every source selection (10 U.S.C. 2305(a)(3)(A)(ii) and 41 U.S.C. 3306(c)(1)(B)) (also see part 36 for architect-engineer contracts), subject to the exception listed in paragraph (c)(1)(ii) of this section for use by DoD, NASA, and the Coast Guard.

(ii) For DoD, NASA, and the Coast Guard—

(A) When issuing a solicitation valued above the simplified acquisition threshold for a multiple-award contract for the same or similar services and the solicitation states that the Government intends to make an award to each and all qualifying offerors, the contracting officer may choose not to include price or cost as an evaluation factor for the contract award (10 U.S.C. 2305(a)(3));

(B) Whether or not cost or price is evaluated at contract award, the contracting officer shall consider price or cost as one of the factors in the selection decision for each order (see 16.505);

(C) A qualifying offeror is an offeror that is determined to be a responsible source, submits a technically acceptable proposal that conforms to the requirements of the solicitation, and the contracting officer has no reason to believe would be likely to offer other than fair and reasonable pricing (10 U.S.C. 2305(a)(3)); and

(D) The exception in paragraph (c)(1)(ii)(A) of this section shall not apply to solicitations for multiple-award contracts that provide for sole source orders pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a));

* * * * *

(e) Unless the exception at 15.304(c)(1)(ii)(A) of this section applies, the solicitation shall also state, at a minimum, whether all evaluation factors other than cost or price, when combined, are—

* * * * *

PART 16—TYPES OF CONTRACTS

■ 4. Amend 16.505 by adding paragraph (b)(2)(i)(G) to read as follows:

16.505 Ordering.

* * * * *

(b) * * *

(2) * * *

(i) * * *

(G) For DoD, NASA, and the Coast Guard, the order satisfies one of the exceptions permitting the use of other than full and open competition listed in 6.302 (10 U.S.C. 2304c(b)(5)). The public interest exception shall not be used unless Congress is notified in accordance with 10 U.S.C. 2304(c)(7).

* * * * *

[FR Doc. 2018–20669 Filed 9–21–18; 8:45 am]

BILLING CODE 6820–EP–P

Notices

Federal Register
Vol. 83, No. 185
Monday, September 24, 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 19, 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 or other forms of information technology.

Comments regarding this information collection received by October 24, 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 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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.

Rural Business Cooperative Service

Title: 7 CFR part 1980–E, Business and Industry Loan Program.

OMB Control Number: 0570–0014.

Summary of Collection: The Business and Industry (B&I) program was legislated in 1972, under Section 310B of the Consolidated Farm and Rural Development Act (Con Act), as amended. The purpose of the program is to improve, develop, or finance businesses, industries, and employment and improve the economic and environmental climate in rural communities, including pollution abatement and control. This purpose is achieved through bolstering the existing private credit structure by making direct loans, thereby providing lasting community benefits. The B&I program is administered by the Agency through Rural Development State and sub-State Offices serving the State.

7 CFR 1980–E, in conjunction with 7 CFR 1942–A, and other regulations, is currently used only for making B&I Direct Loans. 7 CFR 1951–E is used for servicing B&I Direct and Community Facility loans. All reporting and recordkeeping burden estimates for making and servicing B&I Guaranteed Loans have been moved to the B&I Guaranteed Loan Program regulations, 7 CFR 4279–A and B and 4287–B. Consequently, only a fraction of the total reporting and recordkeeping burden for making and servicing B&I Direct Loans is reflected in this document.

Need and Use of the Information: RD will collect the minimum information needed from loan applicants and commercial lenders to make determinations regarding program eligibility, the current financial condition of a business and loan security as required by the Con Act. Most of the information is collected only once, and the agency monitors the progress of the business through the analysis of annual borrower financial statements and visits to the borrower.

Description of Respondents: Individuals or Households; Business or Other for Profit.

Number of Respondents: 16.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 228.

Rural Business Service

Title: 7 CFR 1951–R, Rural Development Loan Servicing.

OMB Control Number: 0570–0015.

Summary of Collection: The Rural Development (RD) Loan Servicing was legislated in 1985 under Section 1323 of the Food and Security Act of 1985. This action is needed to implement the provision of Section 407 of the Health and Human Services Act of 1986, which amended Section 1323 of the Food and Security Act of 1985. 7 CFR part 1951, subpart R contains regulations for servicing and liquidating existing loans previously approved and administered by the U.S. Department of Health and Human Services (HHS) under 45 CFR part 1076 and transferred from HHS to the Department of Agriculture. This subpart contains regulations for servicing and liquidating loans made by RD under the Intermediary Relending Program to eligible intermediaries and applies to ultimate recipients and other involved parties.

Need and Use of the Information: The information requested is a statement of financial condition from the intermediary, *i.e.* assets and liabilities, income statement and a summary of the intermediary's total lending program. The required financial information provided by the Intermediary is vital to RD for the Agency to make sound credit and financial analysis decisions and monitor the program.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 450.

Frequency of Responses: Reporting: On occasion; Quarterly; Semi-annually; Annually.

Total Burden Hours: 11,253.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–20686 Filed 9–21–18; 8:45 am]

BILLING CODE 3410–XY–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Texas Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a teleconference meeting of the Texas Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (CDT) Wednesday, October 3, 2018. The purpose of the meeting is to debrief after hearing, review report schedule and review the introduction section of the Texas report.

DATES: The meeting will be held by phone call on Wednesday, October 3, 2018, at 1:00 p.m. (CDT)

Public Call Information:

Dial: 1–855–719–5012.

Conference ID: 1766888.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 1–855–719–5012, conference ID number: 1766888. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://facadatabase.gov/committee/meetings.aspx?cid=276.*

Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda:

I. Welcome
II. Discuss Post-Report Activity
III. Next Steps
IV. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of staffing limitations that require immediate action.

Dated: September 19, 2018.

David Mussatt,

Supervisory Chief, Regional Programs.

[FR Doc. 2018–20690 Filed 9–21–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Arizona Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the meeting of the Arizona Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Mountain Time) Friday, September 28, 2018. The purpose of this meeting is for the Committee to discuss and plan for any post-advisory memorandum activities.

DATES: These meetings will be held on Friday, September 28, 2018 at 12:00 p.m. MT.

Public Call Information: Dial: 877–260–1479, Conference ID: 6467718.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 877–260–1479, conference ID number: 6467718. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://facadatabase.gov/committee/meetings.aspx?cid=235.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Discussion Regarding Post-Advisory Memo Activities
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: September 19, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–20692 Filed 9–21–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Alaska Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Alaska Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Alaska Time) Thursday, September 27, 2018. The purpose of the meeting is to debrief after hearing, review report schedule and review the introduction section of the Alaska report.

DATES: The meeting will be held on Thursday, September 27, 2018, at 1:00 p.m. AKT.

Public Call Information: Dial: 1–877–260–1479. Conference ID: 1249970.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 1–877–260–1479, conference ID number: 1249970. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://facadatabase.gov/committee/meetings.aspx?cid=234.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Review Report Schedule
III. Review Introduction Section of AK SAC Report
IV. Debrief Web Hearings
V. Public Comment
VI. Next Steps
VII. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of staffing limitations that require immediate action.

Dated: September 19, 2018.

David Mussatt,

Supervisory Chief, Regional Programs.

[FR Doc. 2018–20691 Filed 9–21–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[08/30/2018 through 09/17/2018]

Firm name	Firm address	Date accepted for investigation	Product(s)
Select Fabricators, Inc	5310 North Street, Canandaigua, NY 14424.	9/5/2018	The firm manufactures radio-frequency and electro-magnetic interference shielded tents, pouches, and curtains.
Arlington Machine & Welding, Inc	20621 67th Avenue NE, Arlington, WA 98223.	9/6/2018	The firm manufactures custom machined aluminum and steel parts.
Williams Tool, Inc	9372 Elm Street, Chadwicks, NY 13319.	9/10/2018	The firm manufactures custom machined metal parts.
Plastic Resources, Inc	495 North 1000 West, Logan, UT 84323.	9/17/2018	The firm manufactures plastic products, especially through plastic extrusion.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten

(10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,

Program Analyst.

[FR Doc. 2018–20654 Filed 9–21–18; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–882]

Certain Cold-Rolled Steel Flat Products From the Republic of Korea: Notice of Court Decision Not in Harmony With Amended Final Determination of the Countervailing Duty Investigation

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

SUMMARY: On September 10, 2018, the United States Court of International Trade (CIT or Court) sustained the final remand results pertaining to the countervailing duty (CVD) investigation on certain cold-rolled steel flat products from the Republic of Korea covering the period January 1, 2014, through December 31, 2014. The Department of Commerce (Commerce) is notifying the public that the final judgement in this case is not in harmony with the *Amended Final Determination* of the CVD investigation and that Commerce is amending the *Amended Final Determination* with respect to the CVD rate assigned to POSCO.

DATES: Applicable September 20, 2018.

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

SUPPLEMENTARY INFORMATION:

Background

On July 29, 2016, Commerce published its *Final Determination*.[1] Upon consideration of ministerial error allegations, Commerce issued an *Amended Final Determination* and calculated a subsidy rate of 59.72 percent for POSCO.[2]

On March, 8, 2018, the CIT remanded various aspects of the *Amended Final Determination* to Commerce.[3] In its *Remand Order,* the Court held that ''substantial evidence supports Commerce's decision to apply facts available.'' [4] The Court held that the record demonstrated that POSCO ''withheld information, failed to timely provide information, and impeded the proceeding,'' and that POSCO's ''failure to supply the requested information'' reflected a failure to act to the best of its ability.[5]

However, the Court also held that Commerce had not conducted an ''evaluation of the specific situation,'' under the relatively new statutory language of section 776(d)(2) of the Tariff Act of 1930, as amended (the Act) and had not explained ''why this case justified its selection of the highest rates.'' [6] In addition, the Court concluded that the 1.64 percent rate from *Refrigerators from Korea* was ''derived from estimates Commerce made on the basis of an adverse inference,'' and, therefore, was not corroborated, under section 776(c) of the Act.[7] The Court, therefore, instructed Commerce to reconsider its selection of this rate.[8] On the other hand, the Court found that Commerce's corroboration and selection of the 1.05 percent rate from *Washers from Korea* was supported by substantial evidence.[9]

Pursuant to the *Remand Order,* Commerce issued its Final Redetermination, which addressed the Court's holdings and revised the CVD rate for POSCO to 42.61 percent.[10] On September 10, 2018, the CIT sustained in whole Commerce's Final Redetermination.[11]

Timken Notice

In its decision in *Timken,*[12] as clarified by *Diamond Sawblades,*[13] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Act, Commerce must publish a notice of court decision that is not ''in harmony'' with Commerce's determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's September 10, 2018 final judgement, ordering Commerce to proceed with replacing POSCO's 1.64 percent subsidy rate for programs that were calculated on the basis of adverse facts available with the 1.05 percent rate from *Washers from Korea* constitutes a final decision of that court that is not in harmony with the *Final Amended Determination.* This notice is published in fulfillment of the publication requirements of *Timken.*

This notice is issued and published in accordance with sections 516A(e)(1), 705(c)(1)(B), and 777(i)(1) of the Act.

[1] *See Final Determination,* 81 FR 49943.

[2] *See Countervailing Duty Investigation of Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Affirmative Determination,* 81 FR 49943 (July 29, 2016) (*Final Results*) and accompanying Memorandum, entitled ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Cold-Rolled Steel Flat Products from the Republic of Korea'' (Issues and Decision Memorandum); *see also* ''Countervailing Duty Investigation of Certain Cold-Rolled Steel flat Products from the Republic of Korea: Final Determination Calculation Memorandum for POSCO, dated July 20, 2016 (POSCO Final Analysis Memorandum). On September 20, 2016, the Commerce published its amended final results upon consideration of various ministerial error allegations. *See Certain Cold-Rolled Steel Flat Products from Brazil, India, and the Republic of Korea: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (the Republic of Korea) and Countervailing Duty Orders (Brazil and India),* 81 FR 64436 (September 20, 2016) (*Amended Final Results*); *see also* ''Response to Ministerial Error Comments Filed by Hyundai Steel Co. Ltd. and POSCO,'' dated August 24, 2016 (Ministerial Error Memo); and ''Countervailing Duty Investigation of Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Amended Final Determination Calculation Memorandum for POSCO,'' dated August 24, 2016 (POSCO Amended Final Analysis Memorandum).

[3] *See POSCO et al., and AK Steel Corporation, et al.,* v. *United States and Steel Dynamic Inc., et al.,* Consol. Court No. 16–00225, Slip Op. 18–18 (CIT 2018) (*Remand Order*).

[4] *See Remand Order* at 26.

[5] *Id.* at 26–27.

[6] *Id.* at 49.

[7] *Id.* at 57–58. *See also Bottom Mount Combination Refrigerator-Freezers from the Republic of Korea: Final Affirmative Countervailing Duty Determination,* 77 FR 17410 (March 26, 2012) (*Refrigerators from Korea Final Determination*) and accompanying Issues and Decision Memorandum (*Refrigerators from Korea* Issues and Decision Memorandum).

[8] *Id.* at 58.

[9] *Id. See also Large Residential Washers from the Republic of Korea: Final Affirmative Countervailing Duty Determination,* 77 FR 75975 (December 26, 2012) (*Washers from Korea Final Results*), and accompanying Issues and Decision Memorandum (Washers from Korea Issues and Decision Memorandum).

[10] *See* Memorandum *POSCO et al., and AK Steel Corporation, et al.,* v. *United States and Steel Dynamic Inc., et al.;* Consol. Court No. 16–00225, Slip Op. 18–18 (CIT March 8, 2018); Final Results of Redetermination Pursuant to Court Remand, dated June 6, 2018, at 26.

[11] *See POSCO et al., and AK Steel Corporation, et al.,* v. *United States and Steel Dynamic Inc., et al.;* Consol. Court No. 16–00225, Slip Op. 18–1115 (CIT September 10, 2018).

[12] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) *(Timken).*

[13] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) *(Diamond Sawblades).*

Dated: September 19, 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. 2018–20724 Filed 9–21–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–832]

Polyethylene Terephthalate Resin From Indonesia: Final Determination of Sales at Less Than Fair Value, and Final Affirmative Determination of Critical Circumstances, in Part

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of polyethylene terephthalate (PET) resin from Indonesia is being sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act).

DATES: Applicable September 24, 2018.

FOR FURTHER INFORMATION CONTACT: Caitlin Monks or Gene Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2670 or (202) 482–3586, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 24, 2018 Commerce published in the **Federal Register** its preliminary affirmative determination of critical circumstances, in part.[1] On May 4, 2018, Commerce published in the **Federal Register** the preliminary affirmative determination of sales at LTFV in the antidumping duty (AD) investigation of PET resin from Indonesia.[2] Commerce invited comments from interested parties on the *Preliminary Determination*.[3] The petitioners[4] and Indorama[5] filed case and rebuttal briefs.[6] A summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by interested parties for this final determination, may be found in the Issues and Decision Memorandum.[7] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is polyethylene terephthalate resin from Indonesia. Commerce did not receive any scope comments subsequent to the *Preliminary Determination* and, therefore, the scope has not been revised since the *Preliminary Determination*. For a complete description of the scope of this investigation, *see* Appendix I.

Period of Investigation

The POI is July 1, 2016, through June 30, 2017.

Verification

As provided in section 782(i) of the Act, we conducted the cost and sales verifications in Indonesia and the United States between May 4, 2018, and June 22, 2018. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by the respondents.

Final Affirmative Determination of Critical Circumstances, in Part

For this final determination, as explained in detail in the accompanying Issues and Decision Memorandum, we determine that critical circumstances exist for the Indorama Producers, but do not exist for ''all other'' producers or exporters not individually examined.[8]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix II.

Use of Facts Otherwise Available and Adverse Inferences

For purposes of this final determination, Commerce relied on facts otherwise available with an adverse inference when calculating the margin for the Indorama Producers (a collapsed entity comprised of three producers),[9] pursuant to sections 776(a)(1) and (2)(A)(C)(D) and 776(b) of the Act. For further information regarding the use of facts available and adverse inferences, *see* the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we are now relying on facts available in determining a dumping margin for the Indorama Producers.

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[1] *See Antidumping Duty Investigations on Polyethylene Terephthalate Resin from Indonesia, the Republic of Korea, and Taiwan; Preliminary Determination of Critical Circumstances,* 83 FR 17791 (April 24, 2018) (*Preliminary Critical Circumstances Determination*).

[2] *See Polyethylene Terephthalate Resin from Brazil: Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 83 FR 19699 (May 4, 2018) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM).

[3] *Id.* at 19700; *see also* Memorandum, ''Case Brief Deadline Extension for the Antidumping Duty Investigation of Polyethylene Terephthalate Resin from Brazil,'' dated July 10, 2018.

[4] DAK Americas, M&G Polymers USA, LLC, and Nan Ya Plastics Corporation, America (collectively, the petitioners).

[5] In the *Preliminary Determination,* in accordance with section 771(33)(F) of the Act, we found the following companies affiliated: PT. Indo-Rama Synthetics Tbk (Indorama Synthetics), Indorama Ventures Alphapet Holdings, Inc. (Alphapet), Indorama Ventures Indonesia (Ventures Indonesia), PT. Indorama Polypet Indonesia (Polypet), and Indorama Polymers Public Company Ltd. (Polymers). Further, we collapsed, pursuant to 19 CFR 351.401(f), the following three Indonesian producers into a single entity: Indorama Synthetics, Ventures Indonesia, and Polypet, collectively referred to as Indorama Producers throughout this final determination. See PDM at 6–11. We have made no changes to these findings in our final determination. We received responses from the Indorama Producers, and their U.S. affiliate, Alphapet, which we refer to collectively as Indorama throughout this final determination.

[6] *See* Petitioners' Case Brief, ''Petitioners' Case Brief,'' dated August 15, 2018 (Petitioners' Case Brief); *see also* Indorama's Case Brief, ''Polyethylene Terephthalate Resin ('PET Resin') from Indonesia: Administrative Case Brief,'' dated August 16, 2018 (Indorama's Case Brief); *see also* Petitioners' Rebuttal Brief, ''Petitioners' Rebuttal Brief,'' dated August 22, 2018 (Petitioners' Rebuttal Brief); *see also* Indorama's Revised Rebuttal Brief, ''Polyethylene Terephthalate Resin ('PET Resin') from Indonesia: Rebuttal Brief,'' dated August 24, 2018 (Indorama's Rebuttal Brief).

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Polyethylene Terephthalate Resin from Indonesia,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[8] *See* Issues and Decision Memorandum at IV.

[9] *See supra n.4.*

All-Others Rate

Section 735(c)(5)(A) of the Act provides that Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act. However, section 735(c)(5)(B) of the Act provides that Commerce may apply ''any reasonable method'' to establish the all-others rate if the margins are determined entirely under section 776.

In the *Preliminary Determination,* because we calculated an individual estimated weighted-average dumping margin for the Indorama Producers, we assigned this margin to all-other producer and exporters, pursuant to section 735(c)(5)(A) of the Act. However, for this final determination, we have based the Indorama Producers' rate entirely on facts available; accordingly, we have reconsidered the estimated rate assigned to all others. Because we have no calculated rates, we have determined that a reasonable method for assigning a margin to all other exporters and producers not individually examined is to average the four rates from the Petition, in accordance with section 735(c)(5)(B) of the Act.[10] The estimated dumping margins from the petition for the price-to-price comparisons are 8.49 and 12.38 percent, and the estimated margins for the U.S. price-to-CV comparisons are 48.07 and 53.50 percent;[11] therefore, the simple average of these rates is 30.61 percent. Accordingly, the all-others rate in this investigation is 30.61 percent.

Final Determination Margins

Commerce determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
PT. Indo-Rama Synthetics Tbk./PT. Indorama Polypet Indonesia/Indorama Ventures Indonesia[12]	53.50
All-Others	30.61

Disclosure

We will disclose to interested parties the calculations performed in this final determination within five days of any public announcement of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, for this final determination, Commerce will instruct U.S. Customs and Border Protection (CBP) to begin the suspension of liquidation of all entries of PET resin, as described in the Appendix I to this notice, produced or exported by the Indorama Producers, which were entered, or withdrawn from warehouse, for consumption on or after February 3, 2018 (90 days prior to the date of publication of the *Preliminary Determination*), because we find that critical circumstances exist with regard to imports produced or exported by the Indorama Producers.

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. CBP to continue to suspend liquidation of all appropriate entries of PET resin from Indonesia, as described in Appendix I of this notice, produced or exported by all other producers or exporters, which were entered, or withdrawn from warehouse, for consumption on or after May 4, 2018, the date of publication of the *Preliminary Determination.* Commerce will instruct U.S. CBP to terminate the suspension of liquidation for shipments from Polymers and all other producers and exporters of subject merchandise that were entered, or withdrawn from warehouse, for consumption before May 4, 2018, because we find that critical circumstances do not exist with regard to imports produced or exported by Polymers and all other producers and exporters. All such entries shall be liquidated without regard to antidumping duties (*i.e.,* all cash deposits shall be returned).

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2)(B) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of PET resin from Brazil no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated, and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

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

Notification to Interested Parties

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: September 17, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is polyethylene terephthalate (PET) resin having an intrinsic viscosity of at least 70, but not more than 88, milliliters per gram (0.70 to 0.88 deciliters per gram). The

[10] *See* Petitioners' Letter, ''Polyethylene Terephthalate (''PET'') Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan—Petition for the Imposition of Antidumping Duties,'' dated September 26, 2017, and Petitioners' Letter, ''Polyethylene Terephthalate (''PET'') Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan—Petitioners' Amendment to Volume III Relating to Indonesia Antidumping Duties,'' dated October 3, 2017 (Petition).

[11] *See* Petition at Volume III at Exhibit AD–ID–S4; *see also* Commerce's Notice, ''Enforcement and compliance Office of AD/CVD Operations Antidumping Duty Investigation Initiation Checklist,'' dated October 16, 2017 (Initiation Checklist).

[12] Collectively referred to as the Indorama Producers.

scope includes blends of virgin PET resin and recycled PET resin containing 50 percent or more virgin PET resin content by weight, provided such blends meet the intrinsic viscosity requirements above. The scope includes all PET resin meeting the above specifications regardless of additives introduced in the manufacturing process.

The scope excludes PET-glycol resin, also referred to as PETG. PET-glycol resins are manufactured by replacing a portion of the raw material input monoethylene glycol (MEG) with one of five glycol modifiers: Cyclohexanedimethanol (CHDM), diethylene glycol (DEG), neopentyl glycol (NPG), isosorbide, or spiro glycol. Specifically, excluded PET-glycol resins must contain a minimum of 10 percent, by weight, of CHDM, DEG, NPG, isosorbide or spiro glycol, or some combination of these glycol modifiers. Unlike subject PET resin, PET-glycol resins are amorphous resins that are not solid-stated and cannot be crystallized or recycled. The merchandise subject to this investigation is properly classified under subheadings 3907.61.0000 and 3907.69.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–20720 Filed 9–21–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–863]

Forged Steel Fittings From Taiwan: Antidumping Duty Order

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

SUMMARY: Based on an affirmative final determination by the Department of Commerce (Commerce) and the International Trade Commission (the ITC), Commerce is issuing the antidumping duty order on forged steel fittings from Taiwan.

DATES: Applicable September 24, 2018.

FOR FURTHER INFORMATION CONTACT: Robert Palmer (202) 482–9068 or Suzanne Lam at (202) 482–0783, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on July 30, 2018, Commerce published its affirmative *Final Determination* in the less-than-fair-value (LTFV) investigation of forged steel fittings from Taiwan.[1] On September 14, 2018, the ITC notified Commerce of its affirmative determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of the LTFV imports of forged steel fittings from Taiwan.[2]

Scope of the Order [3]

The products covered by this scope are carbon and alloy forged steel fittings, whether unfinished (commonly known as blanks or rough forgings) or finished. Such fittings are made in a variety of shapes including, but not limited to, elbows, tees, crosses, laterals, couplings, reducers, caps, plugs, bushings, unions, and outlets. Forged steel fittings are covered regardless of end finish, whether threaded, socket-weld or other end connections.

While these fittings are generally manufactured to specifications ASME B16.11, MSS SP–79, MSS SP–83, MSS SP–97, ASTM A105, ASTM A350, and ASTM A182, the scope is not limited to fittings made to these specifications.

The term forged is an industry term used to describe a class of products included in applicable standards, and does not reference an exclusive manufacturing process. Forged steel fittings are not manufactured from casting. Pursuant to the applicable specifications, subject fittings may also be machined from bar stock or machined from seamless pipe and tube.

All types of fittings are included in the scope regardless of nominal pipe size (which may or may not be expressed in inches of nominal pipe size), pressure rating (usually, but not necessarily expressed in pounds of pressure/PSI, *e.g.,* 2,000 or 2M; 3,000 or 3M; 6,000 or 6M; 9,000 or 9M), wall thickness, and whether or not heat treated.

Excluded from this scope are all fittings entirely made of stainless steel. Also excluded are flanges, butt weld fittings, butt weld outlets, nipples, and all fittings that have a maximum pressure rating of 300 pounds of pressure/PSI or less.

Also excluded are fittings certified or made to the following standards, so long as the fittings are not also manufactured to the specifications of ASME B16.11, MSS SP–79, MSS SP–83, MSS SP–97, ASTM A105, ASTM A350, and ASTM A182:

- American Petroleum Institute (API) API 5CT, API 5L, or API 11B
- Society of Automotive Engineering (SAE) SAE J476, SAE J514, SAE J516, SAE J517, SAE J518, SAE J1026, SAE J1231, SAE J1453, SAE J1926, J2044 or SAE AS 35411
- Underwriter's Laboratories (UL) certified electrical conduit fittings
- ASTM A153, A536, A576, or A865
- Casing Conductor Connectors 16–42 inches in diameter made to proprietary specifications
- Military Specification (MIL) MIL–C–4109F and MIL–F–3541
- International Organization for Standardization (ISO) ISO6150–B

To be excluded from the scope, products must have the appropriate standard or pressure markings and/or accompanied by documentation showing product compliance to the applicable standard or pressure, *e.g.,* ''API 5CT'' mark and/or a mill certification report.

Subject carbon and alloy forged steel fittings are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) 7307.99.1000, 7307.99.3000, 7307.99.5045, and 7307.99.5060. They also may be entered under HTSUS 7307.92.3010, 7307.92.3030, 7307.92.9000, and 7326.19.0010. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

Antidumping Duty Orders

As stated above, on September 14, 2018, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determination in this investigation, in which it found material injury with respect to forged steel

[1] *See Forged Steel Fittings from Taiwan: Final Determination of Sales at Less Than Fair Value,* 83 FR 36519 (July 30, 2018) (*Final Determination*).

[2] *See* Letter from the U.S. International Trade Commission, regarding Forged Steel Fittings from Taiwan, dated September 14, 2018 (ITC Notification).

[3] *See* Memorandum to the File, ''Placing Carbon Steel Butt Weld Pipe Fitting Scope Information Ruling on the Record,'' dated concurrently with this notice.

fittings from Taiwan.[4] Therefore, in accordance with section 735(c)(2) of the Act, we are issuing this antidumping duty order. Because the ITC determined that imports of forged steel fittings from Taiwan are materially injuring a U.S. industry, unliquidated entries of such merchandise from Taiwan entered, or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of forged steel fittings from Taiwan. Antidumping duties will be assessed on unliquidated entries of forged steel fittings from Taiwan entered, or withdrawn from warehouse for consumption, on or after May 17, 2018, the date of publication of the *Preliminary Determination*.[5]

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on all relevant entries of forged steel fittings from Taiwan. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits equal to the amounts as indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the estimated weighted-average dumping margins listed below.[6] The relevant all-others rate applies to all producers or exporters not specifically listed.

Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months except where exporters representing a significant proportion of exports of the subject merchandise request Commerce to extend that four-month period to no more than six months. However, Commerce did not extend the four-month period in the underlying investigation. In the underlying investigation, Commerce published the *Preliminary Determination* on May 17, 2018. Thus, the four-month period beginning on the date of the publication of the *Preliminary Determination* ended on September 13, 2018. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of forged steel fittings from Taiwan entered, or withdrawn from warehouse for consumption, on or after September 14, 2018, the date the provisional measures expired, and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**.

Estimated Dumping Margins

Commerce determines that the estimated final weighted-average dumping margins are as follows:

Exporter/producer	Weighted-average dumping margins (percent)
Both Well Steel Fittings Co., Ltd	116.17
Luchu Shin Yee Works Co., Ltd	116.17
All-Others	116.17

Notification to Interested Parties

This notice constitutes the antidumping duty order with respect to forged steel fittings from Taiwan pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: September 19, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–20797 Filed 9–21–18; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See* ITC Notification.

[5] *See Forged Steel Fittings from Taiwan: Affirmative Preliminary Determination of Sales at Less Than Fair Value,* 83 FR 22957 (May 17, 2018) (*Preliminary Determination*).

[6] *See* section 736(a)(3) of the Act.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–535–905]

Polyethylene Terephthalate Resin From Pakistan: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of polyethylene terephthalate (PET) resin from Pakistan are being sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act).

DATES: Applicable September 24, 2018.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley or Lauren Caserta, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3148 or (202) 482–4737, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 4, 2018, Commerce published in the **Federal Register** the preliminary determination of sales at LTFV in the antidumping duty (AD) investigation of PET resin from Pakistan.[1] Commerce invited comments from interested parties on the *Preliminary Determination*.[2] The petitioners [3] and Novatex Limited (Novatex) filed case and rebuttal briefs.[4] A summary of the

[1] *See Polyethylene Terephthalate Resin from Pakistan: Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 83 FR 19689 (May 4, 2018) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Antidumping Duty Investigation of Polyethylene Terephthalate Resin from Pakistan: Schedule for Submission of Case and Rebuttal Briefs,'' dated June 14, 2018 (Case Brief Schedule); *see also* Memorandum, ''Antidumping Duty Investigation of Polyethylene Terephthalate Resin from Pakistan: Revised Schedule for Submission of Case and Rebuttal Briefs,'' dated June 19, 2018 (Revised Case Brief Schedule).

[3] DAK Americas, LLC Indorama Ventures USA, Ind., M&G Polymers USA, LLC, and Nan Ya Plastics Corporation, America (collectively, the petitioners).

[4] *See* Petitioners' Case Brief, ''Polyethylene Terephthalate Resin from Pakistan: Petitioners' Case Brief for Novatex Limited,'' dated June 22, 2018 (Petitioners' Case Brief), and Novatex's Case Brief, ''Polyethylene Terephthalate Resin from Pakistan: Novatex's Case Brief,'' dated June 25, 2018 (Novatex's Case Brief); *see also* Petitioners' Rebuttal Brief, ''Polyethylene Terephthalate Resin from Pakistan: Petitioners' Rebuttal Brief for Novatex,''

Continued

events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by interested parties for this final determination, may be found in the Issues and Decision Memorandum.[5] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is polyethylene terephthalate (PET) resin from Pakistan. Commerce did not receive any scope comments subsequent to the *Preliminary Determination* and, therefore, the scope has not been updated since the *Preliminary Determination. See* the scope in Appendix I to this notice.

Period of Investigation

The POI is July 1, 2016, through June 30, 2017.

Verification

As provided in section 782(i) of the Act, we conducted the sales verification in Washington, DC, between May 7, 2018, and May 11, 2018.[6] We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by the respondents. Commerce determined that the cost databases provided by Novatex were unusable and cancelled the cost verification associated with this investigation on June 13, 2018.[7]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix II.

Use of Facts Available and Adverse Facts Available

For purposes of this final determination, Commerce relied on facts available with adverse inferences when calculating the margin for Novatex Limited pursuant to sections 776(a)(1), 776(a)(2)(B)–(C) and 776(b) of the Act. For further information, *see* the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations. For a discussion of these changes, *see* the Issues and Decision Memorandum.

All-Others Rate

Sections 735(c)(1)(B)(i)(II) and 735(c)(5)(A) of the Act provide that Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act. However, when the estimated weighted-average dumping margins for all exporters and producers individually investigated are zero or *de minimis,* or determined entirely under section 776 of the Act, Commerce shall use any reasonable method to establish the all-others rate, including averaging the estimated weighted-average dumping margins for the exporters and producers individually investigated.

In this investigation, Commerce based Novatex's rate entirely on facts otherwise available. Accordingly, we will use any reasonable method to establish the estimated all-others rate. Commerce's practice, in such situations, is to base the all-others rate on an average of the petition rates.[8] We followed that practice here.

Final Determination Margins

Commerce determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Novatex Limited[9]	59.92
All-Others	43.81

Disclosure

We will disclose any calculations performed within five days of any public announcement of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of PET resin from Pakistan, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after May 4, 2018, the date of publication of the *Preliminary Determination.*

Furthermore, pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows:

dated July 6, 2018 (Petitioners' Rebuttal Brief) and Novatex's Rebuttal Brief, ''Polyethylene Terephthalate Resin from Pakistan: Novatex's Rebuttal Brief,'' dated July 6, 2018 (Novatex's Rebuttal Brief).

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Antidumping Duty Investigation of Polyethylene Terephthalate Resin from Pakistan,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum (IDM)).

[6] In accordance with the timely travel advisory issued by the U.S. Department of State discouraging travel within Pakistan, and following consultations with U.S. Embassy personnel in Islamabad, Commerce determined that Novatex's sales verification would be held at an alternate location in Washington, DC. This determination was made after receiving confirmation from the respondent that necessary company personnel would be in attendance, sufficient physical documentation would be shipped to the alternate site, and that Commerce would be provided with adequate remote access to Novatex's electronic systems.

[7] *See* Commerce's Letter, ''Cancellation of Cost Verification in the Antidumping Duty Investigation of Polyethylene Terephthalate (PET) Resin from Pakistan,'' dated June 13, 2018 (Cost Verification Cancellation Letter).

[8] *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 21909, 21912 (April 23, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 38986, 38987 (July 8, 2008), and accompanying Issues and Decision Memorandum at Comment 2; *see also Notice of Final Determination of Sales at Less Than Fair Value: Raw Flexible Magnets from Taiwan,* 73 FR 39673, 39674 (July 10, 2008); *Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances,* 78 FR 79670, 79671 (December 31, 2013), unchanged in *Steel Threaded Rod from Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances,* 79 FR 14476, 14477 (March 14, 2014), 82 FR 47697, 47698.

[9] Commerce has determined that Novatex Limited and Gatron Industries Limited are a single entity. *See* Issues and Decision Memorandum.

(1) The cash deposit rate for the respondent listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2)(B) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of PET resin no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

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

Notification to Interested Parties

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: September 17, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is polyethylene terephthalate (PET) resin having an intrinsic viscosity of at least 70, but not more than 88, milliliters per gram (0.70 to 0.88 deciliters per gram). The scope includes blends of virgin PET resin and recycled PET resin containing 50 percent or more virgin PET resin content by weight, provided such blends meet the intrinsic viscosity requirements above. The scope includes all PET resin meeting the above specifications regardless of additives introduced in the manufacturing process.

The scope excludes PET-glycol resin, also referred to as PETG. PET-glycol resins are manufactured by replacing a portion of the raw material input monoethylene glycol (MEG) with one of five glycol modifiers: Cyclohexanedimethanol (CHDM), diethylene glycol (DEG), neopentyl glycol (NPG), isosorbide, or spiro glycol. Specifically, excluded PET-glycol resins must contain a minimum of 10 percent, by weight, of CHDM, DEG, NPG, isosorbide or spiro glycol, or some combination of these glycol modifiers. Unlike subject PET resin, PET-glycol resins are amorphous resins that are not solid-stated and cannot be crystallized or recycled.

The merchandise subject to this investigation is properly classified under subheadings 3907.61.0000 and 3907.69.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–20722 Filed 9–21–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–896]

Polyethylene Terephthalate Resin From the Republic of Korea: Affirmative Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of polyethylene terephthalate (PET) resin from the Republic of Korea are being sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act).

DATES: Applicable September 24, 2018.

FOR FURTHER INFORMATION CONTACT: Sean Carey or Mark Hoadley, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3964 or (202) 482–3148, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 4, 2018, Commerce published in the **Federal Register** the preliminary determination of sales at LTFV in the antidumping duty (AD) investigation of PET resin from the Republic of Korea.[1] Commerce invited comments from interested parties on the *Preliminary Determination*.[2] The petitioners[3] and SK Chemicals Co., Ltd. (SK Chemicals) filed case and rebuttal briefs.[4] A

[1] *See Polyethylene Terephthalate Resin from the Republic of Korea: Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 83 FR 19694 (May 4, 2018) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM).

[2] *Id.* at 19694; s*ee also* Memorandum, ''Briefing Schedule in the Antidumping Duty Investigation of Polyethylene Terephthalate Resin from the Republic of Korea,'' dated August 10, 2018.

[3] DAK Americas, LLC Indorama Ventures USA, Ind., M&G Polymers USA, LLC, and Nan Ya Plastics Corporation, America (collectively, the petitioners).

[4] *See* Petitioners' submission, ''Polyethylene Terephthalate Resin from South Korea; Petitioners' Case Brief'' dated August 17, 2018 (Petitioners' Case Brief); *also* SK Chemicals' submission, ''Polyethylene Terephthalate Resin from the Republic of Korea, Case Brief of SK Chemicals,'' dated August 17, 2018 (SK Chemicals' Case Brief); *also* Petitioners' submission, ''Polyethylene Terephthalate Resin from South Korea; Petitioners' Rebuttal Brief'' dated August 22, 2018 (Petitioners'

Continued

summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by interested parties for this final determination, may be found in the Issues and Decision Memorandum.[5] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is polyethylene terephthalate resin from Taiwan. Commerce did not receive any scope comments subsequent to the *Preliminary Determination* and, therefore, the scope has not been updated since the *Preliminary Determination.* For a complete description of the scope of this investigation, *see* Appendix I.

Period of Investigation

The period of investigation is July 1, 2016, through June 30, 2017.

Verification

As provided in section 782(i) of the Act, we conducted cost and sales verifications of mandatory respondent, SK Chemicals Co., Ltd. (SK Chemicals) and its wholly-owned U.S. affiliate SK Chemicals America, Inc. (SKCA), between May 16, 2018, and July 10, 2018. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by the respondents.

Final Affirmative Determination of Critical Circumstances, in Part

In the *Preliminary Determination,* in accordance with section 733(e)(1) of the Act and 19 CFR 351.206, Commerce found that critical circumstances existed for Lotte Chemical Corp. (Lotte Chemical), TK Chemical Corp. (TK Chemical), and ''all other'' producers or exporters not individually examined and found that critical circumstances did not exist for SK Chemicals. Commerce received no comments concerning the preliminary critical circumstances determination. For this final determination, Commerce continues to find that, in accordance with section 735(a)(3) of the Act and 19 CFR 351.206, critical circumstances exist for Lotte Chemical and TK Chemical. Moreover, for this final determination, we determine that critical circumstances exist for SK Chemicals, but do not exist for ''all other'' producers or exporters not individually examined.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix II.

Use of Facts Otherwise Available and Adverse Inferences

For purposes of this final determination, Commerce relied on facts otherwise available with adverse inferences when calculating the margin for Lotte Chemical and TK Chemical, pursuant to sections 776(a)(2)(A)–(C) and 776(b) of the Act. For further information regarding the use of facts available with adverse inferences, *see* the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations. For a discussion of these changes, *see* the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce calculated an individual estimated weighted-average dumping margin for SK Chemicals, the only cooperative individually examined exporter/producer in this investigation with shipments of subject merchandise during the POI. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for SK Chemicals is the margin assigned to all-other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination Margins

Commerce determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
SK Chemicals Co., Ltd	8.23
Lotte Chemical Corp., Regd	101.41
TK Chemical Corp	101.41
All-Others	8.23

Disclosure

We will disclose to interested parties the calculations performed in this final determination within five days of any public announcement of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, for this final determination, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue the suspension of liquidation of all entries of PET resin, as described in the Appendix I to this notice, produced or exported by Lotte Chemical and TK Chemical; and to begin the suspension of liquidation of all entries of PET resin, produced or exported by SK Chemicals, which were entered, or withdrawn from warehouse, for consumption on or after February 3, 2018 (90 days prior to the date of publication of the *Preliminary Determination*), because we find that critical circumstances exist with regard to imports produced or exported by Lotte Chemical, TK Chemical, and SK Chemicals.

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. CBP to continue to suspend liquidation of all appropriate

Rebuttal Brief); *also* SK Chemicals' submission, ''Polyethylene Terephthalate Resin from the Republic of Korea, Rebuttal Brief of SK Chemicals'' dated August 22, 2018 (SK Chemicals' Rebuttal Brief).

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Affirmative Final Determination in the Less-Than-Fair-Value Investigation of Polyethylene Terephthalate Resin from the Republic of Korea; and, Final Determination of Critical Circumstances, in Part,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

entries of PET resin from Korea, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after May 4, 2018, the date of publication of the *Preliminary Determination*.

Furthermore, pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2)(B) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of PET resin from the Republic of Korea no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

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

Notification to Interested Parties

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act, 19 CFR 351.206(e) and 19 CFR 351.210(c).

Dated: September 17, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is polyethylene terephthalate (PET) resin having an intrinsic viscosity of at least 70, but not more than 88, milliliters per gram (0.70 to 0.88 deciliters per gram). The scope includes blends of virgin PET resin and recycled PET resin containing 50 percent or more virgin PET resin content by weight, provided such blends meet the intrinsic viscosity requirements above. The scope includes all PET resin meeting the above specifications regardless of additives introduced in the manufacturing process.

The scope excludes PET-glycol resin, also referred to as PETG. PET-glycol resins are manufactured by replacing a portion of the raw material input monoethylene glycol (MEG) with one of five glycol modifiers: Cyclohexanedimethanol (CHDM), diethylene glycol (DEG), neopentyl glycol (NPG), isosorbide, or spiro glycol. Specifically, excluded PET-glycol resins must contain a minimum of 10 percent, by weight, of CHDM, DEG, NPG, isosorbide or spiro glycol, or some combination of these glycol modifiers. Unlike subject PET resin, PET-glycol resins are amorphous resins that are not solid-stated and cannot be crystallized or recycled.

The merchandise subject to this investigation is properly classified under subheadings 3907.61.0000 and 3907.69.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–20721 Filed 9–21–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–852]

Polyethylene Terephthalate Resin From Brazil: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of polyethylene terephthalate (PET) resin from Brazil are being sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act).

DATES: Applicable September 24, 2018.

FOR FURTHER INFORMATION CONTACT: Kathryn Wallace or Elfi Blum, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6251 or (202) 482–0197, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 4, 2018, Commerce published in the **Federal Register** the preliminary determination of sales at LTFV in the antidumping duty (AD) investigation of PET resin from Brazil.[1] Commerce invited comments from interested parties on the *Preliminary*

[1] *See Polyethylene Terephthalate Resin from Brazil: Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 83 FR 19699 (May 4, 2018) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM).

Determination.[2] The petitioners [3] and M&G Polimeros Brasil, S.A. (MGP Brasil) filed case and rebuttal briefs.[4] A summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by interested parties for this final determination, may be found in the Issues and Decision Memorandum.[5] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and it is available to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is polyethylene terephthalate resin from Brazil. Commerce did not receive any scope comments subsequent to the *Preliminary Determination* and, therefore, the scope has not been updated since the *Preliminary Determination.* For a complete description of the scope of this investigation, *see* Appendix I.

Period of Investigation

The period of investigation is July 1, 2016, through June 30, 2017.

Verification

As provided in section 782(i) of the Act, we conducted the cost and sales verifications for MGP Brasil in Sao Paulo, Brazil, and Houston, Texas, between May 14, 2018, and June 8, 2018. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by the respondents.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix II.

Use of Facts Otherwise Available and Adverse Inferences

For purposes of this final determination, Commerce relied, on facts otherwise available with adverse inferences when calculating the margin for Companhia Integrada Textil de Pernambuco, pursuant to sections 776(a)(2)(A)–(C) and 776(b) of the Act. For further information regarding the use of facts available with adverse inferences, *see* the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations. For a discussion of these changes, *see* the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce calculated an estimated weighted-average dumping margin for MGP Brasil and based Textil de Pernambuco's rate entirely on facts otherwise available. Accordingly, the all-others rate in this investigation is the weighted-average dumping margin calculated for MGP Brasil.

Final Determination Margins

Commerce determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Companhia Integrada Textil de Pernambuco	275.89
M&G Polimeros Brasil, S.A	29.68
All-Others	29.68

Disclosure

We will disclose to interested parties the calculations performed in this final determination within five days of any public announcement of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of PET resin from Brazil, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after May 4, 2018, the date of publication of the *Preliminary Determination.*

Furthermore, pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2)(B) of the Act, the ITC will

[2] *Id.* at 19700; *see also* Memorandum, ''Case Brief Deadline Extension for the Antidumping Duty Investigation of Polyethylene Terephthalate Resin from Brazil,'' dated July 10, 2018.

[3] DAK Americas, LLC Indorama Ventures USA, Ind., M&G Polymers USA, LLC, and Nan Ya Plastics Corporation, America (collectively, the petitioners).

[4] *See* Petitioners' Case Brief, ''Polyethylene Terephthalate Resin from Brazil: Petitioners' Case Brief on MGP Brazil,'' dated June 12, 2018 (Petitioners' Case Brief); *see also* MGP Brasil's Case Brief,: Polyethylene Terephthalate (PET) Resin from Brazil: Case Brief,'' dated July 12, 2018 (MGP Brasil Case Brief); *see also* Petitioners' Rebuttal Brief, ''Polyethylene Terephthalate Resin from Brazil: Petitioners' Rebuttal Brief on MGP Brasil,'' dated July 17, 2018 (Petitioners' Rebuttal Brief); *see also* MGP Brasil's Rebuttal Brief, Polyethylene Terephthalate (PET) Resin from Brazil: MGP Brasil's Rebuttal Brief,'' dated July 17, 2018 (MGP Brasil Rebuttal Brief).

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Polyethylene Terephthalate Resin from Brazil,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of PET resin from Brazil no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

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

Notification to Interested Parties

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: September 17, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is polyethylene terephthalate (PET) resin having an intrinsic viscosity of at least 70, but not more than 88, milliliters per gram (0.70 to 0.88 deciliters per gram). The scope includes blends of virgin PET resin and recycled PET resin containing 50 percent or more virgin PET resin content by weight, provided such blends meet the intrinsic viscosity requirements above. The scope includes all PET resin meeting the above specifications regardless of additives introduced in the manufacturing process.

The scope excludes PET-glycol resin, also referred to as PETG. PET-glycol resins are manufactured by replacing a portion of the raw material input monoethylene glycol (MEG) with one of five glycol modifiers: cyclohexanedimethanol (CHDM), diethylene glycol (DEG), neopentyl glycol (NPG), isosorbide, or spiro glycol. Specifically, excluded PET-glycol resins must contain a minimum of 10 percent, by weight, of CHDM, DEG, NPG, isosorbide or spiro glycol, or some combination of these glycol modifiers. Unlike subject PET resin, PET-glycol resins are amorphous resins that are not solid-stated and cannot be crystallized or recycled.

The merchandise subject to this investigation is properly classified under subheadings 3907.61.0000 and 3907.69.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–20719 Filed 9–21–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–862]

Polyethylene Terephthalate Resin From Taiwan: Final Determination of Sales at Less Than Fair Value, and Final Affirmative Determination of Critical Circumstances, in Part

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of polyethylene terephthalate (PET) resin from Taiwan are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act).

DATES: Applicable September 24, 2018.

FOR FURTHER INFORMATION CONTACT: Jun Jack Zhao or Alexander Cipolla, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1396 or (202) 482–4956, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 4, 2018, Commerce published in the **Federal Register** the preliminary affirmative determination of sales at LTFV in the antidumping duty (AD) investigation of PET resin from Taiwan.[1] Commerce invited comments from interested parties on the *Preliminary Determination*.[2] The petitioners,[3] Far Eastern,[4] and Shinkong Synthetic Fibers Corporation (Shinkong) filed case and rebuttal briefs.[5] A summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by

[1] *See Polyethylene Terephthalate Resin from Taiwan: Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 83 FR 19696 (May 4, 2018) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM).

[2] *Id.* at 19698; s*ee also* Memorandum, ''Antidumping Duty Investigation of Polyethylene Terephthalate (PET) Resin from Taiwan: Briefing Schedule for the Final Determination,'' dated August 1, 2018.

[3] DAK Americas, LLC Indorama Ventures USA, Ind., M&G Polymers USA, LLC, and Nan Ya Plastics Corporation, America (collectively, the petitioners).

[4] Far Eastern New Century Corporation (FENC), Far Eastern Textile Ltd. (FETL), and Worldwide Polychem (HK), Ltd. (WWP) (collectively, Far Eastern).

[5] *See* the petitioners' Case Brief, ''Polyethylene Terephthalate Resin from Taiwan: Petitioners' Case Brief Concerning Far Eastern,'' dated August 9, 2018 (Petitioners' Case Brief re Far Eastern); *see also* the petitioners' Case Brief, ''Polyethylene Terephthalate Resin from Taiwan: Petitioners' Case Brief Concerning Shinkong Synthetic Fibers Corp.,'' dated August 9, 2018 (Petitioners' Case Brief re Shinkong); *see also* Far Eastern's Case Brief, ''Investigation of Polyethylene Terephthalate Resin from Taiwan—Case Brief,'' dated August 8, 2018 (Far Eastern's Case Brief); *see also* Shinkong's Case Brief, ''Polyethylene Terephthalate (PET) Resin from Taiwan: Case Brief,'' dated August 8, 2018 (Shinkong's Case Brief); *see also* the petitioners' Rebuttal Brief, ''Polyethylene Terephthalate Resin from Taiwan: Petitioners' Rebuttal Brief Concerning Far Eastern,'' dated August 14, 2018 (Petitioners' Rebuttal Brief re Far Eastern); *see also* the petitioners' Rebuttal Brief, ''Polyethylene Terephthalate Resin from Taiwan: Petitioners' Rebuttal Brief Concerning Shinkong,'' dated August 14, 2018 (Petitioners' Rebuttal Brief re Shinkong); *see also* Far Eastern's Rebuttal Brief, ''Investigation of Polyethylene Terephthalate Resin from Taiwan—Rebuttal Brief,'' dated August 14, 2018 (Far Eastern's Rebuttal Brief); *see also* Shinkong's Rebuttal Brief, ''Polyethylene Terephthalate (PET) Resin from Taiwan: Rebuttal Brief,'' dated August 14, 2018 (Shinkong's Rebuttal Brief).

interested parties for this final determination, may be found in the Issues and Decision Memorandum.[6] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is polyethylene terephthalate resin from Taiwan. Commerce did not receive any scope comments subsequent to the *Preliminary Determination* and, therefore, the scope has not been updated since the *Preliminary Determination.* For a complete description of the scope of this investigation, *see* Appendix I.

Period of Investigation

The period of investigation (POI) is July 1, 2016, through June 30, 2017.

Verification

As provided in section 782(i) of the Act, we conducted the cost and sales verifications in Taipei, Taiwan, between May 7, 2018, and May 18, 2018. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by the respondents.

Final Affirmative Determination of Critical Circumstances

In the *Preliminary Determination,* in accordance with section 733(e)(1) of the Act and 19 CFR 351.206, Commerce found that critical circumstances exist for Far Eastern and ''all other'' producers or exporters not individually examined and found that critical circumstances did not exist for Shinkong.[7] Commerce received comments from Far Eastern and the petitioners concerning the preliminary critical circumstances determination, which are discussed in the Issues and Decision Memorandum. For this final determination, Commerce continues to find that, in accordance with section 735(a)(3) of the Act and 19 CFR 351.206, critical circumstances exist for Far Eastern. Moreover, for this final determination, we determine that critical circumstances exist for Shinkong, but do not exist for ''all other'' producers or exporters not individually examined.

Analysis of Comments Received

Issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix II.

Use of Facts Otherwise Available and Adverse Inferences

For purposes of this final determination, Commerce relied on facts otherwise available with adverse inferences when calculating the margin for Shinkong, pursuant to sections 776(a)(2)(A)–(C) and 776(b) of the Act. For further information regarding the use of facts available and adverse inferences, *see* the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations. For a discussion of these changes, *see* the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce calculated an estimated weighted-average dumping margin for Far Eastern and based Shinkong's rate entirely on facts otherwise available. Accordingly, the all-others' rate in this investigation is the weighted-average dumping margin calculated for Far Eastern.

Final Determination Margins

Commerce determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Far Eastern New Century Corporation, Far Eastern Textile Ltd., and Worldwide Polychem (HK), Ltd	5.16
Shinkong Synthetic Fibers Corporation	45.00
All-Others	5.16

Disclosure

We intend to disclose to interested parties the calculations performed in this final determination within five days of any public announcement of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, for this final determination, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue the suspension of liquidation of all entries of PET resin, as described in the Appendix I to this notice, produced or exported by Far Eastern; and begin the suspension of liquidation of all entries of PET resin, produced or exported by Shinkong, which were entered, or withdrawn from warehouse, for consumption on or after February 3, 2018 (90 days prior to the date of publication of the *Preliminary Determination*), because we find that critical circumstances exist with regard to imports produced or exported by Far Eastern and Shinkong.

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct CBP to continue to suspend liquidation of all appropriate entries of PET resin from Taiwan, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after May 4, 2018, the date of publication of the *Preliminary Determination.*

Furthermore, pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination;

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Antidumping Duty Investigation of Polyethylene Terephthalate Resin from Taiwan,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[7] *See also Preliminary Determination of Critical Circumstances,* 83 FR 17791 (April 24, 2018).

(2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2)(B) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of PET resin from Taiwan no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

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

Notification to Interested Parties

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: September 17, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is polyethylene terephthalate (PET) resin having an intrinsic viscosity of at least 70, but not more than 88, milliliters per gram (0.70 to 0.88 deciliters per gram). The scope includes blends of virgin PET resin and recycled PET resin containing 50 percent or more virgin PET resin content by weight, provided such blends meet the intrinsic viscosity requirements above. The scope includes all PET resin meeting the above specifications regardless of additives introduced in the manufacturing process. The scope excludes PET-glycol resin, also referred to as PETG. PET-glycol resins are manufactured by replacing a portion of the raw material input monoethylene glycol (MEG) with one of five glycol modifiers: Cyclohexanedimethanol (CHDM), diethylene glycol (DEG), neopentyl glycol (NPG), isosorbide, or spiro glycol. Specifically, excluded PET-glycol resins must contain a minimum of 10 percent, by weight, of CHDM, DEG, NPG, isosorbide or spiro glycol, or some combination of these glycol modifiers. Unlike subject PET resin, PET-glycol resins are amorphous resins that are not solid-stated and cannot be crystallized or recycled.

The merchandise subject to this investigation is properly classified under subheadings 3907.61.0000 and 3907.69.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–20723 Filed 9–21–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG490

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a meeting of its Law Enforcement Technical Committee (LETC), in conjunction with the Gulf States Marine Fisheries Commission's Law Enforcement Committee (LEC).

DATES: The meeting will convene on Wednesday, October 17, 2018; starting 8:30 a.m. and will adjourn at 5 p.m.

ADDRESSES: The meeting will be held at the Isla Grand Beach Resort, located at 500 Padre Boulevard, South Padre Island, TX 78597; telephone: (956) 761–6511.

Council address: Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Dr. Ava Lasseter, Anthropologist, Gulf of

Mexico Fishery Management Council; *ava.lasseter@gulfcouncil.org,* telephone: (813) 348–1630, and Mr. Steve Vanderkooy, Inter-jurisdictional Fisheries (IJF) Coordinator, Gulf States Marine Fisheries Commission; *svanderkooy@gsmfc.org,* telephone: (228) 875–5912.

SUPPLEMENTARY INFORMATION: The items of discussion on the agenda are as follows:

Joint Gulf Council's Law Enforcement Technical Committee and Gulf States Marine Fisheries Commission's Law Enforcement Committee Meeting Agenda

Wednesday, October 17, 2018, 8:30 a.m. Until 5 p.m.

1. Introductions and Adoption of Agenda
2. Approval of Minutes (Joint Meeting March 13, 2018)
3. Election of Joint Committee Chair and Vice-Chair

Gulf Council LETC Items

4. State Management Amendments
5. Commercial Individual Fishing Quota (IFQ) Program Modifications
   a. Amendment Review
   b. Landing Notification Issue
6. Coral 9 Habitat Areas of Particular Concern (HAPCs) Update on Final Action
7. New ''Fish Rules'' Regulations App
8. GMFMC Enforcement Team of the Year Award

Joint LETC/LEC Items

9. 2019–20 Operations Plan
10. Overview of Current Illegal, Unreported and Unregulated (IUU) Fishing Issues
    a. Texas/Mexico Lanchas
    b. Domestic Fishing

GSMFC LEC Items

11. Future of Joint Enforcement Agencies (JEAs) and JEA Funding Discussion
12. Fish Attracting Devices (FADs); Misuse and Management
13. IJF Program Activity
    a. Cobia Profile
    b. New Species *TBD*
    c. Annual License and Fees
    d. Law Summary (red book)
14. State Report Highlights
    a. Florida
    b. Alabama
    c. Mississippi
    d. Louisiana
    e. Texas
    f. U.S. Coast Guard
    g. NOAA Office of Law Enforcement
    h. U.S. Fish and Wildlife Service
15. Other Business

—Meeting Adjourns

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on *www.gulfcouncil.org* as they become available.

The Law Enforcement Technical Committee consists of principal law enforcement officers in each of the Gulf States, as well as the NOAA Law Enforcement, U.S. Fish and Wildlife Service, the U.S. Coast Guard, and the NOAA General Counsel for Law Enforcement.

Although other non-emergency issues not on the agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in the agenda 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 action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Gulf Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Dated: September 19, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–20717 Filed 9–21–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG469

Advisory Committee to the U.S. Section of the International Commission for the Conservation of Atlantic Tunas; Fall Meeting

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

ACTION: Notice of public meeting.

SUMMARY: In preparation for the 2018 International Commission for the Conservation of Atlantic Tunas (ICCAT) meeting, the Advisory Committee to the U.S. Section to ICCAT is announcing the convening of its fall meeting.

DATES: The meeting will be held on October 17–18, 2018. There will be an open session on Wednesday, October 17, 2018, from 9 a.m. through approximately 12:30 p.m. The remainder of the meeting will be closed to the public and is expected to end by 1 p.m. on October 18. Interested members of the public may present their views during the public comment session on October 17, 2018.

ADDRESSES: The meeting will be held at the Hampton Inn Silver Spring, 8728–A Colesville Road, Silver Spring, MD 20910. Written comments should be sent via email to *grace.ferrara@noaa.gov.* Comments may also be sent via mail to Grace Ferrara at NMFS, Office of International Affairs and Seafood Inspection, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Grace Ferrara, Office of International Affairs and Seafood Inspection, 301–427–8371.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet October 17–18, 2018, first in an open session to consider management- and research-related information on stock status of Atlantic highly migratory species and then in a closed session to discuss sensitive matters. The open session will be from 9 a.m. through 12:30 p.m. on October 17, 2018, including an opportunity for public comment beginning at approximately 12 p.m. Comments may also be submitted in writing for the Advisory Committee's consideration. Interested members of the public can submit comments by mail or email; use of email is encouraged. All written comments must be received by October 12, 2018 (see **ADDRESSES**).

NMFS expects members of the public to conduct themselves appropriately at the open session of the Advisory Committee meeting. At the beginning of the public comment session, an explanation of the ground rules will be provided (*e.g.,* alcohol in the meeting room is prohibited, speakers will be called to give their comments in the order in which they registered to speak, each speaker will have an equal amount of time to speak and speakers should not interrupt one another). The session will be structured so that all attending members of the public are able to comment, if they so choose, regardless of the degree of controversy of the subject(s). Those not respecting the

ground rules will be asked to leave the meeting.

After the open session, the Advisory Committee will meet in closed session to discuss sensitive information relating to upcoming international negotiations regarding Atlantic highly migratory species conservation and management.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Grace Ferrara at (301) 427–8371 or *grace.ferrara@noaa.gov* at least 5 days prior to the meeting date.

Dated: September 17, 2018.

John Henderschedt,

Director, Office of International Affairs and Seafood Inspection, National Marine Fisheries Service.

[FR Doc. 2018–20714 Filed 9–21–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG482

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) and the Alaska Board of Fisheries will meet October 17, 2018.

DATES: The meeting will be held on Wednesday, October 17, 2018, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Egan Center, 555 W 5th Ave., Anchorage, AK 99501.

Council address: North Pacific Fishery Management Council, 605 W 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: David Witherell, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Wednesday, October 17, 2018

The committee will discuss several issues of joint concern including: (a) Status report on Council action on the Salmon Fishery Management Plan re Cook Inlet; (b) status report on Southeast Chinook salmon and management; (c) status of Pacific cod stocks; (d) overview of Total Allowable Catch allocation and Federal management of Bering Sea/Aleutian Islands (BS/AI) cod; (e) update on Council initiative on BSAI cod fishery participation; (f) update on Council action on AI cod community and shoreside processor protections; (g) overview of State management of Pacific cod fisheries; (h) review of State managed Pacific cod proposals; and (i) other business.

The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org* prior to the meeting, along with meeting materials.

Public Comment

Public comment letters will be accepted and should be submitted either electronically to David Witherell, Council staff: *david.witherell@noaa.gov* or through the mail: North Pacific Fishery Management Council, 605 W 4th Ave., Suite 306, Anchorage, AK 99501–2252. In-person oral public testimony will be accepted at the discretion of the committee.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: September 19, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–20716 Filed 9–21–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG450

User Manual for Optional User Spreadsheet Tool for 2018 Revisions to Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing: Underwater Thresholds for Onset of Permanent and Temporary Threshold Shifts

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

ACTION: Notice; request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) seeks public comment on our *User Manual for Optional User Spreadsheet Tool (Version 2.0)* (User Manual) for NMFS' *2018 Revisions to Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing: Underwater Acoustic Thresholds for Onset of Permanent and Temporary Threshold Shifts* (2018 Revised Technical Guidance). This User Manual provides detailed instructions and examples on how to use NMFS' optional User Spreadsheet tool, which incorporates the 2018 Revised Technical Guidance's acoustic threshold levels to determine whether and how sound-producing activities are expected to result in hearing impacts to marine mammals.

DATES: Comments must be received by November 8, 2018.

ADDRESSES: The User Manual for optional User Spreadsheet tool (Version 2.0) is available in electronic form via the internet at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.* You may submit comments by including NOAA–NMFS–2018–0100, by either of the following methods:

Federal e-Rulemaking Portal: Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0100,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

Mail: Send comments to: Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226, Attn: Acoustic Guidance User Manual.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will generally post for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Amy R. Scholik-Schlomer, Office of Protected Resources, 301–427–8449, *Amy.Scholik@noaa.gov.*

SUPPLEMENTARY INFORMATION: Presidential Executive Order (E.O.)

13795, ''Implementing an America-First Offshore Energy Strategy'' (82 FR 20815; April 28, 2017), states in section 2 that it shall be the policy of the United States to encourage energy exploration and production, including on the Outer Continental Shelf, in order to maintain the Nation's position as a global energy leader and foster energy security and resilience for the benefit of the American people, while ensuring that any such activity is safe and environmentally responsible. Among the requirements of E.O. 13795 is section 10, which called for a review of NMFS' Technical Guidance, originally published in 2016.

To assist the Secretary of Commerce in the review of the 2016 Technical Guidance for consistency with the policy in section 2 of E.O. 13795, NMFS solicited public comment via a 45-day public comment period (82 FR 24950; May 31, 2017) and hosted an Interagency Consultation meeting (September 25, 2017) with representatives from ten federal agencies. In response to the feedback received during the public comment period and the Interagency Consultation meeting and per approval of the Secretary of Commerce, NMFS issued the 2018 Revised Technical Guidance (83 FR 28824; June 21, 2018).

To help applicants implement the 2018 Revised Technical Guidance, NMFS also updated the accompanying optional User Spreadsheet tool for the technical guidance and drafted a new User Manual that provides more detailed instructions and examples on how to use the optional User Spreadsheet tool to assess auditory injury thresholds.

NMFS is soliciting public comment on our User Manual and associated optional User Spreadsheet tool via a 45-day public comment period. In particular, NMFS invites comment on how we can further refine the User Manual to aid in the application and implementation of the 2018 Revised Technical Guidance. Input from stakeholders provided during this public comment period will inform updated versions of the User Manual and/or associated optional User Spreadsheet tool, which may be issued as early as the end of 2018. Please note NMFS is only soliciting comments at this time on the User Manual and associated optional User Spreadsheet tool, and not on the 2018 Revised Technical Guidance (For more detail on the Technical Guidance's public comment periods, see: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance*).

The 2018 Revised Technical Guidance, the updated optional User Spreadsheet tool, and the new companion User Manual are available in electronic form via the internet at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

Dated: September 19, 2018.

Donna S. Wieting,

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

[FR Doc. 2018–20712 Filed 9–21–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG474

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Acting Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. This Exempted Fishing Permit would exempt one commercial fishing vessel, which is authorized to fish in the yellowtail flounder fishery in international waters regulated by the Northwest Atlantic Fisheries Organization, from Northeast multispecies fishery minimum fish size regulations. The purpose of the Exempted Fishing Permit is to support a study to determine equivalent length and weight ratios from legal-sized, whole, fish to dressed, headed and gutted fish caught in the Northwest Atlantic Fisheries Organization yellowtail flounder fishery, and to the extent possible, the effect of the exemption on the marketplace. The only other U.S. vessel authorized to fish in the Northwest Atlantic Fisheries Organization yellowtail fishery may request, and be approved, to fish under this same EFP.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before October 9, 2018.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email: nmfs.gar.efp@noaa.gov.* Include in the subject line ''DA18–059 NAFO EFP.''
- *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''DA18–059 NAFO EFP.''

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

SUPPLEMENTARY INFORMATION: Tremont Fisheries, LLC, submitted an exempted fishing permit (EFP) application that would authorize the company's fishing vessel to land dressed fish (headed and gutted) that do not meet the minimum fish size requirements specified for Northeast multispecies fish as defined in federal regulations. These regulations prohibit the possession of any fish, including parts of fish, that do not meet certain minimum fish sizes (50 CFR 648.83(a)(2)). Consequently, U.S. vessels participating in the Northwest Atlantic Fisheries Organization (NAFO) fishery that transit the U. S. Exclusive Economic Zone are subject to a minimum size larger than what NAFO requires and which essentially precludes any dressing of the caught fish through heading and gutting. In addition, because the NAFO fishery for groundfish is a frozen fish fishery, they are relegated to freezing whole fish in order to meet U.S. minimum size requirements, which have less value and a weaker market when compared with frozen dressed fish from foreign markets not subject to U.S. minimum size requirements. These other frozen dressed fish markets are currently occupied by foreign fish processing firms, which are able to harvest a smaller minimum size than the U.S. domestic fishery. Moreover, requiring U.S. vessels in NAFO waters to adhere to the U.S. minimum size even for dressed fish can result in U.S. vessels discarding more fish which is inconsistent with NAFO's objectives to reduce unnecessary discards. The EFP applicant is proposing to use the NAFO minimum sizes (Table 1) for landed fish, to determine appropriate weight conversion factors between whole and dressed fish that have been headed and gutted, and to see, to the extent possible, how this may affect the market for these fish. For any fish that do not have

NAFO minimum size restrictions, the applicant would also find length conversion factors between whole fish and headed and gutted fish.

Table 1 NAFO Minimum Fish Sizes

Species	Gilled and gutted fish whether or not skinned; fresh or chilled, frozen, or salted.			
	Whole	Head Off	Head and Tail Off	Head Off and Split
Atlantic Cod	41 cm	27 cm	22 cm	27/25 cm**
Greenland halibut	30 cm	N/A	N/A	N/A
American plaice	25 cm	19 cm	15 cm	N/A
Yellowtail flounder	25 cm	19 cm	15 cm	N/A

* Fish size refers to fork length for Atlantic cod; whole length for other species.

** Lower size for green salted fish.

This would enable the vessel to bring in a higher quality and more valuable dressed product. The primary focus of the fishery is yellowtail flounder; however, the vessel is able to retain and land small amounts of American plaice and Atlantic cod as incidental catch.

Vessels permitted to fish under this EFP would conduct fishing operations upon issuance of the EFP through December 31, 2018. All fishing gear would need to be compliant with the NAFO Conservation and Enforcement measures. The vessel would conduct 2 to 3 trips that are approximately 24 days long, completing approximately 70 tows per trip. The applicant has been authorized to fish for yellowtail flounder with an allocation 500 mt of yellowtail flounder to catch within the NAFO RA for the 2018 fishing year. However, NMFS reserves the right to reallocate quota if either of the two vessels allocated NAFO yellowtail flounder quota for 2018 are unable to harvest its allocation. This could allow a vessel under this EFP to land more than its initial allocation. Any other kept catch would be subject to requirements outlined by NAFO (Table 2). Catch would be sorted by species, headed, gutted, and cleaned, and then separated by market category. The trays would then be frozen, bagged, labeled, and placed into the vessel's freezer hold.

TABLE 2—INCIDENTAL RETENTION LIMITS IN THE NAFO REGULATORY AREA

Species	NAFO division(s)	Incidental retention limits
Cod	3LM	1,250 kg or 5% of total catch retained.
	3NO	1,000 kg or 4% of total catch retained.
Redfish	3LN	1,250 kg or 5% of total catch retained.
	1F, 2, 3O, and 3K	2,500 kg or 10% of total catch retained.
		1,250 kg or 5% of total catch retained when ''others'' quota is caught.
American Plaice	3LMNO	While conducting directed fishing for yellowtail, 15% of yellowtail retained.
Witch Flounder	3LNO	1,250 kg or 5% of total catch retained.
White Hake	3NO	2,500 kg or 10% of total catch retained.
		1,250 kg or 5% of total catch retained when ''others'' quota is caught.
Capelin	3NO	1,250 kg or 5% of total catch retained.
Skates	3LNO	2,500 kg or 10% of total catch retained.
		1,250 kg or 5% of total catch retained when ''others'' quota is caught.
Greenland Halibut	3LMNO	2,500 kg or 10% of total catch retained.

NAFO fishing trips require 100-percent observer coverage. All catch that comes onboard the vessel would be identified and quantified following NAFO protocols by the fisheries observer. In order to determine a weight ratio from legal-sized, whole fish to processed fish, the observer would weigh a basket of whole fish, send those fish through the processing area, and weigh those same fish post processing. Processing of other fish would be halted during this time to ensure that the sample stays intact. This would happen throughout the trip at random intervals to ensure unbiased sampling. The observer would also collect fish lengths for species without minimum sizes to determine the ratio of whole-fish length to headed and gutted length. The observer would randomly measure individual fish throughout the trip and then measure them again post processing. The observer would then record the dressed length along with the whole length. At a minimum the observer would weigh 50 baskets and obtain 50 length measurements of any species that is processed. All observer data would be sent to NMFS for an independent analysis of the data to determine the ratios. The applicant would share economic and market data with NMFS Fisheries to inform the value added from landing dressed fish.

The NAFO yellowtail flounder fishery, although the same species, is a separate stock from the stock found domestically. Allowing the vessel to harvest fish using the NAFO minimum sizes enables the United States to be better stewards of the NAFO resource by

reducing discards that meet the NAFO size standards but are below the domestic minimum size. Landing the dressed fish, even at sizes less than the domestic minimum size, therefore, would not appear to put the applicant at a competitive advantage over domestic fishers because its processed fish are largely intended for the frozen market currently dominated by foreign interests. This EFP, if granted, would help validate these expectations. This EFP is necessary to allow the vessel to land headed and gutted fish caught within the NAFO Regulatory Area that are below the domestic minimum size due to the dressed condition of the fish. Each trip taken under this EFP are subject to the requirements outlined in this notice and any other condition specified by the National Marine Fisheries Service. If this EFP request is approved, it would be available to the other vessel authorized to participate in the NAFO yellowtail flounder fishery, if the other vessel owner makes such a request and it is approved.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: September 19, 2018.

Margo B. Schulze-Haugen,

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

[FR Doc. 2018–20718 Filed 9–21–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG488

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Acting Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit Application from the University of Maryland contains all the required information and warrants further consideration. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notice to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before October 9, 2018.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email: NMFS.GAR.EFP@noaa.gov.* Include in the subject line ''Comments on UMD Jonah crab EFP.''
- *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on UMD Jonah Crab EFP.''

FOR FURTHER INFORMATION CONTACT: Laura Hansen, NOAA Affiliate, (978) 281–9225.

SUPPLEMENTARY INFORMATION: The University of Maryland (UMD) submitted a complete application for an Exempted Fishing Permit (EFP) on September 5, 2018, to conduct fishing activities that the regulations would otherwise restrict. This project is intended to gain a better understanding of Jonah crab male size at maturity. This study is funded through the NOAA Educational Partnership Program's Living Marine Resources Cooperative Science Center. UMD is requesting exemptions from the following Federal lobster regulation:

1. Gear specification requirements in 50 CFR 697.21(c) to allow for closed escape vents;

If the EFP is approved, this study would take place from November 2018 through November 2019. The participating vessel would deploy no more than eight ventless traps at one time in Lobster Conservation Management Area (LCMA) 2. Maps depicting these areas are available on request. Researchers will deploy traps in trawls, compliant with the Atlantic Large Whale Take Reduction Plan. Modifications to a standard lobster trap would include a closed escape vent, a smaller wire mesh size, and a smaller entrance head. Each experimental trap will have the participating fisherman's identification attached. Investigators intend to collect up to 150 crabs. Jonah crab retrieved from the modified traps would be collected and sent to the UMD lab for analysis. The exemption is needed to ensure investigators obtain a broad size distribution of Jonah crabs.

Currently, there are no Federal regulations for Jonah crab. We are preparing a proposed rule to establish Federal regulations for the Jonah crab fishery which will likely include a minimum size. We anticipate that final rulemaking will occur before this project is complete. To ensure that there is no disruption to research activities, we intend to modify the exemptions granted to this study to include exemption from the minimum size so that crabs smaller than the minimum size can be analyzed. We would solicit comment on this additional exemption in the Jonah Crab Fishery Management Plan.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. We may grant EFP modifications and extensions without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. The EFP would prohibit any fishing activity conducted outside the scope of the exempted fishing activities.

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

Dated: September 19, 2018.

Margo B. Schulze-Haugen,

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

[FR Doc. 2018–20711 Filed 9–21–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric

Administration Membership of the National Oceanic and Atmospheric Administration Performance Review Board

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of membership of the NOAA performance review board.

SUMMARY: NOAA announces the appointment of members who will serve on the NOAA Performance Review Board (PRB). The NOAA PRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES), Senior Level (SL), and Scientific and Professional

(ST) members and making written recommendations to the appointing authority on retention and compensation matters, including performance-based pay adjustments, awarding of bonuses, and reviewing recommendations for potential Presidential Rank Award nominees. The appointment of members to the NOAA PRB will be for a period of two (2) years.

DATES: The effective date of service of the ten appointees to the NOAA Performance Review Board is September 30, 2018.

FOR FURTHER INFORMATION CONTACT: James Triem, Director, Executive Resources Division, Workforce Management Office, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, (301) 628–1882.

SUPPLEMENTARY INFORMATION: The names and positions of the members for the 2018 NOAA PRB are set forth below:

- *Christopher Cartwright*, Chair: Director, Budget Office, Office of the Chief Financial Officer
- *Irene Parker*, Vice-Chair: Assistant Chief Information Officer, National Environmental Satellite Data and Information Service
- *Gordon T. Alston:* Office of the Director, Financial Reporting And Internal Controls, Office of the Chief Financial Officer/Assistant Secretary for Administration
- *Sivaraj Shyam-Sunder:* Senior Science Advisor, National Institute of Standards and Technology
- *Albert B. Spencer:* Chief Engineer, National Weather Service
- *Deborah H. Lee:* Director, Office of Great Lakes Environmental Research Laboratory, Office of Oceanic and Atmospheric Research
- *Mary S. Wohlgemuth:* Director, National Center for Environmental Information, National Environ mental Satellite Data and Information Service
- *Donna Wieting:* Director, Office of Protected Resources, National Marine Fisheries Service
- *John S. Luce, Jr.:* General Counsel, National Oceanic and Atmospheric Administration
- *Julie Roberts:* Director of Communications, National Oceanic and Atmospheric Administration.

Dated: August 24, 2018.

Tim Gallaudet,

RDML, Assistant Secretary of Commerce for Oceans and Atmosphere and Acting Under Secretary of Commerce for Oceans and Atmosphere.

[FR Doc. 2018–20695 Filed 9–21–18; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0040]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by October 24, 2018.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DOD Educational Loan Repayment Program (LRP) Annual Application; DD Form 2475; OMB Control Number 0704–0152.

Type of Request: Reinstatement with change.

Number of Respondents: 44,000.

Responses per Respondent: 1.

Annual Responses: 44,000.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 7,333.

Needs and Uses: This information provides the Armed Services with the necessary data regarding outstanding student loan(s) of its Service Members. The DD Form 2475 is the method of collecting and verifying Service Member student loan data and enables the Department to pay on the student loan(s) based on the terms outlined in the Service Member's contract. The DD Form 2475 is considered the official request for obtaining payment on Service Member's student loan(s).

Affected Public: Business or other for-profit; Individuals or Households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Requests for copies of the information collection proposal should be sent to Mr. Licari at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: September 19, 2018.

Shelly E. Finke,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–20674 Filed 9–21–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0060]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 23, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Language and National Security Education Office, 4800 Mark Center Dr., Alexandria, VA 22350–7000, ATTN: Ernie Andrada, or call 571–256–0801.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: National Language Service Corps; DD Form 2932, DD Form 2934; OMB Control Number 0704–0449.

Needs and Uses: The information collection requirement is necessary to identify individuals with language and special skills who potentially qualify for employment or service opportunities in the public section during periods of national need or emergency.

Affected Public: Individuals or Households.

Annual Burden Hours: 960 hours.

Number of Respondents: 1,600.

Responses per Respondent: 1.

Annual Responses: 1,600.

Average Burden per Response: 36 minutes.

Frequency: On occasion.

Dated: September 19, 2018.

Shelly E. Finke,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–20698 Filed 9–21–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Military Family Readiness Council; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Department of Defense Military Family Readiness Council will take place.

DATES: Open to the public Thursday, October 18, 2018 from 1:00 p.m. to 3:00 p.m.

ADDRESSES: The address of the open meeting is the Pentagon, 1155 Defense Pentagon PLC2, Pentagon Library and Conference Center, Room B6, Washington, DC 20301.

FOR FURTHER INFORMATION CONTACT: William Story, (571) 372–5345 (Voice), (571) 372–0884 (Facsimile), OSD Pentagon OUSD P–R Mailbox Family Readiness Council, *osd.pentagon.ousd-p-r.mbx.family-readiness-council@mail.mil* (Email). Mailing address is Office of the Deputy Assistant Secretary of Defense (Military Community & Family Policy), Office of Family Readiness Policy, 4800 Mark Center Drive, Alexandria, VA 22350–2300, Room 3G15. Website: *https://www.militaryonesource.mil/web/mos/military-family-readiness-council.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: This is the first meeting of the Council for Fiscal Year 2019 (FY2019). During this meeting subject matter experts will present information to the Council concerning the Delivery of Service and Family Member Programs Tailored to Millennials, one of the focus areas chosen by the Council for FY2019.

Agenda: Opening Remarks, Status Updates, Administrative Issues, Review of Written Public Submissions, Installations of the Future—What Millennials Want on Tomorrow's Installations, Effective Digital Communication Strategies to Reach Millennials, Military Community Outreach and Messaging to Millennials and Families, Marine Corps Community Services Innovation Effort, Questions and Answers and Council Member Discussion, Closing Remarks. *Note:* exact order may vary.

Meeting Accessibility: This meeting is open to the public. Members of the public who are interested in attending this meeting must RSVP online to *osd.pentagon.ousd-p-r.mbx.family-readiness-council@mail.mil* no later than 11 October 2018. Meeting attendee RSVPs should indicate if an escort is needed to the meeting location (non-CAC Card holders need an escort) and if handicapped accessible transportation is needed. All visitors without CAC cards that are attending the MFRC must pre-register prior to entering the Pentagon. RSVPs to the MFRC mailbox needing escort to the meeting will be contacted by email from the Pentagon Force Protection Agency (PFPA) with instructions for registration. Please follow these instructions carefully. Otherwise, members of the public may be denied access to the Pentagon on the day of the meeting. Members of the public who are approved for Pentagon access should arrive at the Pentagon Visitors Center waiting area (Pentagon Metro Entrance) no later than 12:00 p.m. on the day of the meeting to allow time to pass through security check points and be escorted to the meeting location. Contact Eddy Mentzer, (571) 372–0857 (Voice), (571) 372–0884, (Facsimile) if you have any questions about your RSVP.

Written Statements: Persons interested in providing a written statement for review and consideration by Council members attending the October 18, 2018 meeting must do so no later than close of business Thursday, October 4, 2018, through the Council mailbox at *osd.pentagon.ousd-p-r.mbx.family-readiness-council@mail.mil.* Written statements received after this date will be provided to Council members in preparation for the second MFRC meeting of FY2019. The Designated Federal Officer (DFO) will review all timely submissions and ensure submitted written statements are provided to Council members prior to the meeting that is subject to this notice. Written statements must not be longer than two type-written pages and should address the following details: Issue or concern, discussion, and a recommended course of action. Those who make submissions are requested to avoid including personally identifiable information (PII) such as names of adults and children, phone numbers, addresses, social security numbers and

other contact information within the body of the written statement. Links or supporting documentation may also be included, if necessary, to provide brief appropriate historical context and background information.

Dated: September 19, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–20672 Filed 9–21–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0074]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Magnet Schools Assistance Program-Government Performance and Results Act (GPRA) Table Form

AGENCY: Office of Innovation and Improvement (OII), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before October 24, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0074. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9088, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Justis Tuia, 202–453–6654.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Magnet Schools Assistance Program—Government Performance and Results Act (GPRA) Table Form.

OMB Control Number: 1855–0025.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments *Total Estimated Number of Annual Responses:* 162.

Total Estimated Number of Annual Burden Hours: 81.

Abstract: The collection of this information is part of the government-wide effort to improve the performance and accountability of all federal programs, under the Government Performance and Results Act (GPRA) passed in 1993, the Uniform Guidance, and EDGAR. Under GPRA, a process for using performance indicators to set program performance goals and to measure and report program results was established. To implement GPRA, ED developed GPRA measures at every program level to quantify and report program progress required by the Elementary and Secondary Education Act of 1965, as amended. Under the Uniform Guidance and EDGAR, recipients of federal awards are required to submit performance and financial expenditure information. The GPRA program level measures and budget information for the Magnet Schools Assistance Program (MSAP) are reported in the Annual Performance Report (APR). The APR is required under 2 CFR 200.328 and 34 CFR 75.118 and 75.590. The annual report provides data on the status of the funded project that corresponds to the scope and objectives established in the approved application and any amendments. To ensure that accurate and reliable data are reported to Congress on program implementation and performance outcomes, the MSAP APR collects the raw data from grantees in a consistent format to calculate these data in the aggregate.

The Department now seeks to revise the MSAP Data Tables and Budget Form and submits this revision package for public comment and OMB review, comment and approval. The revised MSAP Data Tables and Budget Form will be used for the performance reports that are due in May 2019.

Dated: September 19, 2018.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–20725 Filed 9–21–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Defense Programs Advisory Committee

AGENCY: Office of Defense Programs, National Nuclear Security Administration, Department of Energy.

ACTION: Notice of closed meeting.

SUMMARY: This notice announces a closed meeting of the Defense Programs Advisory Committee (DPAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of meetings be announced in the **Federal Register**. Due to national security considerations, the meeting will be closed to the public and matters to be discussed are exempt from public disclosure under Executive Order 13526 and the Atomic Energy Act of 1954.

DATES: October 22–23, 2018, 8:30 a.m. to 5 p.m.

ADDRESSES: U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Dana Hunter, Office of RDT&E (NA–11), National Nuclear Security Administration, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585, (202) 287–6287.

SUPPLEMENTARY INFORMATION:

Background: The DPAC provides advice and recommendations to the Deputy Administrator for Defense Programs on the stewardship and maintenance of the Nation's nuclear deterrent.

Purpose of the Meeting: The purpose of this meeting of the DPAC is to discuss programmatic updates, lessons learned from the Plutonium Subcommittee, and finalize the charter for the High Performance Computing Subcommittee.

Type of Meeting: In the interest of national security, the meeting will be closed to the public. The Federal Advisory Committee Act, 5 U.S.C. App. 2, section 10(d), and the Federal Advisory Committee Management Regulation, 41 CFR 102–3.155, incorporate by reference the Government in the Sunshine Act, 5 U.S.C. 552b, which, at 552b(c)(1) and (c)(3) permits closure of meetings where restricted data or other classified matters will be discussed. Such data and matters will be discussed at this meeting.

Tentative Agenda: New Member Swearing In; Defense Programs Programmatic Updates; Path Forward on Pu Aging Report; Lessons Learned from PuSC; Update on High Performance Computing Subcommittee; Update on SRP Review Subcommittee; Conclusion.

Public Participation: There will be no public participation in this closed meeting. Those wishing to provide written comments or statements to the Committee are invited to send them to Dana Hunter at the address listed above.

Minutes: The minutes of the meeting will not be available.

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

Latanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–20700 Filed 9–21–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9709–067]

ECOsponsible, LLC; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Extension of license term.

b. *Project Number:* 9709–067.

c. *Date Filed:* August 1, 2018.

d. *Applicant:* ECOsponsible, LLC (licensee).

e. *Name of Project:* Herkimer Hydroelectric Project.

f. *Location:* The project is located on West Canada Creek, in Herkimer County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Dennis Ryan, Management Committee Chairperson, ECOsponsible, LLC, P.O. Box 114, West Falls NY, 14170; telephone: (716) 222–2188; email: *denryan@gmail.com.*

i. *FERC Contact:* Kurt Powers; telephone (202) 502–8949; email address: *kurt.powers@ferc.gov.*

j. Deadline for filing comments, motions to intervene and protests is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–9709–067. Comments emailed to Commission staff are not considered part of the Commission record.

k. *Description of Filing:* ECOsponsible, LLC (licensee) requests to extend the term of the project license an additional ten years. The licensee says the extension is necessary to recoup the estimated cost to restore and modernize the project. The project's four main generating units have been inoperable since 2004 and the fifth minimum flow generating unit has been inoperable since 2006. The licensee says in their request that the estimated cost to repair and modernize the project's hardware and components is expected to exceed $2,000,000. The licensee's request would change the license expiration date from March 31, 2027 to March 31, 2037.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should do so by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', or ''COMMENTS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.24(b). All comments, motions to intervene, or protests should relate to the license term extension request. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they

must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: September 17, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–20731 Filed 9–21–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC18–16–000]

Commission Information Collection Activities (FERC–567); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–567 [Gas Pipeline Certificates: Annual Reports of System Flow Diagrams and System Capacity], which will be submitted to the Office of Management and Budget (OMB) for a review of the information collection requirements.

DATES: Comments on the collection of information are due October 24, 2018.

ADDRESSES: Comments filed with OMB, identified by OMB Control No. 1902–0005, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–8528.

A copy of the comments should also be sent to the Commission, in Docket No. IC18–16–000 by either of the following methods:

- *eFiling at Commission's website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–567, Gas Pipeline Certificates: Annual Reports of System Flow Diagrams and System Capacity.

OMB Control No.: 1902–0005.

Type of Request: Three-year extension of the FERC–567 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission uses the information from the FERC–567 to obtain accurate data on pipeline facilities and the peak capacity of these facilities. Additionally, the Commission validates the need for new facilities proposed by pipelines in certificate applications. By modeling an applicant's pipeline system, Commission staff utilizes the FERC–567 data to determine configuration and location of installed pipeline facilities; verify and determine the receipt and delivery points between shippers, producers and pipeline companies; determine the location of receipt and delivery points and emergency interconnections on a pipeline system; determine the location of pipeline segments, laterals and compressor stations on a pipeline system; verify pipeline segment lengths and pipeline diameters; justify the maximum allowable operating pressures and suction and discharge pressures at compressor stations; verify the installed horsepower and volumes compressed at each compressor station; determine the existing shippers and producers currently using each pipeline company; verify peak capacity on the system; and develop and evaluate alternatives to the proposed facilities as a means to mitigate environmental impact of new pipeline construction.

18 Code of Federal Regulations (CFR) 260.8(a) requires each major natural gas pipeline with a system delivery capacity exceeding 100,000 Mcf[1] per day to submit by June 1 of each year, diagrams reflecting operating conditions on the pipeline's main transmission system during the previous 12 months ended December 31. These physical/engineering data are not included as part of any other data collection requirement.

Type of Respondents: Applicants with a system delivery capacity in excess of 100,000 Mcf per day.

Estimate of Annual Burden:[2] The Commission estimates the annual public reporting burden for the information collection as:

FERC–567—GAS PIPELINE CERTIFICATES: ANNUAL REPORTS OF SYSTEM FLOW DIAGRAMS AND SYSTEM CAPACITY

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden and cost per response[3]	Total annual burden hours and total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Natural Gas	121	1	121	3	363	$237
Pipelines	.....	.....	.....	$237	$28,677	.....

[1] Mcf = Thousand cubic feet.

[2] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[3] The estimates for cost per response are derived using the following formula: 2018 Average Burden Hours per Response * $79 per Hour = Average Cost per Response. The hourly cost figure of $79 is the 2018 average FERC hourly cost for wages plus benefits. We assume for FERC–567 that respondents earn at a similar rate.

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: September 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20684 Filed 9–21–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–506–000]

Portland Natural Gas Transmission System; Notice of Schedule for Environmental Review of the Portland Xpress Project

On June 18, 2018, Portland Natural Gas Transmission System filed an application in Docket No. CP18–506–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities in Cumberland and York Counties, Maine and Middlesex County, Massachusetts. The proposed project is known as the Portland Xpress Project (Project), and it would provide transportation of natural gas to New England and Atlantic Canada markets by supplying 214,375 million cubic feet per day (Mcf/d) of natural gas to New England on wholly-owned PNGTS facilities and 22,339 Mcf/d on the PNGTS and Maritimes jointly-owned facilities.

On June 28, 2018, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—November 27, 2018.

90-day Federal—Authorization Decision Deadline February 25, 2019.

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

The Project would require modifications at the existing Westbrook Compressor Station in Cumberland County, Maine; the addition of one new 6,300 horsepower gas-fired compression unit at the Eliot Compressor Station in York County, Maine; and installation of miscellaneous facilities at the Dracut Meter and Regulator Station in Middlesex County, Massachusetts.

Background

On July 12, 2018, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Portland Xpress Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners within 0.5 mile of the existing facilities; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received comments regarding vegetated areas of concern at the Eliot Compressor Station and well water testing.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP18–506), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: September 18, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20678 Filed 9–21–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–2435–000]

ORNI 41 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 ORNI 41 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 9, 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 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–20732 Filed 9–21–18; 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 Number: PR18–67–001.

Applicants: Pacific Gas and Electric Company.

Description: Tariff filing per 284.123(b),(e)+(g): Amendment to Revisions to SOC 2018 Annual Gas True-Up filing to be effective 1/1/2018.

Filed Date: 9/12/18.

Accession Number: 201809125034.

Comments Due: 5 p.m. ET 10/3/18.

284.123(g) Protests Due: 5 p.m. ET 10/3/18.

Docket Numbers: RP18–1183–000.

Applicants: SWN Energy Services Company, LLC, Flywheel Energy Operating, LLC.

Description: Joint Petition for Temporary Waivers of Capacity Release Regulations and Policies, et al. of SWN Energy Services Company, LLC, et al.

Filed Date: 9/17/18.

Accession Number: 20180917–5084.

Comments Due: 5 p.m. ET 9/24/18.

Docket Numbers: RP18–1184–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: Penalty Crediting Report of El Paso Natural Gas Company, L.L.C.

Filed Date: 9/17/18.

Accession Number: 20180917–5092.

Comments Due: 5 p.m. ET 10/1/18.

Docket Numbers: RP18–1185–000

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20180917 Negotiated Rates to be effective 9/18/2018.

Filed Date: 9/17/18.

Accession Number: 20180917–5115.

Comments Due: 5 p.m. ET 10/1/18.

Docket Numbers: RP18–1186–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20180917 Remove Non Conforming to be effective 11/1/2018.

Filed Date: 9/17/18.

Accession Number: 20180917–5116.

Comments Due: 5 p.m. ET 10/1/18.

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 date(s). 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 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–20730 Filed 9–21–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–8547–000]

Rogers, Bryan S.; Notice of Filing

Take notice that on September 12, 2018, Bryan S. Rogers, submitted for filing an, application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b) and section 45 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45 (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 October 3, 2018.

Dated: September 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20680 Filed 9–21–18; 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 exempt wholesale generator filings:

Docket Numbers: EG18–127–000.

Applicants: Latitude Solar Center, LLC.

Description: Self-Certification of EG of Latitude Solar Center, LLC.

Filed Date: 9/17/18.

Accession Number: 20180917–5126.

Comments Due: 5 p.m. ET 10/9/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–2409–001.
Applicants: RED-Rochester, LLC.
Description: Tariff Amendment: Supplement to MBR Filing to be effective 11/1/2018.
Filed Date: 9/18/18.
Accession Number: 20180918–5045.
Comments Due: 5 p.m. ET 10/9/18.
Docket Numbers: ER18–2440–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Revised Formula Rate TO Tariff TCJA to be effective 11/16/2018.
Filed Date: 9/17/18.
Accession Number: 20180917–5133.
Comments Due: 5 p.m. ET 10/9/18.
Docket Numbers: ER18–2441–000.
Applicants: El Paso Electric Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 115 EPE E & P Agreement with Southline Transmission to be effective 9/18/2018.
Filed Date: 9/17/18.
Accession Number: 20180917–5134.
Comments Due: 5 p.m. ET 10/9/18.
Docket Numbers: ER18–2442–000.
Applicants: PJM Interconnection, L.L.C., New York Independent System Operator, Inc.
Description: Request for Limited Waiver of the Joint Operating Agreement of PJM Interconnection, L.L.C. and New York Independent System Operator, Inc.
Filed Date: 9/17/18.
Accession Number: 20180917–5142.
Comments Due: 5 p.m. ET 10/9/18.
Docket Numbers: ER18–2443–000.
Applicants: Entergy Louisiana, LLC.
Description: Request for Limited Waiver of Entergy Louisiana, LLC.
Filed Date: 9/17/18.
Accession Number: 20180917–5144.
Comments Due: 5 p.m. ET 10/9/18.
Docket Numbers: ER18–2444–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Camilla Solar Energy Amended LGIA Filing to be effective 8/31/2018.
Filed Date: 9/18/18.
Accession Number: 20180918–5014.
Comments Due: 5 p.m. ET 10/9/18.
Docket Numbers: ER18–2445–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Update Auction Revenue Rights Daily Amount Settlement Formula to be effective 11/17/2018.
Filed Date: 9/18/18.
Accession Number: 20180918–5025.
Comments Due: 5 p.m. ET 10/9/18.
Docket Numbers: ER18–2446–000.
Applicants: Old Dominion Electric Cooperative.
Description: Tariff Cancellation: ODEC Docket No. ER18–2010, Notice of Effective Date for Cancellation to be effective 9/14/2018.
Filed Date: 9/18/18.
Accession Number: 20180918–5028.
Comments Due: 5 p.m. ET 10/9/18.
Docket Numbers: ER18–2447–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: MAIT submits four ECSAs, Service Agreement Nos. 4993, 4994, 4996, and 5000 to be effective 11/18/2018.
Filed Date: 9/18/18.
Accession Number: 20180918–5039.
Comments Due: 5 p.m. ET 10/9/18.
Docket Numbers: ER18–2448–000.
Applicants: Robindale Retail Power Services, LLC.
Description: Baseline eTariff Filing: Application Market-Based Rate Tariff, Confidential Treatment & Waivers to be effective 9/19/2018.
Filed Date: 9/18/18.
Accession Number: 20180918–5040.
Comments Due: 5 p.m. ET 10/9/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–20734 Filed 9–21–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–200–000]

In the Matter of JEA; Notice of Petition for Declaratory Order

Take notice that on September 17, 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), JEA, (JEA or Petitioner) filed a petition for declaratory order (petition) concerning the jurisdictional status of the Amended and Restated Power Purchase Agreement between JEA and the Municipal Electric Authority of Georgia Power, all as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. 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 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 proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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 17, 2018.

Dated: September 18, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20688 Filed 9–21–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2336–094]

Georgia Power Company; Notice of Cancellation of Scoping and Site Review

Take notice that the scoping meetings and site review for the following hydroelectric application are cancelled and will be rescheduled for a future date.

a. *Type of Application:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 2336–094.

c. *Dated Filed:* July 3, 2018.

d. *Applicant:* Georgia Power Company (Georgia Power).

e. *Name of Project:* Lloyd Shoals Hydroelectric Project (Lloyd Shoals Project, or project).

f. *Location:* The project is located on the Ocmulgee River in Butts, Henry, Jasper, and Newton Counties, Georgia. No federal lands have been identified within the project boundary.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Courtenay R. O'Mara, P.E., Hydro Licensing and Compliance Supervisor, Southern Company Generation, 241 Ralph McGill Boulevard NE, BIN 10193, Atlanta, GA 30308–3374; (404) 506–7219, or *g2jacksonrel@southernco.com.*

i. *FERC Contact:* Navreet Deo at (202) 502–6304, or by email at *navreet.deo@ferc.gov*.

j. *Scoping Meetings:* The Commission's August 20, 2018, Notice of Commencement of Proceedings, and Commission staff's Scoping Document 1, established September 13, 2018, as the date for the project scoping meetings, and September 14, 2018, as the date for the environmental site review. Due to Hurricane Florence, the Commission is postponing the scoping meetings and site review until further notice. As soon as new plans can be established, the Commission will issue a new notice of scoping, along with a modification to the procedural schedule, including revised dates for the scoping meetings and site review. The application will be processed according to the revised schedule.

Dated: September 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20685 Filed 9–21–18; 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: RP18–1179–000.

Applicants: BP Energy Company, Riverbend Oil & Gas VIII, L.L.C.

Description: Joint Petition for Temporary Waivers of Capacity Release Policies and Regulations, et al. of BP Energy Company, et al.

Filed Date: 9/14/18.

Accession Number: 20180914–5082.

Comments Due: 5 p.m. ET 9/21/18.

Docket Numbers: RP18–1180–000.

Applicants: Columbia Gas Transmission, LLC.

Description: § 4(d) Rate Filing: TCO Essential Power Neg Rate Agmt to be effective 9/14/2018.

Filed Date: 9/14/18.

Accession Number: 20180914–5083.

Comments Due: 5 p.m. ET 9/26/18.

Docket Numbers: RP18–1181–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 091418 Negotiated Rates—Mercuria Energy America, Inc. H–7540–89 to be effective 11/1/2018.

Filed Date: 9/14/18.

Accession Number: 20180914–5108.

Comments Due: 5 p.m. ET 9/26/18.

Docket Numbers: RP18–1182–000.

Applicants: Tallgrass Interstate Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Neg Rate 2018–09–14 Valero to be effective 9/14/2018.

Filed Date: 9/14/18.

Accession Number: 20180914–5182.

Comments Due: 5 p.m. ET 9/26/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 17, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–20735 Filed 9–21–18; 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: EC18–156–000.

Applicants: American Transmission Systems, Incorporated.

Description: Application for Authorization of Transaction under Section 203 of the Federal Power Act, et al. of American Transmission Systems, Incorporated.

Filed Date: 9/14/18.

Accession Number: 20180914–5186.

Comments Due: 5 p.m. ET 10/5/18.

Docket Numbers: EC18–157–000.

Applicants: Wisconsin Public Service Corporation, Wisconsin Power and Light Company, Wisconsin River Power Company.

Description: Joint Application for Authorization under Section 203 of the Federal Power Act of Wisconsin Public Service Corporation, et al.

Filed Date: 9/14/18.

Accession Number: 20180914–5197.

Comments Due: 5 p.m. ET 10/5/18.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–125–000.

Applicants: MC Project Company LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of MC Project Company LLC.

Filed Date: 9/17/18.

Accession Number: 20180917–5103.

Comments Due: 5 p.m. ET 10/9/18.

Docket Numbers: EG18–126–000.

Applicants: LMBE Project Company LLC.

Description: Notice of Self-Certification of Exempt Wholesale

Generator Status of LMBE Project Company LLC.

Filed Date: 9/17/18.

Accession Number: 20180917–5104.

Comments Due: 5 p.m. ET 10/9/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1276–009; ER10–1292–008; ER10–1287–008; ER10–1303–008; ER10–1319–010; ER10–1353–010; ER18–1183–001; ER18–1184–001

Applicants: Consumers Energy Company, CMS Energy Resource Management Company, Grayling Generation Station Limited Partnership, Genesee Power Station Limited Partnership, CMS Generation Michigan Power, LLC, Dearborn Industrial Generation, L.L.C., Delta Solar Power I, LLC, Delta Solar Power II, LLC.

Description: Notice of Non-Material Change-In-Status of Consumer Energy Company, et al.

Filed Date: 9/14/18.

Accession Number: 20180914–5195.

Comments Due: 5 p.m. ET 10/5/18.

Docket Numbers: ER17–802–002.

Applicants: Exelon Generation Company, LLC.

Description: Compliance filing: Informational Filing Regarding Oyster Creek Generating Station Deactivation to be effective N/A.

Filed Date: 9/14/18.

Accession Number: 20180914–5165.

Comments Due: 5 p.m. ET 10/5/18.

Docket Numbers: ER17–1376–005.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2018–09–14 Compliance filing of Stored Energy Resources-Type II to be effective 12/1/2017.

Filed Date: 9/14/18.

Accession Number: 20180914–5181.

Comments Due: 5 p.m. ET 10/5/18.

Docket Numbers: ER18–2433–000.

Applicants: NRG REMA LLC.

Description: Compliance filing: Notice of Succession for Reactive Service Rate Schedule to be effective 8/21/2018.

Filed Date: 9/14/18.

Accession Number: 20180914–5173.

Comments Due: 5 p.m. ET 10/5/18.

Docket Numbers: ER18–2434–000.

Applicants: PJM Interconnection, L.L.C.

Description: Notice of Cancellation of ISA of PJM Interconnection, L.L.C., (SA No. 825; Queue No. AA1–043).

Filed Date: 9/14/18.

Accession Number: 20180914–5188.

Comments Due: 5 p.m. ET 10/5/18.

Docket Numbers: ER18–2435–000.

Applicants: ORNI 41 LLC.

Description: Baseline eTariff Filing: Petition for Approval of Initial Market-Based Rate Tariff to be effective 10/1/2018.

Filed Date: 9/17/18.

Accession Number: 20180917–5027.

Comments Due: 5 p.m. ET 10/9/18.

Docket Numbers: ER18–2436–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: MAIT submits IA SA No. 4578 to be effective 11/16/2018.

Filed Date: 9/17/18.

Accession Number: 20180917–5074.

Comments Due: 5 p.m. ET 10/9/18.

Docket Numbers: ER18–2437–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Schedule 12 FERC Annual Charge Calculation to be effective 3/1/2019.

Filed Date: 9/17/18.

Accession Number: 20180917–5091.

Comments Due: 5 p.m. ET 10/9/18.

Docket Numbers: ER18–2438–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2018–09–17_Compliance Filing to Address Self-Fund EL15–68; EL15–36; ER16–696 to be effective 7/10/2018.

Filed Date: 9/17/18.

Accession Number: 20180917–5105.

Comments Due: 5 p.m. ET 10/9/18.

Docket Numbers: ER18–2439–000.

Applicants: ITC Midwest LLC.

Description: § 205(d) Rate Filing: Amended and Restated Interconnection/Interchange/JCA to be effective 11/17/2018.

Filed Date: 9/17/18.

Accession Number: 20180917–5113.

Comments Due: 5 p.m. ET 10/9/18.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH18–13–000.

Applicants: Citizens Energy Corporation.

Description: Citizens Energy Corporation submits FERC 65–B Notification of Change in Status.

Filed Date: 9/13/18.

Accession Number: 20180913–5135.

Comments Due: 5 p.m. ET 10/4/18.

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 17, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–20729 Filed 9–21–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–543–000]

Coronado Midstream LLC; Notice of Application

Take notice that on August 30 2018, Coronado Midstream LLC (Coronado), 1722 Routh Street, Suite 1300, Dallas, Texas 75201, filed an application under section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations requesting authorization to own and operate existing natural gas residue lines connected to three processing plants in Andrews County and Martin County, Texas, and for related waivers. Specifically, Coronado requests (1) a limited jurisdiction certificate authorizing Coronado to transport natural gas owned solely by Coronado through existing residue lines connected to the tailgate outlets of Coronado's Midmar East processing plant, Midmar West processing plant, and Riptide processing plant; and (2) a waiver of certain regulatory requirements.

This filing is available for review at the Commission's Washington, DC offices, or may be viewed on the Commission's website at *http://www.ferc.gov* using the e-Library link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or call toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any questions regarding the filing should be directed to Emily Fuquay, Senior Counsel & Director of Regulatory Affairs at the address listed above, by

phone at 214–721–9678, or via email at *emily.fuquay@enlink.com;* and Kenneth W.Irvin, Sidley Austin LLP, 1501 K Street NW, Washington, DC 20005, by phone at 202–736- 8256, or via email at *kirvin@sidley.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 5 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.

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.

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., October 3, 2018.

Dated: September 12, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20683 Filed 9–21–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–101–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Draft General Conformity Determination for the Northeast Supply Enhancement Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft general conformity determination (GCD) for the Northeast Supply Enhancement Project (Project) proposed by Transcontinental Gas Pipe Line Company, LLC (Transco) in the above-referenced docket. The draft GCD assesses the potential air quality impacts associated with the construction and operation of natural gas facilities to provide about 400 million standard cubic feet of natural gas per day to Brooklyn Union Gas Company and KeySpan Gas East Corporation (collectively referred to as National Grid) to serve residential and commercial customers in the New York City area beginning in the 2020/heating season.

The draft GCD was prepared to satisfy the requirements of the Clean Air Act. The FERC staff concludes that the Project would achieve conformity in New York and New Jersey through direct mitigation and the purchase of emission reduction credits. The draft GCD addresses the potential air quality impacts from construction and operation of the following relevant subset of Project facilities:

- A 3.4-mile-long, 26-inch-diameter pipeline loop [1] in Middlesex County, New Jersey (Madison Loop);
- a 23.5-mile long, 26-inch-diameter pipeline loop comprised of a 0.2-mile-long segment in onshore Middlesex County, New Jersey, and a 23.3-mile-long segment in the offshore waters of Middlesex and Monmouth Counties, New Jersey and Queens and Richmond Counties, New York (Raritan Bay Loop); and
- a new 32,000 horsepower natural gas-fired compressor station in Somerset County, New Jersey (Compressor Station 206).

The draft GCD identifies that the Project is located within the NY–NJ–CT Interstate air quality control region (AQCR). The Clean Air Act defines nonattainment areas as ''any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant''. The draft environmental impact statement explains that in order to achieve improved air quality within a nonattainment area, reductions are required throughout the entire AQCR. The General Conformity Regulations require that offsets be purchased ''within the same nonattainment or maintenance area (or a nearby area of equal or higher classification provided the emissions from that area contribute to the violations, or have contributed to violations in the past).'' Transco proposes to implement a combination of direct mitigation projects and purchasing emission reduction credits to offset construction emissions nitrogen oxides for the Project. FERC staff will issue the final GCD with the final environmental impact statement on January 25, 2019.

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and libraries in the Project area. The draft GCD is only available in electronic format. It may be viewed and downloaded using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://www.ferc.gov/docs-filing/elibrary.asp*), click on General Search, and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP17–101). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

In accordance with the General Conformity Regulations under the Code of Federal Regulations Chapter 40 Part 93.156, the draft GCD is issued for a 30-day comment period. Any person wishing to comment on the draft GCD may do so. To ensure consideration of your comments on the Project, it is important that the Commission receive

[1] A pipeline ''loop'' is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

your comments on or before October 18, 2018.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the Project docket number (CP17–101–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*) using the eLibrary link and the Project docket number (*e.g.,* CP17–101). The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

Dated: September 18, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–20679 Filed 9–21–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited		
1. CP16–10–000	9–14–2018	Pipeliners Union 798.
Exempt		
1. P–1855–000, P–1892–000, P–1904–000, P–1889–000, P–2485–000, P–1904–000.	9–3–2018.	U.S. Congress.[1]
2. P–516–000	9–11–2018	U.S. Congressman Joe Wilson.
3. CP17–41–000	9–12–2018	FERC Staff.[2]
4. CP15–93–000	9–12–2018	U.S. Congressman Bob Gibbs.
5. P–2299–000, P–14581–000	9–13–2018	FERC Staff.[3]
6. CP18–46–000	9–13–2018	FERC Staff.[4]
7. EL15–95–000	9–14–2018	State of New Jersey.[5]
8. P–199–205	9–17–2018	FERC Staff.[6]

[1] Senators Jeanne Shaheen, Margaret Wood Hassan, Patrick Leahy, and Bernard Sanders. Congressmen Anne McLane Kuster and Peter Welch.

[2] Conference Call Notes for meeting on September 6, 2018 with Environmental Resources Management, Inc. and Eagle LNG Partners Jacksonville, LLC.

[3] Memo reporting email conversation on September 9, 2018 with John Devine, Turlock and Modesto Irrigation Districts Consultant, with HDR Engineering.

[4] Memo for project conference call on September 10, 2018 with Adelphia Gateway, L.L.C.

[5] Senator Christopher J. Connors. Assemblymen Brian E. Rumpf and Dianne C. Gove.

[6] Email conversation dated September 17, 2018 with Patrick Opay with the National Oceanic and Atmospheric Administration.

Dated: September 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–20733 Filed 9–21–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0200, FRL–9984–25–OEI]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Final Authorization for Hazardous Waste Management Programs (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Final Authorization for Hazardous Waste Management Programs (EPA ICR Number 0969.11, OMB Control Number 2050–0041) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through September 30, 2018. Public comments were previously requested via the **Federal Register** on May 8, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 24, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0200, to (1) EPA, either online using *www.regulations.gov* (our preferred method), or by email to *rcra-docket@epa.gov,* or by mail to: RCRA Docket (2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Peggy Vyas, (mail code 5303P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 703–308–5477; fax number: 703–308–8433; email address: *vyas.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: In order for a State to obtain final authorization for a State hazardous waste program or to revise its previously authorized program, it must submit an official application to the EPA Regional office for approval. The purpose of the application is to enable the EPA to properly determine whether the State's program meets the requirements of § 3006 of RCRA. A State with an approved program may voluntarily transfer program responsibilities to EPA by notifying the EPA of the proposed transfer, as required by section 271.23. Further, the EPA may withdraw a State's authorized program under section 271.23.

State program revision may be necessary when the controlling Federal or State statutory or regulatory authority is modified or supplemented. In the event that the State is revising its program by adopting new Federal requirements, the State shall prepare and submit modified revisions of the program description, Attorney General's statement, Memorandum of Agreement, or such other documents as the EPA determines to be necessary. The State shall inform the EPA of any proposed modifications to its basic statutory or regulatory authority in accordance with section 271.21. If a State is proposing to transfer all or any part of any program from the approved State agency to any other agency, it must notify the EPA in accordance with section 271.21 and submit revised organizational charts as required under section 271.6, in accordance with section 271.21. These paperwork requirements are mandatory under § 3006(a). The EPA will use the information submitted by the State in order to determine whether the State's program meets the statutory and regulatory requirements for authorization.

Form numbers: None.

Respondents/affected entities: State/territorial governments.

Respondent's obligation to respond: Mandatory (RCRA § 3006(a)).

Estimated number of respondents: 50.

Frequency of response: Annual.

Total estimated burden: 9,996 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $386,618 (per year), includes $386,618 in annualized labor and $0 in annualized capital or operation & maintenance costs.

Changes in the estimates: There is decrease of 3,864 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This is due to the decrease in the number of States revising their base RCRA programs from 10 to 6.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–20634 Filed 9–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0687; FRL–9978–33–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Submission of Unreasonable Adverse Effects Information Under FIFRA Section 6(a)(2)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): ''Submission of Unreasonable Adverse Effects Information under FIFRA Section 6(a)(2)'' (EPA ICR No. 1204.13, OMB Control No. 2070–0039). This is a request to renew the approval of an existing ICR, which is currently approved through September 30, 2018. EPA received several comments in response to the previously provided public review opportunity issued in the **Federal Register** of April 4, 2018. With this submission to OMB, EPA is providing an additional 30 days for public review and comment.

DATES: Comments must be received on or before October 24, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number Docket ID No. EPA–HQ–OPP–2017–0687, to both EPA and OMB as follows:

• To EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and

• To OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Prasad Chumble, Field and External Affairs Division, Office of Pesticide Programs, (7506P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (703) 347–8367; fax number: 703–305–5884; email address: *chumble.prasad@epa.gov*.

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

ICR status: This ICR is currently scheduled to expire on September 30, 2018. Under OMB regulations, an agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. Under 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 unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Section 6(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requires pesticide registrants to submit information to the Agency which may be relevant to the balancing of the risks and benefits of a pesticide product. The statute requires the registrant to submit any factual information that it acquires regarding adverse effects associated with its pesticidal products, and it is up to the Agency to determine whether or not that factual information constitutes an unreasonable adverse effect. In order to limit the amount of less meaningful information that might be submitted to the Agency, the EPA has limited the scope of factual information that the registrant must submit. The Agency's regulations at 40 CFR part 159 provide a detailed description of the reporting obligations of registrants under FIFRA section 6(a)(2).

Form Numbers: None.

Respondents/affected entities: Anyone who holds or has ever held a registration for a pesticide product issued under FIFRA Sections 3 or 24(c). The North American Industrial Classification System (NAICS) code for most respondents is 325300 (Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing).

Respondent's obligation to respond: Mandatory under FIFRA section 6(a)(2).

Estimated number of respondents: 1,452 (total).

Frequency of response: On occasion.

Total estimated annual burden: 301,118 hours. Burden is defined at 5 CFR 1320.03(b).

Total estimated annual cost: $19,999,815, which includes $0 annualized capital investment or maintenance and operational costs.

Changes in the Estimates: There is a net increase of 71,778 hours in the total estimated annual respondent burden compared with the ICR currently approved by OMB. This increase is due to the expectation that the number of responses will increase by 16% from 93,000 in the last ICR approval to approximately 108,000 for this ICR renewal, and the number of times those incidents might necessitate a request for additional data pursuant to 40 CFR part 159. *The increase* reflects consideration of historical information on the number of responses received. *There is also an estimated decrease associated with training, which results from a decrease in the number of registrants.* This is discussed in more detail in the supporting statement, and represents an adjustment.

Courtney Kerwin,

Director, Collection Strategies Division.

[FR Doc. 2018–20638 Filed 9–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OA–2008–0701; FRL–9982–82–OEI]

Agency Information Collection Activities; Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Focus Groups as Used by EPA for Economics Projects (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Focus Groups as Used by EPA for Economics Projects (Renewal) (EPA ICR Number 2205.21, OMB Control Number 2090–0028) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through September 30, 2018. Public comments were previously requested via the **Federal Register** on May 21, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 24, 2018.

ADDRESSES: Submit your comments, referencing Docket ID. EPA–HQ–OA–2008–0701, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless

the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Nathalie Simon, National Center for Environmental Economics, Office of Policy, (1809T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–2347; fax number: 202–566–2363; email address: *simon.nathalie@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The Environmental Protection Agency (EPA) is seeking renewal of a generic information collection request (ICR) for the conduct of focus groups and one-on-one interviews primarily related to survey development for economics projects. Focus groups are groups of individuals brought together for moderated discussions on a specific topic or issue. These groups are typically formed to gain insight and understanding of attitudes and perceptions held by the public surrounding a particular issue. One-on-one interviews, as the term implies, are individual interviews in which a respondent is generally asked to review materials and provide feedback on their content and design as well as the thought processes that the materials invoke. Focus groups and one-on-one interviews (referred to collectively as ''focus groups'') used as a qualitative research tool have three major purposes:

- To better understand respondents' attitudes, perceptions and emotions in response to specific topics and concepts;
- to obtain respondent information useful for better defining variables and measures in later quantitative studies; and
- to further explore findings obtained from quantitative studies.

Through these focus groups, the Agency will be able to gain a more in-depth understanding of the public's attitudes, beliefs, motivations and feelings regarding specific issues and will provide invaluable information regarding the quality of draft survey instruments. Focus group discussions are necessary and important steps in the design of a quality survey. The target population for the focus group discussions will vary by project, but will generally include members of the public. Participation in the focus groups will be completely voluntary. Each focus group will fully conform to federal regulations—specifically the Privacy Act of 1974 (5 U.S.C. 552a), the Hawkins-Stafford Amendments of 1988 (Pub. L. 100–297), and the Computer Security Act of 1987.

Form numbers: None.

Respondents/affected entities: Individuals.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 864 (total) over three years or 288 per year.

Frequency of response: 1.

Total estimated burden: 1,728 hours total or 576 per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $20,920 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the estimates: There is a decrease of 1,017 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is based on new estimates of projected use of this ICR for focus groups for the next three years provided by the program offices at EPA.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–20637 Filed 9–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9983–86–OA]

Notice of Meeting of the EPA Children's Health Protection Advisory Committee (CHPAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held October 11–October 12, 2018, at Holiday Inn Washington-Capitol 550 C Street SW, Washington, DC 20024.

The CHPAC advises the Environmental Protection Agency on science, regulations, and other issues relating to children's environmental health.

DATES: October 11, 2018, from 11: 00 a.m. to 5:00 p.m. and October 12, 2018, from 9 a.m. to 1 pm. **ADDRESS:** 550 C Street SW, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Angela Hackel, Office of Children's Health Protection, U.S. EPA, MC 1107T, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 566–2977 or *hackel.angela@epa.gov.*

SUPPLEMENTARY INFORMATION: The meetings of the CHPAC are open to the public. An agenda will be posted to *epa.gov/children.* ACCESS AND ACCOMMODATIONS: For information on access or services for individuals with disabilities, please contact Angela Hackel at 202–566–2977 or *hackel.angela@epa.gov.*

Dated: September 7, 2018.

Angela Hackel,

Designated Federal Official.

[FR Doc. 2018–20749 Filed 9–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0198, FRL–9984–27–OEI]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Land Disposal Restrictions (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Land Disposal Restrictions (EPA ICR No. 1442.23, OMB Control No. 2050–0085) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through September 30, 2018. Public comments were previously requested via the **Federal Register** on May 8, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 24, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0198, to (1) EPA, either online using *www.regulations.gov* (our preferred method), or by email to *rcra-docket@epa.gov,* or by mail to: RCRA Docket (2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Peggy Vyas, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 703–308–5477; fax number: 703–308–8433; email address: *vyas.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Section 3004 of the Resource Conservation and Recovery Act (RCRA), as amended, requires that EPA develop standards for hazardous waste treatment, storage, and disposal as may be necessary to protect human health and the environment. Subsections 3004(d), (e), and (g) require EPA to promulgate regulations that prohibit the land disposal of hazardous waste unless it meets specified treatment standards described in subsection 3004(m).

The regulations implementing these requirements are codified in the Code of Federal Regulations (CFR) Title 40, Part 268. EPA requires that facilities maintain the data outlined in this ICR so that the Agency can ensure that land disposed waste meets the treatment standards. EPA strongly believes that the recordkeeping requirements are necessary for the agency to fulfill its congressional mandate to protect human health and the environment.

Form Numbers: None.

Respondents/affected entities: Private Sector and State, Local, or Tribal governments.

Respondent's obligation to respond: Mandatory (40 CFR part 268).

Estimated number of respondents: 79,096.

Frequency of response: On occasion.

Total estimated burden: 600,097 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $95,703,440 (per year), which includes $49,372,275 in annualized capital or operation & maintenance costs and $46,331,165 in annualized labor costs.

Changes in the Estimates: There is decrease of 46,358 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to a decrease in the number of respondents from 90,500 to 79,096.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–20633 Filed 9–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2004–0008; FRL–9984–34–OLEM]

Proposed Information Collection Request; Comment Request; Consolidated Superfund Information Collection Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Consolidated Superfund Information Collection Request'' (EPA ICR No. 1487.14, OMB Control No. 2050–0179) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through May 31, 2019. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before November 23, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–SFUND–2004–0008, online using *www.regulations.gov* (our preferred method), by email to *superfund.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Yolanda Singer, Office of Superfund Remediation and Technology Innovation, Assessment and Remediation Division, (5204P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 703–603–8835; fax number: 703–603–9146; email address: *singer.yolanda@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR

as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: This ICR covers the following: (1) The collection of information under 40 CFR part 35, subpart O, which establishes the administrative requirements for cooperative agreements funded under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for state, federally-recognized Indian tribal governments, and political subdivision response actions; (2) the application of the Hazard Ranking System (HRS) by states as outlined by CERCLA section 105 that amends the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to include criteria prioritizing releases throughout the United States before undertaking remedial action at uncontrolled hazardous waste sites; and (3) the remedial portion of the Superfund program as specified in CERCLA and the NCP. For cooperative agreements and Superfund state contracts for Superfund response actions, the information is collected from applicants and/or recipients of EPA assistance and is used to make awards, pay recipients, and collect information on how federal funds are being utilized. EPA requires this information to meet its federal stewardship responsibilities. Recipient responses are required to obtain a benefit (federal funds) under 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards to Non-Federal Entities'' and under 40 CFR part 35, ''State and Local Assistance.'' For the Superfund site evaluation and the Hazard Ranking System, the states will apply the HRS by identifying and classifying those releases or sites that warrant further investigation. The HRS score is crucial since it is the primary mechanism used to determine whether a site is eligible to be included on the National Priorities List (NPL). Only sites on the NPL are eligible for Superfund-financed remedial actions. For the NCP information collection, some community involvement activities covered by this ICR are not required at every site (*e.g.,* Technical Assistance Grants) and depend very much on the community and the nature of the site and cleanup. All community activities seek to involve the public in the cleanup of the sites, gain the input of community members, and include the community's perspective on the potential future reuse of Superfund NPL sites. Community involvement activities can enhance the remedial process and increase community acceptance and the potential for productive and beneficial reuse of the sites.

Form Numbers: 6200–11.

Respondents/affected entities: State, Local or Tribal Governments; Communities; U.S. Territories.

Respondent's obligation to respond: Required to obtain benefits (40 CFR part 35; CERCLA section 105, 40 CFR part 300).

Estimated number of respondents: 14,284 (total).

Frequency of response: Annually.

Total estimated burden: 876,529 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $514,952 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the total estimated respondent burden compared with the ICR currently approved by OMB. This is because there is no change in program requirements. EPA expects estimates to substantially remain the same due to limited changes in both the respondent universe and the information collection requirements.

Dated: September 11, 2018.

Brigid Lowery,

Acting Division Director, Assessment and Remediation Division, Office of Superfund Remediation and Technology Innovation.

[FR Doc. 2018–20737 Filed 9–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2013–0549; FRL–9984–06–OEI]

Agency Information Collection Activities; Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Notification of Episodic Releases of Oil and Hazardous Substances (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Notification of Episodic Releases of Oil and Hazardous Substances (EPA ICR Number 1049.14, OMB Control Number 2050–0046) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through September 30, 2018. Public comments were previously requested via the **Federal Register** April 11, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 24, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–SFUND–2013–0549, to (1) EPA online using *www.regulations.gov* (our preferred method), *superfund.docket@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Sicy Jacob, Office of Emergency Management, (5104A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–8019; email address: *Jacob.Sicy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Section 103(a) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, requires the person in charge of a facility or vessel to immediately notify the National Response Center (NRC) of a hazardous substance release into the environment

if the amount of the release equals or exceeds the substance's reportable quantity (RQ) limit. The RQs for the hazardous substance can be found in Table 302.4 of 40 CFR 302.4. Section 311 of the Clean Water Act (CWA), as amended, requires the person in charge of a vessel to immediately notify the NRC of an oil spill into U.S. navigable waters if the spill causes a sheen, violates applicable water quality standards, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. The reporting of a hazardous substance release that is at or above the substance's RQ allows the Federal government to determine whether a Federal response action is required to control or mitigate any potential adverse effects to public health or welfare or the environment. Likewise, the reporting of oil spills allows the Federal government to determine whether cleaning up the oil spill is necessary to mitigate or prevent damage to public health or welfare or the environment. The hazardous substance and oil release information collected under CERCLA section 103(a) and CWA section 311 also is available to EPA program offices and other Federal agencies that use the information to evaluate the potential need for additional regulations, new permitting requirements for specific substances or sources, or improved emergency response planning. Release notification information, which is stored in the national Emergency Response Notification System (ERNS) data base, is available to state and local government authorities as well as the general public. State and local government authorities and the regulated community use release information for purposes of local emergency response planning. Members of the general public, who have access to release information through the Freedom of Information Act, may request release information for purposes of maintaining an awareness of what types of releases are occurring in different localities and what actions, if any, are being taken to protect public health and welfare and the environment. ERNS fact sheets, which provide summary and statistical information about hazardous substance and oil release notifications, also are available to the public.

Form numbers: None.

Respondents/affected entities: Facilities and vessels that may have releases of any hazardous substance or oil at or above its RQ.

Respondent's obligation to respond: Mandatory under CERCLA section 103(a).

Estimated number of respondents: 18,447.

Frequency of response: As releases occur from a facility or a vessel.

Total estimated burden: 18,816 hours per year. Burden is defined at 5 CFR 1320.03(b).

Estimated total annual costs: $1,046,314, which includes no capital or O&M costs associated with this ICR.

Changes in Estimates: There is a decrease of 79,026 hours per year in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. The number of notifications received by NRC of incidents is lower than the projected number of notifications in the previous ICR. The burden hours reported by facilities that EPA contacted were lower than EPA's estimates in the previous ICR.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–20636 Filed 9–21–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0979]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before October 24, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the

information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0979.

Title: License Audit Letter.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 25,000 respondents; 25,000 responses.

Estimated Time per Response: .50 hours.

Frequency of Response: One-time reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 152, 154(i), 155(c), 157, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 314, 316, 319, 324, 331, 332, 333, 336, 534 and 535.

Total Annual Burden: 12,500 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: Yes. Records of the Wireless Radio Services may include information about individuals or households, and the use(s) and disclosure of this information is governed by the requirements of a system of records, FCC/WTB–1, ''Wireless Services Licensing Records''. However, the Commission makes all information within the Wireless Radio Services publicly available on its Universal Licensing System (ULS) web page.

Nature and Extent of Confidentiality: Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of their rules. Information within Wireless Radio Services is maintained in the Commission's system or records notice or 'SORN', FCC/WTB–1, ''Wireless Services Licensing Records''. These licensee records are publicly available and routinely used in accordance with subsection b of the Privacy Act of 1973, 5 U.S.C. 552a(b), as amended. Material that is afforded confidential treatment pursuant to a request made under 47 CFR 0.459 of the Commission's rules will not be available for public inspection. The Commission has in place the following policy and procedures for records retention and disposal: Records will be actively maintained as long as the individual remains a licensee. Paper records will be archived after being keyed or scanned into the system and destroyed when 12 years old; electronic records will be backed up and deleted twelve years after the licenses are no longer valid.

Needs and Uses: The Commission is seeking OMB approval for an extension of this information collection in order to obtain their full three-year approval. There is no change to the reporting requirement. There is no change to the Commission's burden estimates. The Wireless Telecommunications (WTB) and Public Safety and Homeland Security Bureaus (PSHSB) of the FCC periodically conduct audits of the construction and/or operational status of various Wireless radio stations in its licensing database that are subject to rule-based construction and operational requirements. The Commission's rules for these Wireless services require construction within a specified timeframe and require a station to remain operational in order for the license to remain valid. The information will be used by FCC personnel to assure that licensees' stations are constructed and currently operating in accordance with the parameters of the current FCC authorization and rules.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–20682 Filed 9–21–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0392]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before November 23, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0392.

Title: 47 CFR 1 Subpart J—Pole Attachment Complaint Procedures.

Form Number: N/A.

Type of Review: Revision of a currently-approved collection.

Respondents: Business or other for-profit.

Number of respondents and responses: 1,775 respondents; 1,791 responses.

Estimated Time per response: 10–14 hours.

Frequency of response: On-occasion reporting and third-party disclosure requirements.

Obligation to Respond: Required to obtain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 224.

Total Annual Burden: 3,149 hours.

Total Annual Cost: $486,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: No questions of a confidential nature are asked. However, respondents may request that materials or information submitted to the Commission in a complaint proceeding be withheld from public inspection under 47 CFR 0.459.

Needs and Uses: The Commission is requesting OMB approval for a revision to an existing information collection. Currently, OMB Collection No. 3060–0392, among other things, tracks the burdens associated with utilities defending against complaints brought by incumbent local exchange carriers (ILECs) related to unreasonable rates, terms, and conditions for pole attachments. In *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment,* WC Docket No. 17–84, WT Docket No. 17–70, Third Report and Order and Declaratory Ruling, FCC 18–111 (2018), the Commission, among other things, revised section 1.1414 of its rules to establish a presumption that an ILEC is similarly situated to an attacher that is a telecommunications carrier or a cable television system providing telecommunications services for purposes of obtaining comparable pole attachment rates, terms, or conditions. The Commission also established a presumption that an incumbent LEC may be charged no higher than the Commission-defined pole attachment rate for telecommunications carriers, as determined in accordance with section 1.1406(e)(2). To rebut these presumptions, the utility must demonstrate by clear and convincing evidence that the incumbent LEC receives benefits under its pole attachment agreement with a utility that materially advantages the incumbent LEC over other telecommunications carriers or cable television systems providing telecommunications services on the same poles. As a result, now there is an incremental paperwork burden on utilities should they elect to challenge the presumption that incumbent LECs are entitled to rates, terms, and conditions of similarly-situated telecommunications attachers. None of the other paperwork burdens as set forth in the 2018 renewal of OMB Collection No. 3060–0392 will change. The Commission will use the information collected under this revision to 47 CFR 1.1414 to hear and resolve pole access complaints brought by ILECs and to determine the merits of the complaints.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–20687 Filed 9–21–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 83 FR 47616.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Tuesday, September 25, 2018 at 10:00 a.m.

CHANGES IN THE MEETING: This meeting will also discuss:

Investigatory records compiled for law enforcement purposes and production would disclose investigative techniques.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Laura E. Sinram,

Deputy Secretary of the Commission.

[FR Doc. 2018–20791 Filed 9–20–18; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

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

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 9, 2018.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Spirit of Texas Bancshares, Inc., Conroe, Texas;* to acquire 100 percent of voting shares of Comanche National Corporation, Comanche, Texas, and thereby indirectly acquire, Comanche National Corporation of Delaware, Wilmington, Delaware, and The Comanche National Bank, Comanche, Texas.

Board of Governors of the Federal Reserve System, September 19, 2018.

Yao Chin-Chao,

Assistant Secretary of the Board.

[FR Doc. 2018–20681 Filed 9–21–18; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0044; Docket No. 2018–0001; Sequence No. 11]

Information Collection; Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453

AGENCY: Public Buildings Service, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding the Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453.

DATES: Submit comments on or before: November 23, 2018.

ADDRESSES: Submit comments identified by Information Collection 3090–0044, Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds

with ''Information Collection 3090–0044, Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–0044, Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453,'' on your attached document.

• *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 3090–0044, Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453.

Instructions: Please submit comments only and cite Information Collection 3090–0044, Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453, in all correspondence related to this collection. Comments received generally will be posted without change to *regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *regulations.gov,* approximately two-to-three business days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Karen Handsfield, Public Buildings Service, at telephone 202–208–2444, or via email to *karen.handsfield@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The general public uses Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453, to request the use of public space in Federal buildings and on Federal grounds for cultural, educational, or recreational activities. A copy, sample, or description of any material or item proposed for distribution or display must also accompany this request.

B. Annual Reporting Burden

Respondents: 8,000.
Responses Per Respondent: 1.
Hours per Response: 0.05.
Total Burden Hours: 400.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 3090–0044, Application/Permit for Use of Space in Public Buildings and Grounds, GSA Form 3453, in all correspondence.

Dated: September 13, 2018.

David A. Shive,

Chief Information Officer.

[FR Doc. 2018–20727 Filed 9–21–18; 8:45 am]

BILLING CODE 6820–34–P

GENERAL SERVICES ADMINISTRATION

[Notice–PBS–2018–10; Docket No. 2018–0002; Sequence No. 26]

Notice of Availability and Announcement of Public Meeting for the Draft Supplemental Environmental Impact Statement for the San Ysidro Land Port of Entry Improvements Project, San Ysidro, California

AGENCY: Public Building Service (PBS), General Services Administration (GSA).

ACTION: Notice of availability; announcement of public meeting.

SUMMARY: This notice announces the availability, and opportunity for public review, and comment, of a Draft Supplemental Environmental Impact Statement (SEIS), which examines the potential impacts of a proposal by the GSA, to reconfigure and expand the existing San Ysidro Land Port of Entry (LPOE) located at the United States (U.S.)-Mexico border in the City of San Diego community of San Ysidro, in San Diego County, California. The Draft SEIS describes the reason the project is being proposed; the alternatives being considered; the potential impacts of each of the alternatives on the existing environment; and the proposed avoidance, minimization, and/or mitigation measures related to those alternatives. As the lead agency for this undertaking, GSA is acting on behalf of its major tenant at this facility, the Department of Homeland Security's Customs and Border Protection.

DATES: A public meeting for the Draft SEIS will be held on Wednesday, October 17, 2018 from 4:00 p.m., to 7:00 p.m., Pacific Standard Time. Interested parties are encouraged to attend and provide written comments on the Draft SEIS. The comment period for the Draft SEIS ends on November 9, 2018.

ADDRESSES: The public meeting will be held at The Front, 147 West San Ysidro Boulevard, San Diego, CA 92173. Further information, including an electronic copy of the Draft SEIS, may be found online on the following website: *https://www.gsa.gov/about-us/regions/welcome-to-the-pacific-rim-region-9/land-ports-of-entry/san-ysidro-land-port-of-entry.*

Questions or comments concerning the Draft SEIS should be directed to: Osmahn Kadri, Regional Environmental Quality Advisor/NEPA Project Manager, 50 United Nations Plaza, 3345, Mailbox #9, San Francisco, CA 94102, or via email to *osmahn.kadri@gsa.gov.*

FOR FURTHER INFORMATION CONTACT: Osmahn Kadri, Regional Environmental Quality Advisor/NEPA Project Manager, GSA, at (415) 522–3617. Please also call this number if special assistance is needed to attend and participate in the public meeting.

SUPPLEMENTARY INFORMATION:

Background

The SEIS for the San Ysidro LPOE Improvements Project is intended to supplement the Final Environmental Impact Statement (EIS) that was adopted for the San Ysidro LPOE Improvements Project in August, 2009 (2009 Final EIS). In September, 2009, GSA prepared a Record of the Decision (ROD) that approved the Preferred Alternative (2009 Approved Project) that was identified in the 2009 Final EIS.

In May, 2014, GSA adopted a Final SEIS that evaluated changed circumstances and proposed modifications to the 2009 Approved Project that identified a Preferred Alternative that was approved by GSA through a ROD in August 2014 (2014 Approved Supplemental Project).

In August, 2015, GSA prepared a Revision to the 2014 Final SEIS to document minor design changes and provide specific information that was not available or known at the time when the 2009 Final EIS or 2014 Final SEIS was prepared (2015 Revision). The 2009 Approved Project, 2014 Approved Supplemental Project, and 2015 Revision are collectively referred to as the ''Approved Project.''

This SEIS documents and evaluates changed circumstances and proposed modifications to the Approved Project since adoption of the 2009 Final EIS and 2014 Final SEIS and preparation of the 2015 Revision. The Approved Project with proposed modifications is referred to as the ''Revised Project.''

The Approved Project and Revised Project entail the reconfiguration and

expansion of the San Ysidro LPOE in three independent phases to improve overall capacity and operational efficiency at the LPOE. The San Ysidro LPOE is located along Interstate 5 (I–5) at the U.S.-Mexico border in the San Ysidro community of the City of San Diego, California.

GSA is proposing the following changes to the Approved Project: A redesign of the proposed pedestrian plaza on the east side of the LPOE. The pedestrian plaza would be expanded to the north to include an additional parcel adjacent to the LPOE. GSA proposes acquisition of the adjacent 0.24-acre parcel to the north that contains two commercial buildings and incorporation of this parcel (Additional Land Area) into the pedestrian plaza. In addition to these proposed changes to the Approved Project, the Revised Project also includes the other components of the Approved Project that have not changed.

The changed circumstances associated with the Approved Project include new information regarding the condition of existing structures adjacent to the LPOE that affect the ability of GSA to implement the Approved Project. The Approved Project anticipated that construction of the pedestrian plaza would require demolition of the existing Milo Building within the LPOE. During final design, it was discovered that two existing buildings adjacent to the Milo Building on the Additional Land Area would likely collapse when the Milo Building is removed. The condition of these adjacent buildings was not known at the time the 2009 Final EIS or 2014 Final SEIS were prepared and this changed circumstance has bearing on the ability to implement the Approved Project.

Due to the changed circumstances and changes to the Approved Project, GSA made the decision to prepare an SEIS for the Revised Project. The purpose of the Revised Project is the same as the Approved Project that was identified in the 2009 Final EIS and 2014 Final SEIS. The purpose of the Revised Project is to improve operational efficiency, security, and safety for cross-border travelers and federal agencies at the San Ysidro LPOE.

The Draft SEIS analyzes two alternatives of the Revised Project, as well as the No Action Alternative. Both of the Action Alternatives include the proposed modifications described above, as well as the other improvements originally proposed as part of the Approved Project. Alternative 1 would include demolition of the two existing buildings within the Additional Land Area that would be added to the LPOE and incorporated into the pedestrian plaza. Alternative 2 would involve renovation/adaptive reuse of the existing buildings on the Additional Land Area that would be added to the LPOE and incorporated into the design of the pedestrian plaza and LPOE. Under the No Action Alternative, GSA would continue to implement the Approved Project except that the Milo Building would not be demolished.

Public Meeting

The public meeting will be conducted in open house format, where project information will be presented and distributed. Comments must be received by November xx, 2018, and emailed to *osmahn.kadri@gsa.gov,* or sent to the address listed above.

Dated: September 12, 2018.

Matthew Jear,

Director, Portfolio Management Division, Pacific Rim Region, Public Buildings Service.

[FR Doc. 2018–20744 Filed 9–21–18; 8:45 am]

BILLING CODE 6820–YF–P

GENERAL SERVICES ADMINISTRATION

[Notice–CX–2018–01; Docket No. 2018–0002; Sequence No. 24]

Office of Human Resources Management; SES Performance Review Board

AGENCY: Office of Human Resources Management (OHRM), General Services Administration (GSA).

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of new members to the General Services Administration Senior Executive Service Performance Review Board. The Performance Review Board assures consistency, stability, and objectivity in the performance appraisal process.

DATES: These appointments are effective September 24, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Shonna James, Director, Executive Resources Division, Office of Human Resources Management, General Services Administration, 1800 F Street NW, Washington, DC 20405, 202–230–7005.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of title 5 U.S.C requires each agency to establish, in accordance with regulation prescribed by the Office of Personnel Management, one or more SES performance review board(s). The board is responsible for making recommendations to the appointing and awarding authority on the performance appraisal ratings and performance awards for the Senior Executive Service employees.

The following have been designated as members of the Performance Review Board of GSA:

- Allison Brigati, Deputy Administrator, Office of the Administrator—Chair.
- Giancarlo Brizzi, Regional Commissioner, Public Buildings Service, Greater Southwest Region.
- Mary Davie, Deputy Commissioner, Federal Acquisition Service.
- Michael Gelber, Deputy Commissioner, Public Buildings Service.
- Antonia Harris, Chief Human Capital Officer, Office of Human Resources Management.
- Tiffany Hixon, Regional Commissioner, Federal Acquisition Service, Northwest, Arctic Region.
- Jack St. John, General Counsel.
- Alan Thomas, Commissioner, Federal Acquisition Service.

Dated: September 18, 2018.

Emily W. Murphy,

Administrator, General Services Administration.

[FR Doc. 2018–20704 Filed 9–21–18; 8:45 am]

BILLING CODE 6820–FM–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3405]

Patient Engagement Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming public advisory committee meeting of the Patient Engagement Advisory Committee (the Committee). The general function of the Committee is to provide advice to the Commissioner, or designee, on complex issues relating to medical devices, the regulation of devices, and their use by patients. The meeting will be open to the public.

DATES: The meeting will be held on November 15, 2018, from 8 a.m. to 5 p.m.

ADDRESSES: Hilton Washington DC North/Gaithersburg, Grand Ballroom, 620 Perry Pkwy., Gaithersburg, MD 20877. The hotel's telephone number is 301–977–8900; additional information available online at: *https://*

www3.hilton.com/en/hotels/maryland/hilton-washington-dc-north-gaithersburg-GAIGHHF/index.html. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FOR FURTHER INFORMATION CONTACT: Letise Williams, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5441, Silver Spring, MD 20993–0002, *letise.williams@fda.hhs.gov,* 301–796–8398, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION: *Agenda:* On November 15, 2018, the Committee will discuss and make recommendations on the topic ''Connected and Empowered Patients: E-Platforms Potentially Expanding the Definition of Scientific Evidence.'' The recommendations will address how FDA can leverage patient-driven platforms, such as social media and registries, to better engage patients and consumers as empowered partners in the work of protecting public health and promoting responsible innovation. Social media and other web platform enablers are facilitating the growth of virtual patient communities. Increasingly, patients and health care consumers are using these platforms to share their health experiences and seek information from other patients and consumers, rather than their health care providers alone. Novel approaches and methodologies are being used to tap into some of these platforms as potentially rich sources of patient-generated health data, which could be used as relevant and reliable real-world evidence (*https://www.fda.gov/ucm/groups/fdagov-public/@fdagov-meddev-gen/documents/document/ucm513027.pdf*).

This meeting will help advance FDA's objective to assure the needs, experiences, and perspectives of patients are included as part of FDA's deliberations involving the regulation of medical devices and their use by patients. For this meeting, FDA is seeking input from the Committee and the public on whether and how FDA can harness the emerging potential of these patient platforms to better engage patients and consumers as empowered partners in the work of protecting public health and promoting responsible innovation. In addition, FDA is seeking recommendations from the Committee on ways to leverage these platforms to disseminate as well as potentially collect and evaluate health information to and from patients and consumers.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee-meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Oral presentations from the public will be scheduled between approximately 11:15 a.m. to 12:15 p.m. on November 15, 2018. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 15, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 17, 2018. Individuals who do not wish to speak at the open public hearing session but would like their comments to be heard by the Committee may send written submissions to the contact person on or before October 23, 2018.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact AnnMarie Williams at *Annmarie.Williams@fda.hhs.gov,* or 301–796–5966 at least 7 days in advance of the meeting.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings. Please be advised that, for the round table portion of the meeting, FDA will prepare a summary of the discussion in lieu of detailed transcripts.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 18, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–20640 Filed 9–21–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: National Health Service Corps Scholar/Students to Service Travel Worksheet, OMB No. 0915–0278—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than November 23, 2018.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA

Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: National Health Service Corps Scholar/Students to Service Travel Worksheet OMB No. 0915–0278—Extension

Abstract: Clinicians participating in the HRSA National Health Service Corps (NHSC) Scholarship Program and the Students to Service (S2S) Loan Repayment Program use the online Travel Request Worksheet to receive travel funds from the Federal Government to visit eligible NHSC sites to which they may be assigned in accordance with the Public Health Service Act (PHSA), section 331(c)(1).

The travel approval process is initiated when a NHSC scholar or S2S participant notifies the NHSC of an impending interview at one or more NHSC-approved practice sites. The Travel Request Worksheet is also used to initiate the relocation process after a NHSC scholar or S2S participant has successfully been matched to an approved practice site in accordance with the PHSA, section 331(c)(3). Upon receipt of the Travel Request Worksheet, the NHSC will review and approve or disapprove the request and promptly notify the scholar or S2S participant, and the NHSC logistics contractor regarding travel arrangements and authorization of the funding for the site visit or relocation.

Need and Proposed Use of the Information: This information will facilitate NHSC scholar and S2S clinicians' receipt of federal travel funds that are used to visit high-need NHSC sites. The Travel Request Worksheet is also used to initiate the relocation process after a NHSC scholar or S2S participant has successfully been matched to an approved practice site.

Likely Respondents: Clinicians participating in the NHSC Scholarship Program and S2S Loan Repayment Program.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Travel Request Worksheet	250	2	500	.0667	33.35
Total	250		500		33.35

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–20708 Filed 9–21–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Secretary's Advisory Committee on Human Research Protections

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, U.S.C. Appendix 2, notice is hereby given that the Secretary's Advisory Committee on Human Research Protections (SACHRP) will hold a meeting that will be open to the public. Information about SACHRP and the full meeting agenda will be posted on the SACHRP website at: *http://www.dhhs.gov/ohrp/sachrp-committee/meetings/index.html.*

DATES: The meeting will be held on Tuesday, October 16, 2018, from 8:30 a.m. until 5 p.m., and Wednesday, October 17, 2018, from 8:30 a.m. until 4 p.m.

ADDRESSES: 6700B Rockledge Drive, Bethesda, MD 20817.

FOR FURTHER INFORMATION CONTACT: Julia Gorey, J.D., Executive Director, SACHRP; U.S. Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, Maryland 20852; telephone: 240–453–8141; fax: 240–453–6909; email address: *SACHRP@hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services (HHS), through the Assistant Secretary for Health, on issues and topics pertaining to or associated with the protection of human research subjects.

The Subpart A Subcommittee (SAS) was established by SACHRP in October 2006 and is charged with developing recommendations for consideration by SACHRP regarding the application of subpart A of 45 CFR part 46 in the current research environment.

The Subcommittee on Harmonization (SOH) was established by SACHRP at its July 2009 meeting and charged with identifying and prioritizing areas in which regulations and/or guidelines for human subjects research adopted by various agencies or offices within HHS

would benefit from harmonization, consistency, clarity, simplification, and/or coordination.

The SACHRP meeting will open to the public at 8:30 a.m., on Tuesday, October 16, 2018, followed by opening remarks from Dr. Jerry Menikoff, Director of OHRP and Dr. Stephen Rosenfeld, SACHRP Chair.

The SAS and SOH subcommittees will present their recommendations regarding the description of ''key information,'' as required by the revised Common Rule at § 46.116(a)(5)(i). This will be followed by a discussion of recommendations of the interpretation of the revised Common Rule's exemptions § 46.104(d)(1) and (2) for HHS funded research. Lastly, the committee will continue its July discussions on the Office of Inspector General Report, July 7, 2017: ''OHRP Generally Conducted Its Compliance Activities Independently, But Changes Would Strengthen Its Independence.''

The Wednesday, October 17, meeting will begin at 8:30 a.m. The SAS subcommittee will present and discuss recommendations on the interpretation of ''reasonably available'' at § 46.408(b), as well as discuss issues surrounding payment of subjects for participation in research. Modifications to the previous day's work will be discussed and finalized. The meeting will adjourn at approximately 4:00 p.m., October 17, 2018.

Time for public comment sessions will be allotted both days. On-site registration is required for participation in the live public comment session. Note that public comment must be relevant to topics currently being addressed by the SACHRP. Individuals submitting written statements as public comment should email or fax their comments to SACHRP at *SACHRP@hhs.gov* at least five business days prior to the meeting.

Public attendance at the meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify one of the designated SACHRP points of contact at the address/phone number listed above at least one week prior to the meeting.

Dated: September 14, 2018.

Julia G. Gorey,

Executive Director, Secretary's Advisory Committee on Human Research Protections.

[FR Doc. 2018–20676 Filed 9–21–18; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; T32 Institutional Training Grants.

Date: October 10, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Nakia C. Brown, Ph.D., Scientific Review Officer, 6701 Democracy Blvd., RM 816, Bethesda, MD 20892, 301–827–4905, *brownnac@mail.nih.gov.*

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Clinical Trials Review Committee.

Date: October 16–17, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Nakia C. Brown, Ph.D., NIAMS/Scientific Review Officer, 6701 Democracy Blvd., RM 816, Bethesda, MD 20892, 301–827–4905, *brownnac@mail.nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; AMSC Member Conflict.

Date: October 29, 2018.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Democracy One, 6701 Democracy Blvd., Bethesda, MD 20892.

Contact Person: Yasuko Furumoto, Ph.D., NIAMS/Scientific Review Officer, 6701 Democracy Blvd., RM 816, Bethesda, MD 20892, 301–451–6520, *yasuko.furumoto@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: September 18, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–20666 Filed 9–21–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Yogikala Prabhu, Ph.D., 301–761–7789; *prabhuyo@niaid.nih.gov.* Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

A New Class of Immunomodulatory Drugs for Multiple Sclerosis

Description of Technology: Multiple sclerosis (MS) is an autoimmune disease caused by activated autoimmune T lymphocytes in patients resulting in inflammatory demyelination in the central nervous system. Current treatments are focused on functional control of these activated autoimmune T cells, but these treatments are non-specific T cell inhibitors and have serious, sometimes fatal side effects. A specific therapy aimed at eliminating these autoimmune T cells through restimulation-induced cell death (RICD) could cure the disease and overcome the fatal side effects of current therapies.

NIAID inventors have identified a multi-valent tolerogen (MMPt), which can specifically elicit RICD of the activated, disease causing autoimmune T cells without compromising the general T cell-dependent immunity in the host. Animal studies have demonstrated that MMPt exerts robust therapeutic effects on both monophasic as well as relapsing-remitting type of the disease, indicating its medical applicability for treating MS patients with active disease. NIAID is seeking partners to develop this multi-valent peptide to improve its efficacy for use in clinical trials.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications:

- Therapeutics

Competitive Advantages:

- Tolerogen induced elimination of activated autoimmune T cells will overcome the fatal side effects of current therapies
- Treatment of all types of MS patients

Development Stage:

- Preclinical (In vitro and in vivo animal studies)

Inventors: Dr. Michael J. Lenardo (NIAID), Dr. Lixin Zheng (NIAID), Dr. Jian Li (NIAID), Dr. Jae Lee (NIAID), and Dr. Wei Lu (NIAID).

Intellectual Property: HHS Reference No. E–064–2015, U.S. Provisional Patent Application Numbers: 62/130,285 filed March 9, 2015 and 62/219,851 filed September 17, 2015, and US PCT application PCT/US2016/021571 filed on March 9, 2016. Entered National Stage filing in US, EU, Canada, and Australia.

Licensing Contact: Yogikala Prabhu, Ph.D., 301–761–7789; *prabhuyo@niaid.nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize the MMPt peptide to improve its efficacy for use in clinical trials.

For collaboration opportunities, please contact Yogikala Prabhu, Ph.D., 301–761–7789; *prabhuyo@niaid.nih.gov.*

Dated: September 18, 2018.

Suzanne M. Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2018–20664 Filed 9–21–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Advisory Committee on Research on Women's Health.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The meeting will also be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov/*).

Name of Committee: Advisory Committee on Research on Women's Health.

Date: October 23, 2018.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: Opening Remarks, Director's Report, Scientific Presentations, ORWH SCORE Program Update, and Strategic Plan Launch.

Place: National Institutes of Health, Building 31, 6th Floor, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Elizabeth Spencer, R.N., Deputy Director, Office of Research on Women's Health, Executive Secretary, ACRWH, National Institutes of Health, 6707 Democracy Blvd., Room 7W444, Bethesda, MD 20817, 301–402–1770, *elizabeth.spencer@nih.gov.*

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *https://orwh.od.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: September 18, 2018.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–20665 Filed 9–21–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the NIH Clinical Center Research Hospital Board.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: NIH Clinical Center Research Hospital Board.

Date: October 19, 2018.

Time: 9:00 a.m. to 3:25 p.m.

Agenda: Discussion of Patient Safety.

Place: National Institutes of Health, Building 31, 6th Floor, Room: 6C6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Gretchen Wood, Staff Assistant, Office of the Director, National Institutes of Health, One Center Drive, Building 1, Bethesda, MD 20892, 301–496–4272, *woodgs@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: September 18, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–20663 Filed 9–21–18; 8:45 am]

BILLING CODE 4140–01–P

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Advisory Council on Historic Preservation Quarterly Business Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Advisory Council on Historic Preservation Quarterly Business Meeting.

SUMMARY: Notice is hereby given that the Advisory Council on Historic Preservation (ACHP) will hold its next quarterly meeting on Thursday, October 4, 2018. The meeting will be held in Room SR325 at the Russell Senate Office Building at Constitution and Delaware Avenues NE, Washington, DC, starting at 8:30 a.m.

DATES: The quarterly meeting will take place on Thursday, October 4, 2018 starting at 8:30 a.m.

ADDRESSES: The meeting will be held in Room SR325 at the Russell Senate Office Building at Constitution and Delaware Avenues NE, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tanya DeVonish, 202–517–0205, *Tdevonish@achp.gov.*

SUPPLEMENTARY INFORMATION: The Advisory Council on Historic Preservation (ACHP) is an independent federal agency that promotes the preservation, enhancement, and sustainable use of our nation's diverse historic resources, and advises the President and the Congress on national historic preservation policy. The goal of the National Historic Preservation Act (NHPA), which established the ACHP in 1966, is to have federal agencies act as responsible stewards of our nation's resources when their actions affect historic properties. The ACHP is the only entity with the legal responsibility to encourage federal agencies to factor historic preservation into their decision making. For more information on the ACHP, please visit our website at *www.achp.gov.*

The agenda for the upcoming quarterly meeting of the ACHP is the following:

I. Chairman's Welcome
II. Presentation of the ACHP–HUD Award for Historic Preservation Achievement
III. Transition to Full-Time ACHP Chair
  A. Member Questionnaire Responses
  B. Strategic Plan Development
  C. Unassembled Meetings
IV. Section 106 Issues:
  A. Department of Veterans Affairs Program Comment on Underutilized Properties
  B. Proposed Exemption Regarding Railroad and Rail Transit Rights of Way
  C. Administration Infrastructure Initiatives
V. Historic Preservation Policy and Programs:
  A. White House Initiative on Historically Black Colleges and Universities and the ACHP
  B. ACHP Approaches to Commenting on Historic Preservation Legislation
VI. New Business
VII. Adjourn

The meetings of the ACHP are open to the public. If you need special accommodations due to a disability, please contact Tanya DeVonish, 202–517–0205 or *tdevonish@achp.gov,* at least seven (7) days prior to the meeting.

Authority: 54 U.S.C. 304102.

Dated: September 17, 2018.

Javier E. Marques,

General Counsel.

[FR Doc. 2018–20675 Filed 9–21–18; 8:45 am]

BILLING CODE 4310–K6–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0013]

Agency Information Collection Activities: Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than November 23, 2018) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0013 the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number (202) 325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release.

OMB Number: 1651–0013.

Form Number: CBP Form 7523.

Current Actions: CBP proposes to extend the expiration date of this information collection. There is no change to the burden hours or the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 7523, *Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release,* is used by carriers and importers as a manifest for the entry of merchandise free of duty under certain conditions. CBP Form 7523 is also used by carriers to show that articles being imported are to be released to the importer or consignee, and as an inward foreign manifest for a vehicle or a vessel of less than 5 net tons arriving in the United States from Canada or Mexico with merchandise conditionally free of duty. CBP uses this form to authorize the entry of such merchandise. CBP Form 7523 is authorized by 19 U.S.C. 1433, 1484 and 1498. It is provided for by 19 CFR 123.4 and 19 CFR 143.23. This form is accessible at *https://www.cbp.gov/newsroom/publications/forms?title=7523&=Apply.*

Estimated Number of Respondents: 4,950.

Estimated Number of Responses per Respondent: 20.

Estimated Total Annual Responses: 99,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 8,247.

Dated: September 19, 2018.

Seth D Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2018–20696 Filed 9–21–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2018–0041; FXIA16710900000–178–FF09A30000]

Foreign Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before October 24, 2018.

ADDRESSES: *Submitting Comments:* You may submit comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on *Docket No. FWS–HQ–IA–2018–0041.*
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: *Docket No. FWS–HQ–IA–2018–0041;* U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

When submitting comments, please indicate the *name of the applicant and the PRT#* you are commenting on. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the *Public Comments* section below for more information).

Viewing Comments: Comments and materials we receive will be available for public inspection on *http://www.regulations.gov,* or by appointment, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at the U.S. Fish and Wildlife Service, Division of Management Authority, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2095.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); *DMAFR@fws.gov* (email).

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comment on permit applications before final action is taken. With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is acquired that allows such activities. Permits issued under section 10 of the ESA allow activities for scientific purposes or to enhance the propagation or survival of the affected species.

III. Permit Applications

Applicant: Michigan Department of Natural Resources, Marquette, MI; Permit No. 38760B

The applicant requests amendment of a current permit, to add wolf (*Canis lupus*), to export samples for scientific research purposes. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Duke University, Durham, NC; Permit No. 69393C

The applicant requests a permit to re-export serum samples derived from bonobos (*Pan paniscus*) to Duke-NUS Medical School for scientific research purposes. This notification is for a single re-export.

Applicant: Project Survival, Dunlap, CA; Permit No. 73174C

The applicant requests a permit to import one female cheetah (*Acinonyx jubatus*) from Cango Wildlife Ranch, Port Elizabeth, South Africa, to enhance the propagation or survival of the species. This notification is for a single import.

Applicant: Animal Ark, Inc., Reno, NV; Permit No. 74719C

The applicant requests a permit to import one female cheetah (*Acinonyx*

jubatus) from Cango Wildlife Ranch, Port Elizabeth, South Africa, to enhance the propagation or survival of the species. This notification is for a single import.

Applicant: Dos Hijos Ranch—Operations, Inc., Benavides, TX; Permit No. 75297A

The applicant requests renewal of a captive-bred wildlife registration under 50 CFR 17.21(g) for barasingha (*Rucervus duvaucelii*), which is listed as swamp deer (*Rucervus duvaucelii*), to enhance species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Double Arrow Bow Hunting, Harwood, TX; Permit No. 88038A

The applicant requests renewal of a captive-bred wildlife registration under 50 CFR 17.21(g) for barasingha (*Rucervus duvaucelii*), which is listed as swamp deer (*Rucervus duvaucelii*), to enhance species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Species Survival, LLC, Indiantown, FL; Permit No. 70659C

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for golden parakeet (*Aratinga guarouba*) to enhance species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Andy Nguyen, Huntington Beach, CA; Permit No. 84343C

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for radiated tortoise (*Geochelone radiata*), to enhance species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Coastal Exotics Inc., Jacksonville, FL; Permit No. 03596B

The applicant requests renewal of a captive-bred wildlife registration under 50 CFR 17.21(g) for radiated tortoise (*Geochelone radiata*), to enhance species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Nancy Speed, Benton, MS; Permit No. 84335C

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for golden parakeet (*Aratinga guarouba*) and Vinaceous-breasted parrot (*Amazona vinacea*), to enhance species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Alan Flynn, Brockton, MA; Permit No. 84338C

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for radiated tortoise (*Geochelone radiata*), to enhance species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Circle E Ranch, Bedias, TX; Permit No. 88649A

The applicant requests renewal of a captive-bred wildlife registration under 50 CFR 17.21(g) for barasingha (*Rucervus duvaucelii*), which is listed as swamp deer (*Rucervus duvaucelii*), and red lechwe (*Kobus leche*), to enhance species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: International Crane Foundation, Baraboo, WI; Permit No. 85311C

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for hooded crane (*Grus monacha*), black-necked crane (*Grus nigricollis*), Siberian crane (*Grus leucogeranus*), red-crowned crane (*Grus japonensis*), and white-naped crane (*Grus vipio*) to enhance species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Louisiana State University Shirley C. Tucker Herbarium, Baton Rouge, LA; Permit No. 84873C

The applicant requests a permit to export and reimport nonliving museum/herbarium specimens of endangered and threatened species (excluding animals) previously legally accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Utah State University, Logan, UT; Permit No. 92157A

The applicant requests renewal of a permit for the export/re-export and reimport nonliving museum/herbarium specimens of endangered and threatened species (excluding animals) previously legally accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Double Arrow Bow Hunting, Harwood, TX; Permit No. 88044A

The applicant requests a permit authorizing the culling of excess barasingha (*Rucervus duvaucelii*), which is listed as swamp deer (*Rucervus duvaucelii*), from the captive herd maintained at the applicant's facility, to enhance the species' propagation and survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Circle E Ranch, Bedias, TX; Permit No. 88651A

The applicant requests a permit authorizing the culling of excess barasingha (*Rucervus duvaucelii*), which is listed as swamp deer (*Rucervus duvaucelii*), and red lechwe (*Kobus lechwe*) from the captive herd maintained at the applicant's facility, to enhance the species' propagation and survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Trophy Applicants

The following applicants each request a permit to import sport-hunted trophies of a male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

Applicant: Haroutyun Alajayan, Chatsworth, CA; Permit No. 83079C

Applicant: Robert Boyce, Baton Rouge, LA; Permit No. 78626C

Applicant: Kirk Woodward, Vernal, UT; Permit No. 84909C

Applicant: Robert Gwin, Oklahoma City, OK; Permit No. 78721C

Applicant: Roger Ditto, Snohomish, WA; Permit No. 84786C

Applicant: Jason Soulliere, Romeo, MI; Permit No. 80967C

Applicant: Michael Habel, Taylorsville, UT; Permit No. 81189C

Applicant: Jorge Vazquez, Homestead, FL; Permit No. 78078C

Applicant: Brian Spicer, Prosper, TX; Permit No. 70061C

IV. Next Steps

If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing

the permit issuance date by searching *http://www.regulations.gov* for the permit number listed above in this document (*e.g., 12345A*).

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2018–20653 Filed 9–21–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2018–N086; FXES11130800000–178–FF08E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before October 24, 2018.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX).

- *Email: permitsr8es@fws.gov.*
- *U.S. Mail:* Daniel Marquez, Endangered Species Program Manager, U.S. Fish and Wildlife Service, Region 8, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, via phone at 760–431–9440, via email at *permitsr8es@fws.gov,* or via the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered or threatened under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes such activities as pursuing, harassing, trapping, capturing, or collecting in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

Application No.	Applicant, city, state	Species	Location	Activity	Type of take	Permit action
TE–082237	California State Parks, San Luis Obispo Coast District, San Simeon, California.	• Morro shoulderband snail (Banded dune) (*Helminthoglypta walkeriana*). • Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*).	CA	Survey	Capture, handle, and release.	Renew.
TE–13703B	California Living Museum, Bakersfield, California.	• Arroyo toad (arroyo southwestern) (*Anaxyrus californicus* (*Bufo microscaphus c.*)). • Mountain yellow-legged frog (southern California DPS) (*Rana muscosa*). • California tiger salamander (Sonoma County and Santa Barbara DPS) (*Ambystoma californiense*). • Blunt-nosed leopard lizard (*Gambelia silus*). • California condor (*Gymnogyps californianus*). • Riparian brush rabbit (*Sylvilagus bachmani riparius*).	CA	Rehabilitation, public education, public display, captive propagation, research.	Collect and acquire injured and/or sick animals, captive rear, perform general husbandry, release healthy individuals, and retain animals unfit for reintroduction.	Renew.

Application No.	Applicant, city, state	Species	Location	Activity	Type of take	Permit action
		• Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*). • Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*). • Giant kangaroo rat (*Dipodomys ingens*). • Stephens' kangaroo rat (*Dipodomys stephensi*). • Fresno kangaroo rat (*Dipodomys nitratoides exilis*). • Riparian woodrat (=San Joaquin Valley) (*Neotoma fuscipes riparia*). • San Joaquin kit fox (*Vulpes macrotis mutica*). • Sierra Nevada bighorn (*Ovis canadensis sierrae*). • Nelson bighorn (Peninsular Ranges DPS, Peninsular bighorn sheep) (*Ovis canadensis nelsoni*).				
TE–79190C	Ryan Lopez, Fresno, California.	• Fresno kangaroo rat (*Dipodomys nitratoides exilis*), • Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*). • Giant kangaroo rat (*Dipodomys ingens*). • California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*). • Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • San Diego fairy shrimp (*Branchinecta sandiegonensis*) • Riverside fairy shrimp (*Streptocephalus woottoni*). • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Capture, handle, release, and collect vouchers.	New.
TE–206822	Brian Shomo, Lake Elsinore, California.	• Stephens' kangaroo rat (*Dipodomys stephensi*).	CA	Survey	Capture, handle, and release.	Renew.
TE–781084	Anita Hayworth, Encinitas, California.	• Southwestern willow flycatcher (*Empidonax traillii extimus*). • Quino checkerspot butterfly (*Euphydryas editha quino*). • Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • San Diego fairy shrimp (*Branchinecta sandiegonensis*). • Riverside fairy shrimp (*Streptocephalus woottoni*). • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Capture, handle, release, collect vouchers.	Renew.

Application No.	Applicant, city, state	Species	Location	Activity	Type of take	Permit action
TE–80906C	Katherine Smith, Fairfield, California.	• Salt marsh harvest mouse (*Reithrodontomys raviventris*).	CA	Survey, population monitoring, genetic studies, toxicology studies.	Capture, handle, mark, install cameras, collect fur samples.	New.
TE–67570A	Brett Hanshew, Oakland, California.	• San Francisco garter snake (*Thamnophis sirtalis tetrataenia*).	CA	Invasive species management.	Perform bullfrog control	Amend.
TE–094845	Matthew Bettelheim, Concord, California.	• California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*).	CA	Survey	Capture, handle, and release.	Renew.
TE–90002A	Todd Wong, Elk Grove, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*). • longhorn fairy shrimp (*Branchinecta longiantenna*). • San Diego fairy shrimp (*Branchinecta sandiegonensis*). • Riverside fairy shrimp (*Streptocephalus woottoni*). • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Capture, handle, release, and collect vouchers.	Renew.
TE–13691B	Christine Zack, Campbell, California.	• San Bernardino Merriam's kangaroo rat (*Dipodomys merriami parvus*), • Stephens' kangaroo rat (*Dipodomys stephensi*).	CA	Survey	Capture, handle, and release.	Renew.
TE–769304	Jeffrey Halstead, Clovis, California.	• Fresno kangaroo rat (*Dipodomys nitratoides exilis*). • Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*). • California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*).	CA	Survey	Capture, handle, and release.	Renew.
TE–02578B	Craig Seltenrich, Auburn, California.	• California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*).	CA	Survey	Capture, handle, and release.	Renew.
TE–799564	Sycamore Environmental Consultants, Inc., Sacramento, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • San Diego fairy shrimp (*Branchinecta sandiegonensis*). • Riverside fairy shrimp (*Streptocephalus woottoni*). • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Capture, handle, release, and collect vouchers.	Renew.
TE–795934	ICF Jones & Stokes, Inc., Sacramento, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • San Diego fairy shrimp (*Branchinecta sandiegonensis*). • Riverside fairy shrimp (*Streptocephalus woottoni*).	CA	Survey	Capture, handle, release, and collect vouchers.	Renew.

Application No.	Applicant, city, state	Species	Location	Activity	Type of take	Permit action
		• Vernal pool tadpole shrimp (*Lepidurus packardi*). • Southwestern willow flycatcher (*Empidonax traillii extimus*). • California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*).				
TE–96514A	Jonathan Aguayo, Buena Park, California.	• Southwestern willow flycatcher (*Empidonax traillii extimus*).	CA	Survey	Survey	Amend.
TE–21700B	Diana Grosso, Bakersfield, California.	• Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*).				
		• Giant kangaroo rat (*Dipodomys ingens*). • San Joaquin kit fox (*Vulpes macrotis mutica*).	CA	Survey and transport	Capture, handle, release, and transport injured individuals.	Renew and amend.
TE–829554	Barbara Kus, San Diego, California.	• Southwestern willow flycatcher (*Empidonax traillii extimus*).	CA	Education	Conduct educational workshops.	Amend.
TE–148556	Deborah Van Dooremolen, Las Vegas, Nevada.	• Southwestern willow flycatcher (*Empidonax traillii extimus*). • Yuma clapper rail (Yuma Ridgway's r.) (*Rallus longirostris yumanensis*) (*R. obsoletus y.*).	NV	Survey	Survey	Renew.
TE–020548	U.S. Geological Survey, Vallejo, California.	• Salt marsh harvest mouse (*Reithrodontomys raviventris*). • California Clapper rail (California Ridgway's r.) (*Rallus longirostris obsoletus*) (*R. obsoletus o.*). • Yuma clapper rail (Yuma Ridgway's r.) (*Rallus longirostris yumanensis*) (*R. obsoletus y.*).	CA	Survey and research	Capture, handle, mark, take fur samples, band, radio-tag, collect blood, collect feathers, candle eggs, salvage eggs, salvage carcasses, release.	Renew.
TE–64144A	Emily Mastrelli, San Diego, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*), • Longhorn fairy shrimp (*Branchinecta longiantenna*). • San Diego fairy shrimp (*Branchinecta sandiegonensis*). • Riverside fairy shrimp (*Streptocephalus woottoni*). • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Capture, handle, release, collect vouchers.	Amend.
TE–085026	Jeff Steinman, San Francisco, California.	• Southwestern willow flycatcher (*Empidonax traillii extimus*).	CA	Survey	Survey	Renew.
TE–221295	Angelica Mendoza, Fontana, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • San Diego fairy shrimp (*Branchinecta sandiegonensis*). • Riverside fairy shrimp (*Streptocephalus woottoni*). • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Capture, handle, release, collect vouchers.	Amend.

Application No.	Applicant, city, state	Species	Location	Activity	Type of take	Permit action
TE–166383	Bureau of Land Management, Hollister, California.	• Blunt-nosed leopard lizard (*Gambelia silus*).	CA	Survey and genetic studies	Capture, handle, collect tissue, release.	Renew.
TE–29658A	Cindy Dunn, San Diego, California.	• Quino checkerspot butterfly (*Euphydryas editha quino*).	CA	Survey	Survey	Renew.
TE–115373	Darin Busby, San Diego, California.	• Quino checkerspot butterfly (*Euphydryas editha quino*). • San Diego fairy shrimp (*Branchinecta sandiegonensis*). • Riverside fairy shrimp (*Streptocephalus woottoni*).	CA	Survey	Capture, handle, release, collect vouchers.	Renew.
TE–85074C	U.S. Geological Survey, Dixon, California.	• California Clapper rail (California Ridgway's r.) (*Rallus longirostris obsoletus*) (*R. obsoletus o.*).	CA	Monitor, research studies, and translocation.	Capture, handle, band, radio-tag, monitor nests, collect blood, collect feathers, candle eggs, float eggs, translocate, transport, salvage eggs, salvage carcasses, and release.	New.
TE–802450	Arthur Davenport, Barstow, California.	• Least Bell's vireo (*Vireo belli pusillus*). • Southwestern willow flycatcher (*Empidonax traillii extimus*). • Yuma clapper rail (Yuma Ridgway's r.) (*Rallus longirostris yumanensis*) (*R. obsoletus y.*). • Light-footed clapper rail (light-footed Ridgway's r.) (*Rallus longirostris levipes*) (*R. obsoletus l.*). • Quino checkerspot butterfly (*Euphydryas editha quino*). • San Bernardino Merriam's kangaroo rat (*Dipodomys merriami parvus*). • Stephens' kangaroo rat (*Dipodomys stephensi*). • Pacific pocket mouse (*Perognathus longimembris pacificus*). • Arroyo toad (arroyo southwestern) (*Anaxyrus californicus*). • Desert pupfish (*Cyprinodon macularius*).	CA, NV, OR, WA, ID, AZ, NM, UT, CO, TX, WY.	Survey and population monitoring.	Survey, nest monitor, capture, handle, and release.	Renew.
TE–101154	Douglas Rischbieter, Arnold, California.	• Tidewater goby (*Eucyclogobius newberryi*).	CA	Survey and genetic studies	Capture, handle, collect vouchers for genetic analysis, release.	Renew.
TE–85084C	Dustin Brown, Orangevale, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • San Diego fairy shrimp (*Branchinecta sandiegonensis*). • Riverside fairy shrimp (*Streptocephalus woottoni*). • Vernal pool tadpole shrimp (*Lepidurus packardi*). • California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*).	CA	Survey	Capture, handle, release, collect vouchers.	New.

Application No.	Applicant, city, state	Species	Location	Activity	Type of take	Permit action
TE–068189	Archaeological Consulting Services, Tempe Arizona.	• Southwestern willow flycatcher (*Empidonax traillii extimus*). • Yuma clapper rail (Yuma Ridgway's r.) (*Rallus longirostris yumanensis*) (*R. obsoletus y.*).	NV	Survey	Survey	Renew.
TE–844852	U.S. Geological Survey, Point Reyes, California.	• Sierra Nevada yellow-legged frog (*Rana sierrae*). • mountain yellow-legged frog ((northern California DPS) (*Rana muscosa*)).	CA	Survey, research studies, salvage.	Capture, handle, take skin swabs, clip toes, insert PIT (Passive Integrated Transponder) tags, emergency salvage, collect vouchers, and release.	Renew.
TE–15544A	Christine Beck, San Diego, California.	• Least Bell's vireo (*Vireo bellii pusillus*). • California least tern (*Sternula antillarum browni*) (*Sterna a. browni*).	CA	Survey and population monitoring.	Nest monitor, capture, handle, band, and release.	Renew.
TE–829204	Harry Jones, Cobb, California.	• Southwestern willow flycatcher (*Empidonax traillii extimus*).	CA	Survey	Survey	Renew.
TE–095858	Arianne Preite, Orange, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • San Diego fairy shrimp (*Branchinecta sandiegonensis*). • Riverside fairy shrimp (*Streptocephalus woottoni*). • Vernal pool tadpole shrimp (*Lepidurus packardi*). • Southwestern willow flycatcher (*Empidonax traillii extimus*). • Light-footed clapper rail (light-footed Ridgway's r.) (*Rallus longirostris levipes*) (*R. obsoletus l.*). • Quino checkerspot butterfly (*Euphydryas editha quino*).	CA	Survey	Capture, handle, release, and collect vouchers.	Renew.
TE–233332	Maya Mazon, Oceanside, California.	• Quino checkerspot butterfly (*Euphydryas editha quino*).	CA	Survey	Survey	Renew.
TE–800777	Jepson Prairie Reserve Docents, Davis, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*). • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey and public education.	Capture, handle, release, collect vouchers.	Renew.
TE–009926	Gulf South Research Corporation, Baton Rouge, Louisiana.	• Sierra Nevada yellow-legged frog (*Rana sierrae*). • Arroyo toad (arroyo southwestern) (*Anaxyrus californicus*). • Southwestern willow flycatcher (*Empidonax traillii extimus*).	CA, AZ, NM, TX.	Survey	Capture, handle, and release.	Renew and amend.
TE–012137	Fort Hunter Liggett, Fort Hunter Liggett, California.	• Arroyo toad (arroyo southwestern) (*Anaxyrus californicus*).	CA	Emergency salvage	Capture, temporarily hold in captivity, relocate, and salvage.	Amendment.
TE–85350C	Scott Demers, McKinleyville, California.	• California Clapper rail (California Ridgway's r.) (*Rallus longirostris obsoletus*) (*R. obsoletus o.*).	CA	Survey	Survey	New.

Application No.	Applicant, city, state	Species	Location	Activity	Type of take	Permit action
TE–063427	Sarah Powell, Sacramento, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • San Diego fairy shrimp (*Branchinecta sandiegonensis*). • Riverside fairy shrimp (*Streptocephalus woottoni*). • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Capture, handle, release, collect vouchers.	Renew.
TE–017549	Mary Whitfield, Weldon, California.	• Southwestern willow flycatcher (*Empidonax traillii extimus*). • Least Bell's vireo (*Vireo belli pusillus*). .	CA, NV, AZ, NM.	Survey, population monitoring, research studies, and public educational workshops.	Nest monitor, capture, handle, band, collect blood, collect feathers, film, conduct educational workshops.	Renew and amend.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Karen Jensen,

Acting Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2018–20656 Filed 9–21–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2018–0022; FXIA16710900000–178–FF09A30000]

Foreign Endangered Species; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is acquired that allows such activities. The ESA also requires that we invite public comment before issuing permits for endangered species.

DATES: We must receive comments by October 24, 2018.

ADDRESSES:

Obtaining Documents: The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at *http://www.regulations.gov* in Docket No. FWS–HQ–IA–2018–0022.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet: http://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2018–0022.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2018–0022; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

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:

I. Public Comment Procedures

A. How do I comment on submitted applications?

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or fax, or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Please make your requests or comments as specific as possible, confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and

analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments on *http://www.regulations.gov,* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment via *http://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is acquired that allows such activities. Permits issued under section 10 of the ESA allow activities for scientific purposes or to enhance the propagation or survival of the affected species.

III. Permit Applications

We invite the public to comment on applications to conduct certain activities with endangered species. With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

Applicant: Michael Daley, Modesto, CA; Permit No. 58307C

The applicant requests a permit to import a sport-hunted cape mountain zebra (*Equus zebra zebra*) trophy from South Africa to enhance the propagation or survival of the species. This notification is for a single import.

Applicant: Phoenix Herpetological Society, Scottsdale, AZ; Permit No. 19818A

The applicant requests amendment of an existing captive-bred wildlife registration under 50 CFR 17.21(g) to add the following species to enhance species propagation or survival: gavial (*Gavialis gangeticus*) and mugger crocodile (*Crocodylus palustris*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: U.S. Fish and Wildlife Service Clark R. Bavin National Fish and Wildlife Forensics Laboratory, Ashland, OR; Permit No. 63408C (Previously Permit No. 053639)

The applicant requests renewal of the permit to import and export biological specimens from any endangered species for the purpose of forensics activities which will directly or indirectly enhance the survival of the species in the wild. This notification covers activities to be conducted by the applicant over a 5-year period.

Trophy Applicants

Each of the following applicants requests a permit to import a sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

Applicant: Edwin Hartman, Ovid, NY; Permit No. 73030C

Applicant: Bobby Puckett, Russellville, AL; Permit No. 71290C

IV. Next Steps

If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance date by searching *http://www.regulations.gov* for the permit number listed above in this document (*e.g.,* #####X).

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2018–20651 Filed 9–21–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2018–0023; FXIA16710900000–156–FF09A30000]

Foreign Endangered Species; 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 activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities involving listed species unless a Federal permit is issued that allows 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, (703) 358–2104 (telephone); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, have issued permits to conduct certain activities with endangered and threatened 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 (ESA; 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
28444C	Christopher Murray	February 20, 2018.
680316	Little Rock Zoological Garden	February 27, 2018.
45805C	University of Georgia, College of Veterinary Medicine, Infectious Diseases Laboratory	February 28, 2018.
44876C	Mr. Vincent Rose, American Crocodile Education Sanctuary	February 21, 2018.
47036C	Craig Stanford	February 28, 2018.

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.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2018–20662 Filed 9–21–18; 8:45 am]

BILLING CODE 4333–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1424 (Preliminary)]

Mattresses From China; Institution of Antidumping Duty Investigation and Scheduling of Preliminary Phase Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping duty investigation No. 731–TA–1324 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that 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 mattresses from China, provided for in subheadings 9404.21.00, 9404.29.10, and 9404.29.90 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping duty investigations in 45 days, or in this case by November 2, 2018. The Commission's views must be transmitted to Commerce within five business days thereafter, or by November 9, 2018.

DATES: September 18, 2018.

FOR FURTHER INFORMATION CONTACT: Junie Joseph (202–205–3363), 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 this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), in response to a petition filed on September 18, 2018, by Corsicana Mattress Company, Dallas, TX; Elite Comfort Solutions, Newnan, GA; Future Foam Inc., Council Bluffs, IA; FXI, Inc., Media, PA; Innocor, Inc., Red Bank, NJ; Kolcraft Enterprises Inc., Chicago, IL; Leggett & Platt, Incorporated, Carthage, MO; Serta Simmons Bedding, LLC, Atlanta, GA; and Tempur Sealy Interational, Inc., Lexington, KY.

For further information concerning the conduct of this investigation 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 B (19 CFR part 207).

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

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 this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with this investigation for 9:30 a.m. on Tuesday, October 9, 2018, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before Thursday, October 4, 2018. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before October 12, 2018, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference. 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://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (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: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: September 18, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–20655 Filed 9–21–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–565]

American Manufacturing Competitiveness Act: Effects of Temporary Duty Suspensions and Reductions on the U.S. Economy Proposed Information Collection; Comment Request; and MTB Effects Questionnaire

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: In accordance with the provisions of the Paperwork Reduction Act of 1995, the U.S. International Trade Commission (Commission) hereby gives notice that it plans to submit a request for approval of a questionnaire to the Office of Management and Budget (OMB) for review and requests public comment on its draft proposed collection.

DATES: To ensure consideration, written comments must be submitted on or before November 23, 2018.

ADDRESSES: The project leader for this investigation is Kimberlie Freund. Please direct all written comments to *mtbeffects@usitc.gov* or via U.S. mail at U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Additional Information: Copies of the draft questionnaire and other supplementary documents may be downloaded from the USITC website at *https://www.usitc.gov/MTBEffects.* For any questions about this notice, email *mtbeffects@usitc.gov* or call the project leader for this investigation, Kimberlie Freund (202–708–5402). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its website (*http://www.usitc.gov*).

Purpose of Information Collection: The information requested by the questionnaire is for use by the Commission in connection with preparing the report required by section 4 of the American Manufacturing Competitiveness Act of 2016 (AMCA), 19 U.S.C. 1332 note. The Commission is instituting Investigation No. 332–565, *American Manufacturing Competitiveness Act: Effects of Temporary Duty Suspensions and Reductions on the U.S. Economy,* for the purpose of preparing this report. Section 4 of the AMCA requires the Commission, upon enactment of a miscellaneous tariff bill, to prepare and submit to the House Committee on Ways and Means and the Senate Committee on Finance (hereinafter Committees) a report on the effects on the U.S. economy of duty suspensions and reductions enacted pursuant to the AMCA, including a broad assessment of the economic effects of such duty suspensions and reductions on producers, purchasers, and consumers in the United States, using case studies describing such effects on selected industries or by type of article as available data permit. The AMCA also requires the Commission to solicit and append to the report recommendations with respect to those domestic industry sectors or specific domestic industries that might benefit from permanent duty suspensions and reductions, either through a unilateral action of the United States or through negotiations for reciprocal tariff agreements, with a particular focus on inequities created by tariff inversions. As part of any such assessment, the Commission intends to survey U.S. firms that have successfully petitioned for duty suspensions and reductions and those commenting on their petitions about the effects of these duty suspensions and reductions on U.S. firms. The AMCA requires the Commission to submit its report 12 months after enactment of a miscellaneous tariff bill.

Summary of Proposal

(1) *Number of forms submitted:* 1.

(2) *Title of form:* American Manufacturing Competitiveness Act: Effects of Temporary Duty Suspensions and Reductions on the U.S. Economy.

(3) *Type of request:* New.

(4) *Frequency of use:* Industry questionnaire, single data gathering.

(5) *Description of respondents:* Members of the public who filed petitions with respect to products that are the subject of a miscellaneous tariff bill, as well as members of the public who commented on the petitions filed.

(6) *Estimated number of respondents:* 750.

(7) *Estimated total number of hours to complete the questionnaire per respondent:* 2 hours.

(8) Information obtained from the questionnaire that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

SUPPLEMENTARY INFORMATION:

I. Abstract

Section 4 of the AMCA directs the Commission to submit to the House Committee on Ways and Means and the Senate Committee on Finance ''a report on the effects on the United States economy of duty suspensions and reductions enacted pursuant to this Act including a broad assessment of the economic effects of such duty suspensions and reductions on producers, purchasers and consumers in the United States using case studies describing such effects on selected industries or by type of article as available data permit.'' The AMCA also directs the Commission to solicit and include in the report ''recommendations with respect to those domestic industry sectors or specific domestic industries that might benefit from permanent duty suspensions and reductions, either through a unilateral action of the United States or [through] negotiations for reciprocal tariff agreements, with a particular focus on inequities created by tariff inversions.'' The questionnaire will collect information in response to these elements.

II. Method of Collection

Respondents will be mailed a letter with a link and individual code for accessing the online form. Respondents may also request a fillable form. Once the online form is complete, respondents will be directed to submit the form by selecting a submit button.

When respondents complete a fillable form, they may submit it by uploading it to a secure webserver, emailing it to the study team at *mtbeffects@usitc.gov,* faxing it, or mailing a hard copy to the Commission.

III. Request for Comments

Comments are invited on (1) whether the proposed collection of information is necessary; (2) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

The draft questionnaire and other supplementary documents may be downloaded from the USITC website at *https://www.usitc.gov/MTBEffects.*

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

By order of the Commission.

Issued: September 18, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–20657 Filed 9–21–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Halo Pharmaceutical, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before November 23, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on July 18, 2018, Halo Pharmaceutical, Inc., 30 North Jefferson Road, Whippany, New Jersey 07981–1030 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Dihydromorphine	9145	I
Hydromorphone	9150	II

The company plans to manufacture Hydromorphone (9150) for distribution to its customers. Dihydromorphine (9145) as an intermediate in the manufacture of Hydromorphone and is not for commercial distribution.

Dated: September 14, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–20701 Filed 9–21–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: AMPAC Fine Chemicals Virginia, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before November 23, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on April 19, 2018, AMPAC Fine Chemicals Virginia, LLC, 2820 North Normandy Drive, Petersburg, Virginia 23805–2380 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Phenylacetone	8501	II
Morphine	9300	II
Thebaine	9333	II
Noroxymorphone	9668	II

Controlled substance	Drug code	Schedule
Tapentadol	9780	II

The company plans to manufacture the above-listed controlled substances in bulk for distribution to its customers.

Dated: September 14, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–20702 Filed 9–21–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[Docket No. FBI]

FBI Criminal Justice Information Services Division; User Fee Schedule

AGENCY: Federal Bureau of Investigation (FBI), Justice.

ACTION: Notice.

SUMMARY: The FBI is authorized to establish and collect fees for providing fingerprint-based and name-based Criminal History Record Information (CHRI) checks submitted by authorized users for noncriminal justice purposes including employment and licensing. A portion of the fee is intended to reimburse the FBI for the cost of providing fingerprint-based and name-based CHRI checks (''cost reimbursement portion'' of the fee). The FBI is also authorized to charge an additional amount to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs (''automation portion'' of the fee). The notice explains the methodology used to calculate revised fees and provides the revised fee schedule.

APPLICABLE DATE: This revised fee schedule is effective January 1, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. John A. Traxler, Section Chief, Resources Management Section, Criminal Justice Information Services (CJIS) Division, FBI, 1000 Custer Hollow Road, Module D–3, Clarksburg, WV 26306. Telephone number 304–625–3700.

SUPPLEMENTAL INFORMATION: Pursuant to the authority in Public Law 101–515, as amended, the FBI has established user fees for authorized agencies requesting noncriminal justice fingerprint-based and name-based CHRI checks. In accordance with the requirements of Title 28, Code of Federal Regulations (CFR), Section 20.31(e), the FBI periodically reviews the process of providing fingerprint-based and name-based CHRI checks to determine the proper fee amounts which should be collected, and the FBI publishes any resulting fee adjustments in the **Federal Register**.

A fee study was conducted in keeping with 28 CFR 20.31(e)(2). The fee study results recommend an increase in the fingerprint-based CHRI checks from the current user fees published in the **Federal Register** on July 14, 2016, which have been in effect since October 1, 2016. The FBI reviewed the results of the independently conducted User Fee Study, compared the recommendations to the current fee schedule, and determined the revised fee recommendation amounts for the cost reimbursement portion of the fee were reasonable and in consonance with the underlying legal authorities.

For the automation portion of the FBI CJIS user fee rate, the current methodology has been in place since 2008. This method used the depreciation value of select capital information technology assets as the basis for the calculation. Given the considerable transformation in the business and operational environments within the FBI CJIS Division, to include changes in technology and workload, the FBI conducted an extensive business review of the automation portion of the FBI CJIS user fee rate. As a result of the review, an updated methodology for the calculation of the automation portion of the FBI CJIS user fee rate has been adopted.

The FBI is implementing a flat rate methodology for the automation portion of the FBI CJIS user fee rate. The initial flat rate is based on historical automation fund usage divided by historical volume for the same time period. The resulting per unit cost is rounded to the nearest whole dollar to arrive at a flat rate. Each time the FBI conducts a user fee study under 28 CFR 20.31 (e)(2), the amount of the flat rate will be re-evaluated to determine if an adjustment is warranted. In making this determination, consideration will be given to the following factors: Program fluctuations, available funding levels, and/or changes in legal authority. This methodology achieves the FBI's overarching objectives for program solvency, rate stability, and predictable revenue with regard to the automation portion of the fee.

Pursuant to the recommendations of the study and the revised automation methodology, the fees for fingerprint-based CHRI checks will be increased and the fee for name-based CHRI checks will remain the same for federal agencies specifically authorized by statute, *e.g.,* pursuant to the Security Clearance Information Act, Title 5, United States Code, Section 9101.

The following tables detail the new fee amounts for authorized users requesting fingerprint-based and name-based CHRI checks for noncriminal justice purposes, including the difference from the fee schedule currently in effect.

FINGERPRINT-BASED CHRI CHECKS

Service	Fee currently in effect	Fee currently in effect for CBSPs [1]	Change in fee amount	Revised fee	Revised fee for CBSPs
Fingerprint-based Submission	$12.00	$10.00	$1.25	$13.25	[2] $11.25
Fingerprint-based Volunteer Submission (See e.g., 75 *FR* 18752) [3]	10.75	8.75	.50	11.25	[4] 9.25

[1] Centralized Billing Service Providers, see 75 FR 18753.

[2] Cost Recovery = $5.25; Automation = $6.

[3] Volunteers providing care for children, the elderly, or individuals with disabilities.

[4] Cost Recovery = $5.25; Automation = $4.

NAME-BASED CHRI CHECKS

Service	Fee currently in effect	Change in fee amount	Revised fee (no change)
Name-based Submission	$2.00	$.00	$2.00

Dated: September 14, 2018.

Christopher A. Wray,

Director.

[FR Doc. 2018–20644 Filed 9–21–18; 8:45 am]

BILLING CODE 4410–02–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 18–12]

Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance for Fiscal Year 2019

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: This report to Congress is provided in accordance with section 608(b) of the Millennium Challenge Act of 2003, as amended (Act). Section 608(a) of the Millennium Challenge Act of 2003 requires the Millennium Challenge Corporation to publish a report that identifies countries that are ''candidate countries'' for Millennium Challenge Account assistance during FY 2018. The report is set forth in full below.

Dated: September 13, 2018.

Jeanne M. Hauch,

Vice President/General Counsel and Corporate Secretary.

Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance in Fiscal Year 2019

Summary

In accordance with section 608(b)(2) of the Act (22 U.S.C. 7707(b)(2)), the Millennium Challenge Corporation (MCC) is submitting the enclosed report. This report identifies the criteria and methodology that MCC intends to use to determine which candidate countries may be eligible to be considered for assistance under the Act for fiscal year 2019.

Under section 608(c)(1) of the Act (22 U.S.C. 7707(c)(1)), MCC will, for a thirty-day period following publication, accept and consider public comment for purposes of determining eligible countries under section 607 of the Act (22 U.S.C. 7706).

This document explains how the Board of Directors (Board) of the Millennium Challenge Corporation (MCC) will identify, evaluate, and select eligible countries for fiscal year (FY) 2019. The statutory basis for this report is set forth in Appendix A. Specifically, this document discusses the following:

I. Which countries are evaluated?

For scorecard evaluation purposes for FY 2019, MCC evaluates all candidate countries and statutorily-prohibited countries according to the following income groups:[1]

- Countries whose gross national income (GNI) per capita is $1,875 or less; and
- Countries whose GNI per capita is between $1,876 and $3,895.

Appendix B lists all candidate countries and statutorily-prohibited countries for scorecard evaluation purposes.

II. How does the Board evaluate these countries?

A. Overall Evaluation

The Board looks at three legislatively-mandated factors in its evaluation of any candidate country for compact eligibility: (1) Policy performance; (2) the opportunity to reduce poverty and generate economic growth; and (3) the availability of MCC funds.

[1] These income groups correspond to the definitions of low income countries and lower middle countries using the historic International Development Association (IDA) threshold published by the World Bank. MCC has used these categories to evaluate country performance since FY 2004. Our amended statute no longer uses those definitions for funding purposes, but we will continue to use them for evaluation purposes.

1. Policy Performance

Because of the importance of needing to evaluate a country's policy performance and needing to do so in a comparable, cross-country way, the Board relies to the maximum extent possible upon the best-available objective and quantifiable indicators of policy performance. These indicators act as proxies of the country's commitment to just and democratic governance, economic freedom, and investing in its people, as laid out in MCC's founding legislation. Comprised of 20 third-party indicators in the categories of ''encouraging economic freedom,'' ''investing in people,'' and ''ruling justly,'' MCC ''scorecards'' are created for all candidate countries and statutorily-prohibited countries. To ''pass'' the indicators on the scorecard, the country must perform above the median *among its income group* (as defined above for scorecard evaluation purposes), except in the cases of inflation, political rights, civil liberties, and immunization rates (countries whose GNI per capita is between $1,876 and $3,895 only), where threshold scores have been established. In particular, the Board considers whether the country

- passed at least 10 of the 20 indicators, with at least one in each category,
- passed either the Political Rights or Civil Liberties indicator, and
- passed the Control of Corruption indicator.

While satisfaction of all three aspects means a country is termed to have ''passed'' the scorecard, the Board also considers whether the country performed ''substantially worse'' in any one policy category than it does on the scorecard overall. Appendix C describes all 20 indicators, their definitions, what is required to ''pass,'' their source, and their relationship to the legislative criteria.

The mandatory passing of either the Political Rights or Civil Liberties indicators is called the Democratic Rights ''hard hurdle'' on the scorecard, while the mandatory passing of the Control of Corruption indicator is called the Control of Corruption ''hard hurdle.'' Not passing either ''hard hurdle'' results in not passing the scorecard overall, regardless of whether

at least 10 of the 20 other indicators are passed.

• *Democratic Rights ''hard hurdle'':* This hurdle sets a minimum bar for democratic rights below which the Board will not consider a country for eligibility. Requiring that a country pass *either* the Political Rights *or* Civil Liberties indicator creates a democratic incentive for countries, recognizes the importance democracy plays in driving poverty-reducing economic growth, and holds MCC accountable to working with the best governed, poorest countries. When a candidate country is only passing one of the two indicators comprising the hurdle (instead of both), the Board will also closely examine why it is not passing the other indicator to understand what the score implies for the broader democratic environment and trajectory of the country. This examination will include consultation with both local and international civil society experts, among others.

• *Control of Corruption ''hard hurdle'':* Corruption in any country is an unacceptable tax on economic growth and an obstacle to the private sector investment needed to reduce poverty. Accordingly, MCC seeks out partner countries that are committed to combatting corruption. It is for this reason that MCC also has the Control of Corruption ''hard hurdle,'' which helps ensure that MCC is working with countries where there is relatively strong performance in controlling corruption. Requiring the passage of the indicator provides an incentive for countries to demonstrate a clear commitment to controlling corruption, and allows MCC to better understand the issue by seeing how the country performs relative to its peers and over time.

Together, the 20 policy performance indicators are the predominant basis for determining which eligible countries will be selected for MCC assistance, and the Board expects a country to be passing its scorecard at the point the Board decides to select the country for either a first or second/subsequent compact. However, the Board also recognizes that even the best-available data has inherent challenges. For example, data gaps, real-time events versus data lags, the absence of narratives and nuanced detail, and other similar weaknesses affect each of these indicators. In such instances, the Board uses its judgment to interpret policy performance as measured by the scorecards. The Board may also consult other sources of information to further enhance its understanding of a given country's policy performance beyond the issues on the scorecard (*e.g.,* specific policy issues related to trade, the treatment of civil society, other U.S. aid programs, financial sector performance, and security/foreign policy issues). The Board uses its judgment on how best to weigh such information in assessing overall policy performance.

2. The Opportunity To Reduce Poverty and Generate Economic Growth

The Board also consults other sources of qualitative and quantitative information to have a more detailed view of the opportunity to reduce poverty and generate economic growth in a country.

While the Board considers a range of other information sources depending on the country, specific areas of attention typically include better understanding the issues on, trends in, and trajectory of

• the state of democratic and human rights (especially of vulnerable groups [2]);

• the perspective of civil society on salient governance issues;

• the control of corruption and rule of law;

• the potential for the private sector (both local and foreign) to lead investment and growth;

• the levels of poverty within a country; and

• the country's institutional capacity.

Where applicable, the Board also considers MCC's own experience and ability to reduce poverty and generate economic growth in a given country—such as considering MCC's core skills versus the country's needs, and capacity within MCC to work with a country.

This information provides greater clarity on the likelihood that MCC programs will have an appreciable impact on reducing poverty and generating economic growth in a given country. The Board has used such information both to decline to select countries that are otherwise passing their scorecards, as well as to better understand when a country's performance on a particular indicator may not be up to date or is about to change. More details on this subject (sometimes referred to as ''supplemental information'') can be found on MCC's website.

3. The Availability of MCC Funds

The final factor that the Board must consider when evaluating countries is the funding available. The agency's allocation of its budget is constrained, and often specifically limited, by provisions in the authorizing legislation and appropriations acts. MCC has a continuous pipeline of countries in compact development, compact implementation, and compact closure, as well as threshold programs. Consequently, the Board factors in the overall portfolio picture when making its selection decisions given the funding available for each of the agency's planned or existing programs.

* * * * *

The following subsections describe how each of these three legislatively-mandated factors are applied with regard to the selection situations the Board encounters each December: Selection of countries for a compact, selection of countries for a second or subsequent compact, selection of countries for the threshold program, and selection of countries for a concurrent compact. Thereafter, a note is included on issues for consideration for countries that might transition to upper middle income country status after initial selection.

B. Evaluation for Selection of Eligible Countries for a First Compact

When selecting eligible countries for a compact, the Board looks at all three legislatively-mandated aspects described in the previous section: (1) Policy performance, first and foremost as measured by the scorecards and bolstered through additional information (as described in the previous section); (2) the opportunity to reduce poverty and generate economic growth, examined through the use of other supporting information (as described in the previous section); and (3) the funding available.

At a minimum, the Board considers whether the country passes its scorecard. It also examines supporting evidence that the country's commitment to just and democratic governance, economic freedom, and investing in its people is on a sound footing and performance is on a positive trajectory (especially on the ''hard hurdles'' of Democratic Rights and Control of Corruption, as described in the previous section), and that MCC has funding to support a meaningful compact with that country. Where applicable, previous threshold program information is also considered. The Board then weighs the information described above across each of the three dimensions.

The approach described above is then applied in any additional years of selection of a country to continue to develop a first compact, with the added benefit of having cumulative scorecards, cumulative records of policy performance, and other accumulated

[2] For example, women; children; lesbian, gay, bisexual, and transgender individuals; people with disabilities; and workers.

supporting information to determine the overall pattern of performance over the emerging multi-year trajectory.

C. Evaluation for Selection of Eligible Countries for a Second or Subsequent Compact

Section 609(l) of the Millennium Challenge Act of 2003, as amended, specifically authorizes MCC to enter into ''one or more subsequent Compacts.'' MCC does not consider the eligibility of a country for a subsequent compact, however, before the country has completed its compact or is within 18 months of completion, (*e.g.,* a second compact if it has completed or is within 18 months of completing its first compact). Selection for a subsequent compact is not automatic and is intended only for countries that (1) exhibit successful performance on their previous compact; (2) exhibit improved scorecard policy performance during the partnership; and (3) exhibit a continued commitment to further their sector reform efforts in any subsequent partnership. As a result, the Board has an even higher standard when selecting countries for subsequent compacts.

1. Successful Implementation of the Previous Compact

To evaluate the degree of success of the previous compact, the Board examines whether there is clear evidence of success within the budget and time limits of the compact, in particular by looking at three aspects:

- *The degree to which there is evidence of strong political will and management capacity:* Is the partnership characterized by the country ensuring that both policy reforms and the compact program itself are both being implemented to the best ability that the country can deliver.
- *The degree to which the country has exhibited commitment and capacity to achieve program result*s: Are the financial and project results being achieved; to what degree is the country committing its own resources to ensure the compact is a success; to what extent is the private sector engaged (if relevant); and other compact-specific issues.
- *The degree to which the country has implemented the compact in accordance with MCC's core policies and standards:* That is, is the country adhering to MCC's policies and procedures, including in critical areas such as remediating unresolved fraud and corruption and abuse or misuse of funds issues; procurement; and monitoring and evaluation?

Details on the specific types of information examined (and sources used) in each of the three areas are provided in Appendix D. Overall, the Board is looking for evidence that the previous compact will be completed or has been completed successfully, on time and on budget, and that there is a commitment to continued, robust reform going forward.

2. Improved Scorecard Policy Performance

Beyond successful implementation of the previous compact, the Board expects the country to have improved its overall scorecard policy performance during the partnership, and to pass the scorecard in the year of selection for the subsequent compact. The Board focuses on the following:

- The overall scorecard pass/fail rate over time, what this suggests about underlying policy performance, as well as an examination of the underlying reasons;
- The progress over time on policy areas measured by both hard-hurdle indicators—Democratic Rights and Control of Corruption—including an examination of the underlying reasons; and
- Other indicator trajectories as deemed relevant by the Board.

In all cases, while the Board expects the country to be passing its scorecard, other sources of information are examined to understand the nuance and reasons behind scorecard or indicator performance over time, including any real-time updates, methodological changes within the indicators themselves, shifts in the relevant candidate pool, or alternative policy performance perspectives (such as gleaned through consultations with civil society and related stakeholders). Other sources of information are also consulted to look at policy performance over time in areas not covered by the scorecard, but that are deemed important by the Board (such as trade, foreign policy concerns, *etc.*).

3. A Commitment to Further Sector Reform

The Board expects that subsequent compacts will endeavor to tackle deeper policy reforms necessary to unlock an identified constraint to growth. Consequently, the Board considers its own experience during the previous compact in considering how committed the country is to reducing poverty and increasing economic growth, and therefore tries to gauge the country's commitment for further sector reform should it be selected for a subsequent compact. This includes the following:

- Assessing the country's delivery of policy reform during the previous compact (as described above);
- Assessing expectations of the country's ability and willingness to continue embarking on sector policy reform in a subsequent compact;
- Examining both other sources of information that describe the nature of the opportunity to reduce poverty and generate growth (as outlined in A.2 above), and the relative success of the previous compact overall, as already discussed; and
- Finally, considering how well funding can be leveraged for impact, given the country's experience in the previous compact.

* * * * *

Through this overall approach to selection for a subsequent compact, the Board applies the three legislatively mandated evaluation criteria (policy performance, the opportunity to reduce poverty and generate economic growth, and the funding available) in a way that rests critically on deeply assessing the previous partnership from a compact success standpoint, a commitment to improved scorecard policy performance standpoint, and a commitment to continued sector policy reform standpoint. The Board then weighs all of the information described above in making its decision.

The approach described above is then applied in any additional years of selection necessary as the country continues to develop the subsequent compact, with the added benefit of having further detail on previous compact implementation, cumulative scorecards, records of policy performance, and other accumulated supporting information to determine the overall pattern of performance over the resulting multi-year trajectory.

D. Evaluation for Concurrent Compacts

Section 609(k) of the Millennium Challenge Act of 2003, as amended, authorizes MCC to enter into one additional concurrent compact with a country if one or both of the compacts with the country is for the purpose of regional economic integration, increased regional trade, or cross-border collaborations.

The fundamental criteria and process for the selection of countries for such compacts will remain the same as those for the selection of countries for non-concurrent compacts: Countries will continue to be evaluated and selected individually, as described in sections II.A, II.B, II.C, and II.F.

Section 609(k) also requires as a precondition for a concurrent compact that the Board determine that the

country is making ''considerable and demonstrable progress in implementing the terms of the existing Compact and supplementary agreements thereto.'' This new statutory requirement is fully consistent with prior Board practice regarding the selection of a country for a non-concurrent compact. For a country where a concurrent compact is contemplated, the Board will take into account whether there is clear evidence of success, as relevant to the phase of the current compact. Among other information, the Board will examine the evaluation criteria described in Section II.C.1 above, notably:

- The degree to which there is evidence of strong political will and management capacity;
- The degree to which the country has exhibited commitment and capacity to achieve program results; and
- The degree to which the country has implemented the compact in accordance with MCC's core policies and standards.

In addition to providing information to the Board so it can make its determination regarding the country's progress in implementing its current compact, MCC will provide the Board with additional information relating to the potential for regional economic integration, increased regional trade, or cross-border collaborations for any country being considered for a concurrent compact. This information may include items such as the following:

- The current state of a country's regional integration, such as common financial and political dialogue frameworks, integration of productive value chains, and cross-border flows of people, goods, and services.
- The current and potential level of trade between a country and its neighbors, including analysis of trade flows and unexploited potential for trade, and an assessment of the extent and significance of tariff and non-tariff barriers, including information regarding the patterns of trade.
- The potential gains from cross-border cooperation between a country and its neighbors to alleviate bilateral and regional bottlenecks to economic growth and poverty reduction, such as through physical infrastructure or coordinated policy and institutional reforms.

The Board can then weigh the information as a whole—the fundamental selection factors described in sections II.A, II.B, II.C, and II.F, the information regarding implementation of the current compact, and any additional relevant information regarding potential regional integration—to determine whether or not to direct MCC to seek to enter into a concurrent compact with the country.

E. Evaluation for Threshold Program Assistance

The Board may also evaluate countries for participation in the threshold program. The threshold program provides assistance to candidate countries that exhibit a significant commitment to meeting the criteria described in the previous subsections, but fail to meet such requirements. Specifically, in examining the policy performance, the opportunity to reduce poverty and generate economic growth, and the funding available, the Board will consider whether a country that potentially qualifies for threshold program assistance appears to be on a trajectory to becoming viable for compact eligibility in the medium term.

F. A Note on Potential Transition to Upper Middle Income Country (UMIC) Status After Initial Selection

Some candidate countries may have a high per capita income or a high growth rate that implies there is a chance they could transition to UMIC status during the life of an MCC partnership. In such cases, it is not possible to accurately predict when such a country may or may not transition to UMIC status.

Nonetheless, such countries may have more resources at their disposal for funding their own growth and poverty reduction strategies. As a result, in addition to using the regular selection criteria described in the previous sections, the Board will also use its discretion to assess both the need and the opportunity presented by partnering with such a country, in order to ensure that there is a higher bar for possible selection.

Specifically, if a candidate country with a high probability of transitioning to UMIC status is under consideration for selection, the Board will examine additional data and information related to the following:

- Whether the country faces significant challenges accessing other sources of development financing (such as international capital, domestic resources, and other donor assistance) and, if so, whether MCC grant financing would be an appropriate tool;
- Whether the nature of poverty in the country (for example, high inequality or poverty headcount ratios relative to peer countries) presents a clear and strategic opportunity for MCC to assist the country in reducing such poverty through projects that spur economic growth;
- Whether the country demonstrates particularly strong policy performance, including policies and actions that demonstrate a clear priority on poverty reduction; and
- Whether MCC can reasonably expect that the country would contribute a significant amount of funding to the compact.

These additional criteria would then be applied in any additional years of selection as the country continues to develop its compact. Should the country eventually transition to UMIC status during compact development, the country would no longer be a candidate country for that fiscal year. Consequently, continuing compact development beyond that point would then be at the Board's discretion, and the compact would rely on funding from previous fiscal years from when the country was a candidate country.

Appendix A: Statutory Basis for This Report

This report to Congress is provided in accordance with section 608(b) of the Millennium Challenge Act of 2003, as amended (the Act), 22 U.S.C. 7707(b).

Section 605 of the Act authorizes the provision of assistance to countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction. The Act requires MCC to take a number of steps in selecting countries for compact assistance for FY 2019 based on the countries' demonstrated commitment to just and democratic governance, economic freedom, and investing in their people, MCC's opportunity to reduce poverty and generate economic growth in the country, and the availability of funds. These steps include the submission of reports to the congressional committees specified in the Act and publication of information in the **Federal Register** that identify:

1. The countries that are ''candidate countries'' for assistance for FY 2019 based on per capita income levels and eligibility to receive assistance under U.S. law (section 608(a) of the Act; 22 U.S.C. 7707(a));
2. The criteria and methodology that MCC's Board of Directors (Board) will use to measure and evaluate policy performance of the candidate countries consistent with the requirements of section 607 of the Act (22 U.S.C. 7706) in order to determine ''eligible countries'' from among the ''candidate countries'' (section 608(b) of the Act; 22 U.S.C. 7707(b)); and
3. The list of countries determined by the Board to be ''eligible countries'' for FY 2019, with justification for eligibility determination and selection for compact negotiation, including those eligible countries with which MCC will seek to enter into compacts (section 608(d) of the Act; 22 U.S.C. 7707(d)).

This report satisfies item 2 above.

Appendix B: Lists of All Candidate Countries and Statutorily-Prohibited Countries for Evaluation Purposes

Income Groups for Scorecards

Since MCC was created, it has relied on the *World Bank's gross national income (GNI) per capita income data* (Atlas method) and the historical ceiling for eligibility as set by the World Bank's International Development Association (IDA) to divide countries into two income categories for purposes of creating scorecards. These categories are used to account for the income bias that occurs when countries with more per capita resources perform better than countries with fewer. Using the historical IDA eligibility ceiling for the scorecard evaluation groups ensures that the poorest countries compete with their income level peers and are not compared against countries with more resources to mobilize.

MCC will continue to use the historical IDA classifications for eligibility to categorize countries in two groups for purposes of FY 2019 scorecard comparisons:

- Countries with GNI per capita equal to or less than IDA's historical ceiling for eligibility (*i.e.,* $1,875 for FY 2019); and
- Countries with GNI per capita above IDA's historical ceiling for eligibility but below the World Bank's upper middle income country threshold (*i.e.,* $1,876 and $3,895 for FY 2019).

The list of countries for FY 2019 scorecard assessments is set forth below:

Countries With GNI per Capita of $1,875 or Less

1. Afghanistan
2. Bangladesh
3. Benin
4. Burkina Faso
5. Burma
6. Burundi
7. Cambodia
8. Cameroon
9. Central African Republic
10. Chad
11. Comoros
12. Congo, Democratic Republic of the
13. Congo, Republic of the
14. Côte d'Ivoire
15. Eritrea
16. Ethiopia
17. Gambia, The
18. Ghana
19. Guinea
20. Guinea-Bissau
21. Haiti
22. India
23. Kenya
24. Kyrgyzstan
25. Lesotho
26. Liberia
27. Madagascar
28. Malawi
29. Mali
30. Mauritania
31. Mozambique
32. Nepal
33. Niger
34. North Korea
35. Pakistan
36. Rwanda
37. São Tomé and Principe
38. Senegal
39. Sierra Leone
40. Somalia
41. South Sudan
42. Syria
43. Tajikistan
44. Tanzania
45. Timor-Leste
46. Togo
47. Uganda
48. Yemen
49. Zambia
50. Zimbabwe

Countries With GNI per Capita Between $1,876 and $3,895

1. Angola
2. Bolivia
3. Bhutan
4. Cabo Verde
5. Djibouti
6. Egypt
7. El Salvador
8. Eswatini (formerly Swaziland)
9. Georgia
10. Honduras
11. Indonesia
12. Kiribati
13. Kosovo
14. Laos
15. Micronesia, Federated States of
16. Moldova
17. Mongolia
18. Morocco
19. Nicaragua
20. Nigeria
21. Papua New Guinea
22. Philippines
23. Solomon Islands
24. Sri Lanka
25. Sudan
26. Tunisia
27. Ukraine
28. Uzbekistan
29. Vanuatu
30. Vietnam

Statutorily-Prohibited Countries

1. Bolivia
2. Burma
3. Cambodia
4. Eritrea
5. Nicaragua
6. North Korea
7. South Sudan
8. Sudan
9. Syria
10. Zimbabwe

Appendix C: Indicator Definitions

The following indicators will be used to measure candidate countries' demonstrated commitment to the criteria found in section 607(b) of the Act. The indicators are intended to assess the degree to which the political and economic conditions in a country serve to promote broad-based sustainable economic growth and reduction of poverty and thus provide a sound environment for the use of MCC funds. The indicators are not goals in themselves; rather, they are proxy measures of policies that are linked to broad-based sustainable economic growth. The indicators were selected based on (i) their relationship to economic growth and poverty reduction; (ii) the number of countries they cover; (iii) transparency and availability; and (iv) relative soundness and objectivity. Where possible, the indicators are developed by independent sources.[3] Listed below is a brief summary of the indicators (a detailed rationale for the adoption of these indicators can be found in the Public Guide to the Indicators on MCC's public website at *www.mcc.gov*).

Ruling Justly

1. Political Rights: Independent experts rate countries on the prevalence of free and fair electoral processes; political pluralism and participation of all stakeholders; government accountability and transparency; freedom from domination by the military, foreign powers, totalitarian parties, religious hierarchies and economic oligarchies; and the political rights of minority groups, among other things. Pass: Score must be above the minimum score of 17 out of 40. Source: *Freedom House.*

2. Civil Liberties: Independent experts rate countries on freedom of expression and belief; association and organizational rights; rule of law and human rights; and personal autonomy and economic rights, among other things. Pass: Score must be above the minimum score of 25 out of 60. Source: *Freedom House.*

3. Freedom of Information: Measures the legal and practical steps taken by a government to enable or allow information to move freely through society; this includes measures of press freedom, national freedom of information laws, and the extent to which a county is filtering internet content or tools. Pass: Score must be above the median score for the income group. Source: *Freedom House/Centre for Law and Democracy.*

4. Government Effectiveness: An index of surveys and expert assessments that rate countries on the quality of public service provision; civil servants' competency and independence from political pressures; and the government's ability to plan and implement sound policies, among other things. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings).*

5. Rule of Law: An index of surveys and expert assessments that rate countries on the extent to which the public has confidence in and abides by the rules of society; the incidence and impact of violent and nonviolent crime; the effectiveness, independence, and predictability of the judiciary; the protection of property rights; and the enforceability of contracts, among other things. Pass: Score must be above the median score for the income group. Source:

[3] Special note on Kosovo: Since UN agencies do not currently publish data for Kosovo due to its non-recognition status, MCC is unable to source data directly from the UN for the six indicators that are constructed in all or in part from this data: Land Rights and Access, Health Expenditures, Primary Education Expenditures, Immunization Rates, Girls' Secondary Education Enrollment Rate, and Child Health. As result, MCC publishes data from UNKT (the UN Kosovo Team) in cases where UNKT uses comparable methodologies to their UN sister organizations. See *http://www.unkt.org/* for more information.

Worldwide Governance Indicators (World Bank/Brookings).

6. Control of Corruption: An index of surveys and expert assessments that rate countries on: ''grand corruption'' in the political arena; the frequency of petty corruption; the effects of corruption on the business environment; and the tendency of elites to engage in ''state capture,'' among other things. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings).*

Encouraging Economic Freedom

1. Fiscal Policy: General government net lending/borrowing as a percent of gross domestic product (GDP), averaged over a three year period. Net lending/borrowing is calculated as revenue minus total expenditure. The data for this measure comes from the IMF's World Economic Outlook. Pass: Score must be above the median score for the income group. Source: *The International Monetary Fund's World Economic Outlook Database.*

2. Inflation: The most recent average annual change in consumer prices. Pass: Score must be 15 percent or less. Source: *The International Monetary Fund's World Economic Outlook Database.*

3. Regulatory Quality: An index of surveys and expert assessments that rate countries on the burden of regulations on business; price controls; the government's role in the economy; and foreign investment regulation, among other areas. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings).*

4. Trade Policy: A measure of a country's openness to international trade based on weighted average tariff rates and non-tariff barriers to trade. Pass: Score must be above the median score for the income group. Source: *The Heritage Foundation.*

5. Gender in the Economy: An index that measures the extent to which laws provide men and women equal capacity to generate income or participate in the economy, including factors such as the capacity to access institutions, get a job, register a business, sign a contract, open a bank account, choose where to live, to travel freely, property rights protections, protections against domestic violence, and child marriage (among others). Pass: Score must be above the median score for the income group. Source: *International Finance Corporation.*

6. Land Rights and Access: An index that rates countries on the extent to which the institutional, legal, and market framework provide secure land tenure and equitable access to land in rural areas and the time and cost of property registration in urban and peri-urban areas. Pass: Score must be above the median score for the income group. Source: *The International Fund for Agricultural Development and the International Finance Corporation.*

7. Access to Credit: An index that rates countries on rules and practices affecting the coverage, scope, and accessibility of credit information available through either a public credit registry or a private credit bureau; as well as legal rights in collateral laws and bankruptcy laws. Pass: Score must be above the median score for the income group. Source: *International Finance Corporation.*

8. Business Start-Up: An index that rates countries on the time and cost of complying with all procedures officially required for an entrepreneur to start up and formally operate an industrial or commercial business. Pass: Score must be above the median score for the income group. Source: *International Finance Corporation.*

Investing in People

1. Public Expenditure on Health: Total current expenditures on health by government (excluding funding sourced from external donors) at all levels divided by GDP. Pass: Score must be above the median score for the income group. Source: *The World Health Organization.*

2. Total Public Expenditure on Primary Education: Total expenditures on primary education by government at all levels divided by GDP. Pass: Score must be above the median score for the income group. Source: *The United Nations Educational, Scientific and Cultural Organization and National Governments.*

3. Natural Resource Protection: Assesses whether countries are protecting up to 17 percent of all their biomes (*e.g.,* deserts, tropical rainforests, grasslands, savannas and tundra). Pass: Score must be above the median score for the income group. Source: *The Center for International Earth Science Information Network and the Yale Center for Environmental Law and Policy.*

4. Immunization Rates: The average of DPT3 and measles immunization coverage rates for the most recent year available. Pass: Score must be above the median score for countries with a GNI/capita of $1,875 or less and 90 percent or higher for countries with a GNI/capita between $1,876 and $3,895. Source: *The World Health Organization and the United Nations Children's Fund.*

5. *Girls Education:*

a. Girls' Primary Completion Rate: The number of female students enrolled in the last grade of primary education minus repeaters divided by the population in the relevant age cohort (gross intake ratio in the last grade of primary). Countries with a GNI/capita of $1,875 or less are assessed on this indicator. Pass: Score must be above the median score for the income group. Source: *United Nations Educational, Scientific and Cultural Organization.*

b. Girls Secondary Enrollment Education: The number of female pupils enrolled in lower secondary school, regardless of age, expressed as a percentage of the population of females in the theoretical age group for lower secondary education. Countries with a GNI/capita between $1,876 and $3,895 are assessed on this indicator instead of Girls Primary Completion Rates. Pass: Score must be above the median score for the income group. Source: *United Nations Educational, Scientific and Cultural Organization.*

6. Child Health: An index made up of three indicators: (i) Access to improved water, (ii) access to improved sanitation, and (iii) child (ages 1–4) mortality. Pass: Score must be above the median score for the income group. Source: *The Center for International Earth Science Information Network and the Yale Center for Environmental Law and Policy.*

Relationship to Legislative Criteria

Within each policy category, the Act sets out a number of specific selection criteria. A set of objective and quantifiable policy indicators is used to inform eligibility decisions for assistance and to measure the relative performance by candidate countries against these criteria. The Board's approach to determining eligibility ensures that performance against each of these criteria is assessed by at least one of the objective indicators. Most are addressed by multiple indicators. The specific indicators appear in parentheses next to the corresponding criterion set out in the Act.

Section 607(b)(1): Just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism, equality and the rule of law (*Political Rights, Civil Liberties, Rule of Law, and Gender in the Economy*);

(B) respect human and civil rights, including the rights of people with disabilities (*Political Rights, Civil Liberties, and Freedom of Information*);

(C) protect private property rights (*Civil Liberties, Regulatory Quality, Rule of Law, and Land Rights and Access*);

(D) encourage transparency and accountability of government (*Political Rights, Civil Liberties, Freedom of Information, Control of Corruption, Rule of Law, and Government Effectiveness*);

(E) combat corruption (*Political Rights, Civil Liberties, Rule of Law, Freedom of Information, and Control of Corruption*); and

(F) the quality of the civil society enabling environment (*Civil Liberties, Freedom of Information, and Rule of Law*).

Section 607(b)(2): Economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets (*Fiscal Policy, Inflation, Trade Policy, and Regulatory Quality*);

(B) promote private sector growth (*Inflation, Business Start-Up, Fiscal Policy, Land Rights and Access, Access to Credit, Gender in the Economy, and Regulatory Quality*);

(C) strengthen market forces in the economy (*Fiscal Policy, Inflation, Trade Policy, Business Start-Up, Land Rights and Access, Access to Credit, and Regulatory Quality*); and

(D) respect worker rights, including the right to form labor unions (*Civil Liberties and Gender in the Economy*).

Section 607(b)(3): Investments in the people of such country, particularly women and children, including programs that—

(A) promote broad-based primary education (*Girls' Primary Completion Rate, Girls' Secondary Education Enrollment Rate, and Total Public Expenditure on Primary Education*);

(B) strengthen and build capacity to provide quality public health and reduce child mortality (*Immunization Rates, Public Expenditure on Health, and Child Health*); and

(C) promote the protection of biodiversity and the transparent and sustainable management and use of natural resources (*Natural Resource Protection*).

Appendix D: Subsequent and Concurrent Compact Considerations

MCC reporting and data in the following chart are used to assess compact performance of MCC compact countries nearing the end of compact implementation (*i.e.,* within 18 months of compact end date), or for current MCC compact countries under consideration for a concurrent compact, where appropriate. Some reporting used for assessment may contain sensitive information and adversely affect implementation or MCC-partner country relations. This information is for MCC's internal use and is not made public.

However, key implementation information is summarized in compact status and results reports that are published quarterly on MCC's website under MCC country programs (*https://www.mcc.gov/where-we-work*) or monitoring and evaluation (*https://www.mcc.gov/our-impact/m-and-e*) web pages.

Topic	MCC reporting/data source	Published documents
COUNTRY PARTNERSHIP		
Political Will: • Status of major conditions precedent. • Program oversight/implementation. ○ project restructures. ○ partner response to accountable entity capacity issues. • Political independence of the accountable entity. Management Capacity: • Project management capacity. • Project performance. • Level of MCC intervention/oversight. • Relative level of resources required.	• *Quarterly implementation reporting.* • *Quarterly results reporting.* • *Survey of MCC staff.*	• *Quarterly results published as "Table of Key Performance Indicators" (available by country): https://www.mcc.gov/our-impact/m-and-e.* • *Survey questions to be posted: https://www.mcc.gov/resources/doc/summary-compact-survey-summary-fy19.*
PROGRAM RESULTS		
Financial Results: • Commitments—including contributions to compact funding. • Disbursements. Project Results: • Output, outcome, objective targets. • Accountable entity commitment to 'focus on results'. • Accountable entity cooperation on impact evaluation. • Percent complete for process/outputs. • Relevant outcome data. • Details behind target delays. Target Achievements:	• *Indicator tracking tables.* • *Quarterly financial reporting.* • *Quarterly implementation reporting.* • *Quarterly results reporting.* • *Survey of MCC staff.* • *Impact evaluations.*	• *Monitoring and Evaluation Plans (available by country): https://www.mcc.gov/our-impact/m-and-e.* • *Quarterly Status Reports (available by country): https://www.mcc.gov/our-impact/m-and-e.* • *Quarterly results published as "Table of Key Performance Indicators" (available by country): https://www.mcc.gov/our-impact/m-and-e.* • *Survey questions to be posted: https://www.mcc.gov/resources/doc/summary-compact-survey-summary-fy19.*
ADHERENCE TO STANDARDS		
• Procurement. • Environmental and social. • Fraud and corruption. • Program closure. • Monitoring and evaluation. • All other legal provisions.	• *Audits (GAO and OIG).* • *Quarterly implementation reporting.* • *Survey of MCC staff.*	• *Published OIG and GAO audits.* • *Survey questions to be posted: https://www.mcc.gov/resources/doc/summary-compact-survey-summary-fy19.*
COUNTRY SPECIFIC		
Sustainability: • Implementation entity. • *MCC investments.* Role of private sector or other donors: • Other relevant investors/investments. • Other donors/programming. • Status of related reforms. • Trajectory of private sector involvement going forward.	• *Quarterly implementation reporting.* • *Quarterly results reporting.* • *Survey of MCC staff.*	• *Quarterly results published as "Table of Key Performance Indicators" (available by country): https://www.mcc.gov/our-impact/m-and-e.* • *Survey questions to be posted: https://www.mcc.gov/resources/doc/summary-compact-survey-summary-fy19.*

[FR Doc. 2018–20646 Filed 9–19–18; 4:15 pm]

BILLING CODE 9211–03–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–295 and 50–304; NRC–2018–0189]

Zion Nuclear Power Station, Units 1 and 2: Zion Solutions, LLC

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for direct transfer of facility operating license and conforming amendment; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of an application filed by the Zion*Solutions,* LLC (ZS) on July 24, 2018. The application seeks NRC approval of the direct transfer of Facility Operating License Nos. DPR–39 and DPR–48 for Zion Nuclear Power Station, Units 1 and 2 (ZNPS), from the current holder, ZS, to Exelon Generation Company, LLC (EGC). The NRC is also considering amending the facility operating licenses for administrative purposes to reflect the proposed transfer.

DATES: Comments must be filed by October 24, 2018. A request for a hearing must be filed by October 15, 2018.

ADDRESSES: You may submit comments by any of the following method:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0189. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: hearingdocket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: John Hickman, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3017, email: *John.Hickman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0189 or NRC Docket Nos. 50–295 and 50–304 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0189.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0189 in your comment submission. The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering the issuance of an Order under section 50.80 of title 10 of the *Code of Federal Regulations* (10 CFR) approving the direct transfer of control of Facility Operating License Nos. DPR–39 and DPR–48 for the ZNPS, currently held by ZS. The transfer would be to EGC. The NRC is also considering amending the facility operating licenses for administrative purposes to reflect the proposed transfer. The application now being considered is dated July 24, 2018, and was filed by ZS (ADAMS Accession No. ML18211A303).

Following approval of the proposed direct transfer of control of the licenses, EGC would acquire ZS's licensed possession of the generally licensed Independent Spent Fuel Storage Installation (ISFSI). EGC will retain title to the real estate encompassing the ZNPS site, ownership of the spent nuclear fuel and the Greater than Class C Radioactive Waste (GTCC), and certain other improvements, all of which were retained by EGC when the license was transferred to ZS in 2010. EGC will also continue to maintain its ZNPS ISFSI nuclear decommissioning trust, a grantor trust in which funds are segregated from its assets and outside its administrative control, in accordance with the requirements of 10 CFR 50.75(e)(1). Any ZNPS decommissioning trust funds remaining at the time of transfer will be transferred to EGC.

The application for transfer does not propose any physical or operational changes to the ZNPS facility.

The NRC's regulations at 10 CFR 50.80 state that no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the direct transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer

is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility or to the license of an Independent Spent Fuel Storage Installation, which does no more than conform the license to reflect the transfer action, involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91. An Environmental Assessment will not be performed because, pursuant to 10 CFR 51.22(c)(21), license transfer approvals and the associated license amendments are categorically excluded from the requirements to perform an Environmental Assessment.

III. Opportunity To Comment

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted as described in the **ADDRESSES** section of this document.

IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 20 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 20 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 20 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the

provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

V. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this application, see the application dated July 24, 2018, (ADAMS Accession No. ML18211A303).

Dated at Rockville, Maryland, this 18th day of September 2018.

For the Nuclear Regulatory Commission.

Bruce A. Watson,

Chief, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–20645 Filed 9–21–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0041]

Preparation of Environmental Reports for Nuclear Power Stations

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory Guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 3 of Regulatory Guide (RG) 4.2, ''Preparation of Environmental Reports for Nuclear Power Stations.'' This revision provides general guidance to applicants for the format and content of environmental reports (ERs) that are submitted as part of an application for a permit, license, or other approval for a new nuclear power plant.

DATES: Revision 3 to RG 4.2 is available on September 24, 2018.

ADDRESSES: Please refer to Docket ID NRC–2017–0041 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0041. Address questions about dockets IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* Revision 3 to RG 4.2 and the regulatory analysis may be found in ADAMS under Accession Nos. ML18071A400 and ML16116A067, respectfully.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Jennifer Davis, Office of New Reactors, telephone: 301–415–3835, email: *Jennifer.Davis@nrc.gov* and Edward O'Donnell, Office of Nuclear Regulatory Research, telephone: 301–415–3317, email: *Edward.ODonnell@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing Revision 3 of RG 4.2, ''Preparation of Environmental Reports for Nuclear Power Stations,'' as a guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated events, and data that the staff needs from applicants in its review of applications for permits and licenses. The present guide dates to 1976, and an update was needed to align it with changes in NRC regulations since 1976, changes in environmental statutes and regulations, and Executive Orders. Consequently the guide was updated to provide general guidelines for the preparation of environmental reports supporting an application for a permit, license, or other approval for a new nuclear power plant. The information requested from applicants in this RG is based on the requirements contained in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.'' Guidance from the interim staff guidance, as it relates to information that applicants should include in an environmental report, was incorporated into this RG, as appropriate. The entirety of interim staff guidance will be terminated when it is incorporated into permanent staff guidance in consistent with staff guidance such as NUREG–1555, ''Environmental Standard Review Plan: Standard Review Plans for Environmental Reviews for Nuclear Power Plants'' (ADAMS Accession Nos. ML003702134 and ML003701937).

II. Additional Information

The NRC published a notice of the availability of the proposed revision, temporarily identified by draft regulatory guide (DG) number, DG–4026 for public comment in the **Federal Register** on February 13, 2017 (82 FR 10502) for a 60-day period. The public comment period was extended to May 31, 2017 (82 FR 15544), based upon a request from the Nuclear Energy Institute. The staff responses to the public comments are available under ADAMS under Accession No. ML18071A401.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting and Issue Finality

Issuance of this RG does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule), nor would it be regarded as backfitting under Commission and Executive Director for Operations guidance, and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52.

Dated at Rockville, Maryland, this 19th day of September 2018.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2018–20699 Filed 9–21–18; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Securities Exchange Act of 1934; Release No. 84210/September 19, 2018; Investment Company Act of 1940; Release No. 33240/ September 19, 2018]

Order Under Section 15B, Section 17A and Section 36 of the Securities Exchange Act of 1934 Granting Exemptions From Specified Provisions of the Exchange Act and Certain Rules Thereunder; Order Under Section 6(c) and Section 38(a) of the Investment Company Act of 1940 Granting Exemptions From Specified Provisions of the Investment Company Act and Certain Rules Thereunder

On September 14, 2018, Hurricane Florence made landfall near the North Carolina and South Carolina border. The storm and subsequent flooding has

displaced individuals and businesses and disrupted communications and transportation across the affected region. We are issuing this Order to address the needs of companies and individuals with obligations under the federal securities laws who have been directly or indirectly affected by Hurricane Florence and its aftermath.

Section 15B(a)(4) of the Securities Exchange Act of 1934 (the ''Exchange Act'') provides that the Securities and Exchange Commission (the ''Commission''), by rule or order, upon its own motion or upon application, may conditionally or unconditionally exempt any broker, dealer, municipal securities dealer or municipal advisor, or class of brokers, dealers, municipal securities dealers, or municipal advisors from any provision of Section 15B or the rules or regulations thereunder, if the Commission finds that such exemption is consistent with the public interest, the protection of investors and the purposes of Section 15B.

Section 36 of the Exchange Act authorizes the Commission, by rule, regulation or order, to exempt, either conditionally or unconditionally, any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Exchange Act or any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.

Section 17A(c)(1) of the Exchange Act provides that the appropriate regulatory agency, by rule or by order, upon its own motion or upon application, may conditionally or unconditionally exempt any person or security or class of persons or securities from any provision of Section 17A or any rule or regulation prescribed under Section 17A, if the appropriate regulatory agency [1] finds that such exemption is in the public interest and consistent with the protection of investors and the purposes of Section 17A, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds. Section 17A(c)(1) also requires that the Commission not object to the use of exemptive authority in instances where an appropriate regulatory authority other than the Commission is providing exemptive relief.

Section 6(c) of the Investment Company Act of 1940 (the ''Company Act'') provides that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Company Act, or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Company Act. Section 38(a) of the Company Act provides that the Commission may make, issue, amend and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the powers conferred upon the Commission under the Company Act.

The necessity for prompt action of the Commission does not permit prior notice of the Commission's action.

I. Time Period for the Relief

The time period for the relief specified in Sections II and VI of this Order is as follows:

- With respect to those persons or entities affected by Hurricane Florence, for the period from and including September 14, 2018 to October 26, 2018, all reports, schedules or forms must be filed on or before October 29, 2018.

II. Filing Requirements for Registrants and Other Persons

The lack of communications, transportation, electricity, facilities and available staff and professional advisors as a result of Hurricane Florence could hamper the efforts of public companies and other persons with filing obligations to meet their filing deadlines. At the same time, investors have an interest in the timely availability of required information about these companies and the activities of persons required to file schedules and reports with respect to these companies. While the Commission believes that the relief from filing requirements provided by the exemption below is necessary and appropriate in the public interest and consistent with the protection of investors, we remind public companies and other persons who are the subjects of this Order to continue to evaluate their obligations to make materially accurate and complete disclosures in accordance with the anti-fraud provisions of the federal securities laws.

Accordingly, *it is ordered*, pursuant to Section 36 of the Exchange Act, that a registrant (as defined in Exchange Act Rule 12b–2) subject to the reporting requirements of Exchange Act Section 13(a) or 15(d), and any person required to make any filings with respect to such a registrant, is exempt from any requirement to file or furnish materials with the Commission under Exchange Act Sections 13(a), 13(d), 13(f), 13(g), 14(a), 14(c), 14(f), 15(d) and 16(a), Regulations 13A, 13D–G, 14A, 14C and 15D, and Exchange Act Rules 13f–1, 14f–1 and 16a–3, as applicable, where the conditions below are satisfied.

Conditions.

(a) The registrant or person other than a registrant is not able to meet a filing deadline due to Hurricane Florence and its aftermath;

(b) The registrant or person other than a registrant files with the Commission any report, schedule or form required to be filed during the applicable period of relief on or before the applicable deadline set forth in Section I; and

(c) In any such report, schedule or form filed pursuant to this Order, the registrant or person other than a registrant must disclose that it is relying on this Order and state the reasons why, in good faith, it could not file such report, schedule or form on a timely basis.

III. Furnishing of Proxy and Information Statements

The conditions in the areas affected by Hurricane Florence, including displacement of thousands of individuals and the destruction of property, have prevented and will continue to prevent the delivery of mail to the affected areas. In light of these conditions, we believe that relief is warranted for those seeking to comply with our rules imposing requirements to furnish materials to security holders when mail delivery is not possible and that the following exemption is necessary and appropriate in the public interest and consistent with the protection of investors.

Accordingly, *it is ordered*, pursuant to Section 36 of the Exchange Act, that a registrant or any other person is exempt from the requirements to furnish proxy statements, annual reports and other soliciting materials, as applicable (the ''Soliciting Materials''), and the requirements of the Exchange Act and the rules thereunder to furnish information statements and annual reports, as applicable (the ''Information Materials''), where the conditions below are satisfied.

Conditions

(a) The registrant's security holder has a mailing address located within a zip code where, as a result of Hurricane Florence, the registrant's common carrier has suspended delivery service of the type or class customarily used by the registrant;

[1] Section 3(a)(34)(B) of the Exchange Act defines ''appropriate regulatory authority.''

(b) The registrant or other person making a solicitation has followed normal procedure when furnishing the Soliciting Materials to the security holder in order to ensure that the Soliciting Materials preceded or accompanied the proxy, as required by the rules applicable to the particular form of Soliciting Materials, or, in the case of Information Materials, the registrant has followed normal procedure when furnishing the Information Materials to the security holder in accordance with the rules applicable to Information Materials; and

(c) If requested by the security holder, the registrant or other person provides the Soliciting Materials or Information Materials by a means reasonably designed to furnish the Soliciting Materials or Information Materials to the security holder.

Any registrant or other person in need of additional assistance related to deadlines, delivery obligations or their public filings, should contact the Division of Corporation Finance at (202) 551–3500 or at *https://tts.sec.gov/cgi-bin/corp_fin_interpretive*.

IV. Transmittal of Annual and Semi-Annual Reports to Investors Required by the Company Act and the Rules Thereunder

For reasons similar to those cited in Section III, we believe that relief is warranted for the transmittal by registered management investment companies and registered unit investment trusts (collectively, ''registered investment companies'') of annual and semi-annual reports to investors and that the following exemption is necessary and appropriate in the public interest and consistent with the protection of investors.

Accordingly, *it is ordered*, pursuant to Sections 6(c) and 38(a) of the Company Act that for the period from and including September 14, 2018 to October 26, 2018, a registered investment company is exempt from the requirements of Section 30(e) of the Company Act and Rule 30e–1 thereunder to transmit annual and semi-annual reports to investors affected by Hurricane Florence; and

For the period from and including September 14, 2018 to October 26, 2018, a registered unit investment trust is exempt from the requirements of Section 30(e) of the Company Act and Rule 30e–2 thereunder to transmit annual and semi-annual reports to unitholders affected by Hurricane Florence,

Provided that:

(a) The affected investor's mailing address for transmittal as listed in the records of the registered investment company has a zip code for which the registered investment company's common carrier has suspended mail service, as a result of Hurricane Florence, of the type or class customarily used by the registered investment company for transmittal of reports; and

(b) The registered investment company or other person promptly transmits the reports to affected investors: Either (a) if requested by the investor; or (b) at the earlier of (i) October 29, 2018 or (ii) the resumption of the applicable mail service.

Registered investment companies who are unable to meet a deadline as extended by this relief, or in need of additional assistance regarding issues under the Company Act, should contact the Division of Investment Management, Office of Chief Counsel, at (202) 551–6825 or *IMOCC@sec.gov*.

Registered investment advisers in need of additional assistance regarding issues under the Investment Advisers Act of 1940 should contact the Division of Investment Management, Investment Adviser Regulation Office, at (202) 551–6999 or *IARDLive@sec.gov*.

V. Transfer Agent Compliance With Sections 17a and 17(f) of the Exchange Act

Exchange Act Section 17A and Section 17(f), as well as the rules promulgated under Sections 17A and 17(f), contain requirements for registered transfer agents relating to, among other things, processing securities transfers, safekeeping of investor and issuer funds and securities and maintaining records of investor ownership. Following the events of Hurricane Florence, registered transfer agents located in the affected regions may have difficulty complying with some or all of their obligations as registered transfer agents. In addition, registered transfer agents located outside the affected regions may be unable to conduct business with entities or security holders inside the regions, thereby making it difficult to process securities transactions and corporate actions in conformance with Section 17A, Section 17(f) and the rules thereunder.

While the national clearance and settlement system continues to operate well in light of these emergencies, the Commission recognizes that the need to effect securities transfers and payments to and from security holders in the affected regions may present compliance issues for affected transfer agents. Therefore, the Commission is using its authority under Section 17A and Section 36 of the Exchange Act to provide temporary relief from certain regulatory provisions. This Order temporarily exempts transfer agents from the requirements of: (1) Section 17A of the Exchange Act and Rules 17Ad–1 through 17Ad–20 thereunder; and (2) Section 17(f) of the Exchange Act and Rules 17f–1 and 17f–2 thereunder. The Commission finds the following exemption to be in the public interest and consistent with the protection of investors and the purpose of Section 17A of the Exchange Act, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.

Accordingly, *it is ordered*, pursuant to Sections 17A and 36 of the Exchange Act, that any registered transfer agent that is unable to comply with Section 17A and Section 17(f) of the Exchange Act and the rules promulgated thereunder, as applicable, due to Hurricane Florence and its aftermath is hereby temporarily exempted from complying with such provisions for the period from and including September 14, 2018 to October 26, 2018 where the conditions below are satisfied.

Conditions

(a) A registered transfer agent relying on this Order must notify the Commission in writing by October 26, 2018 of the following:

(1) The transfer agent is relying on this Order;

(2) A statement of the reasons why, in good faith, the transfer agent is unable to comply with Section 17A and Section 17(f) of the Exchange Act and the rules promulgated thereunder, as applicable;

(3) If the transfer agent knows or believes that the books and records it is required to maintain pursuant to Section 17A and the rules thereunder were lost, destroyed or materially damaged, information, to the extent reasonably available, as to the type of books and records that were maintained, the names of the issuers for whom such books and records were maintained, the extent of the loss of, or damage to, such books and records and the steps taken to ameliorate any such loss or damage; and

(4) If the transfer agent knows or believes that funds or securities belonging to either issuers or security holders and within its possession were, for any reason, lost, destroyed, stolen or unaccounted for, information, to the extent reasonably available, regarding the dollar amount of any such funds and the number of such securities and the steps taken to ameliorate any such loss; and

(b) Transfer agents that have custody or possession of any security holder or issuer funds or securities shall use all reasonable means available to ensure that all such securities are held in safekeeping and are handled, in light of all facts and circumstances, in a manner reasonably free from risk of theft, loss or destruction and that all funds are protected against misuse. To the extent possible, all security holder or issuer funds that remain in the custody of the transfer agent shall be maintained in a separate bank account held for the exclusive benefit of security holders until such funds are properly remitted.

The notification required under (a) above shall be sent to: U.S. Securities and Exchange Commission, Division of Trading and Markets, Office of Clearance and Settlement, 100 F Street NE, Washington, DC 20549–7010.

The Commission encourages registered transfer agents and the issuers for whom they act to inform affected security holders whom they should contact concerning their accounts, their access to funds or securities and other shareholder concerns. If feasible, issuers and their transfer agents should place a notice on their websites or providing toll free numbers to respond to inquiries.

Transfer agents who are unable to meet a deadline as extended by this relief, or in need of additional assistance, should contact the Division of Trading and Markets at (202) 551–5777 or *tradingandmarkets@sec.gov*.

VI. Filing of Annual Update to Form MA as Required by the Exchange Act and the Rules Thereunder

Section 15B of the Exchange Act and Rule 15Ba1–5(a)(1) thereunder requires each registered municipal advisor to file with the Commission an annual update to its Form MA. For reasons similar to those cited in Section II, the Commission believes that relief is warranted for the filing with the Commission of annual updates to Form MA by registered municipal advisors and that such relief is consistent with the public interest, the protection of investors and the purposes of Section 15B of the Exchange Act.

Accordingly, *it is so ordered*, pursuant to Section 15B(a)(4) of the Exchange Act, that any registered municipal advisor is exempt from the requirement to file an annual update to Form MA with the Commission, as required by Section 15B of the Exchange Act and Rule 15Ba1–5(a)(1) thereunder, where the conditions below are satisfied.

Conditions

(a) The registered municipal advisor is not able to fulfill its obligation to file an annual update to the registered municipal advisor's Form MA within 90 days of the end of the registered municipal advisor's fiscal year due to Hurricane Florence;

(b) The registered municipal advisor files with the Commission its annual update to Form MA required to be filed during the applicable period of relief on or before the applicable deadline set forth in Section I; and

(c) In any such annual update to its Form MA filing, the registered municipal advisor must disclose that it is relying on this Order and state the reasons why, in good faith, it could not file such annual update to Form MA on a timely basis.

Registered municipal advisors who are unable to meet a deadline as extended by this relief or in need of additional assistance, should contact the Office of Municipal Securities at (202) 551–5680 or *munis@sec.gov.*

VII. Independence—Bookkeeping or Other Services Related to the Accounting Records or Financial Statements of the Audit Client

The conditions in the areas affected by Hurricane Florence, including displacement of individuals, the destruction of property and loss or destruction of corporate records, may require extraordinary efforts to reconstruct lost or destroyed accounting records. The Commission understands that in these particularly challenging situations an audit client may look to its auditor for assistance in reconstruction of its accounting records because of the auditor's knowledge of the client's financial systems and records. Under Section 10A(g)(1) of the Exchange Act and Rule 2–01(c)(4)(i) of Regulation S–X, auditors are prohibited from providing bookkeeping or other services relating to the accounting records of the audit client, and in Rule 2–01(c)(4)(i) of Regulation S–X, these prohibited services are described as including ''maintaining or preparing the audit client's accounting records'' or ''preparing or originating source data underlying the audit client's financial statements.'' In light of the conditions in areas affected by Hurricane Florence, however, we believe that limited relief from these prohibitions is warranted for those registrants and other persons that are required to comply with the independence requirements of the federal securities laws and the Commission's rules and regulations thereunder and that are affected by those conditions. The Commission finds the following exemption to be necessary and appropriate in the public interest and consistent with the protection of investors.

Accordingly, *it is ordered,* pursuant to Section 36 of the Exchange Act, that independent certified public accountants engaged to provide audit services to registrants and other persons required to comply with the independence requirements of the federal securities laws and the Commission's rules and regulations thereunder are exempt from the requirements of Section 10A(g)(1) of the Exchange Act and Rule 2–01(c)(4)(i) of Regulation S–X, where the conditions below are satisfied.

Conditions

(a) Services provided by the auditor are limited to reconstruction of previously existing accounting records that were lost or destroyed as a result of Hurricane Florence and such services cease as soon as the audit client's lost or destroyed records are reconstructed, its financial systems are fully operational and the client can effect an orderly and efficient transition to management or other service provider; and

(b) Services provided by the auditor to its audit client pursuant to this Order are subject to pre-approval by the audit client's audit committee as required by Rule 2–01(c)(7) of Regulation S–X.

Auditors or audit clients who are in need of additional assistance or have other questions relating to auditor independence, should contact the Office of the Chief Accountant at (202) 551–5300 or *OCARequest@sec.gov*.

By the Commission.

Brent J. Fields,

Secretary.

[FR Doc. 2018–20739 Filed 9–21–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84183; File No. SR–NYSE–2018–28]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Make Permanent the Retail Liquidity Program Pilot, Which Is Set To Expire on December 31, 2018

September 18, 2018.

I. Introduction

On June 4, 2018, New York Stock Exchange LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to make permanent the Exchange's Retail Liquidity Program Pilot (the ''Program''). The proposed rule change was published for comment in the **Federal Register** on June 21, 2018.[3] On July 31, 2018, the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[4] The Commission received no comment letters on the proposed rule change. This order institutes proceedings under Section 19(b)(2)(B) of the Exchange Act [5] to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposed Rule Change

The Exchange proposes to make permanent Exchange Rule 107C, which sets forth the rules and procedures governing the Program. The Program was adopted to create a new class of market participants called Retail Liquidity Providers (''RLPs'') that would be able to provide potential price improvement to retail order flow. To do so, an RLP submits a Retail Price Improvement Order (''RPI''), which is a non-displayed order that is priced at least $0.001 better than the best protected bid (''PBB'') or best protected offer (''PBO'') (''PBBO''), as such terms are defined in Regulation NMS, and that is identified as such.[6] After an RPI is submitted, the Exchange disseminates an indicator through its proprietary data feeds or through the Consolidation Quotation System, known as the Retail Liquidity Identifier, indicating that such interest exists.[7] The Retail Liquidity Identifier reflects the symbol for the particular security and the side (buy or sell) of the RPI interest, but does not include the price or size of the RPI interest. In response to the Retail Liquidity Identifier, another class of market participants created under the Program, known as Retail Member Organizations (''RMOs''),[8] may submit a Retail Order [9] to interact with available contra-side RPIs.

To qualify as an RMO, a member organization must conduct a retail business or route retail orders on behalf of another broker-dealer.[10] A member organization must submit the following to the Exchange for approval: (i) An application form, (ii) supporting documentation, and (iii) an attestation that substantially all orders sumibtted as retail orders will qualify as such. The Program provides for an appeal process for a disapproved applicant, and a withdraw process for RMOs. RMOs must have written policies and procedures reasonably designed to assure that they will only designate orders as Retail Orders if all requirements of a Retail Order are met.

To qualify as an RLP, a member organization must submit an application form and supporting documentation to the Exchange for approval. A disapproved applicant may appeal or reapply 90 days after the disapproval notice. RLPs may only enter RPI orders electronically and directly into Exchange systems. In each of its assigned securities, RLPs must maintain certain requirements to have RPI Orders that are better than the PBB or PBO at least five percent of the trading day. RLPs may enter RPI Orders in non-assigned securities without regard to the five percent requirement.

RMOs could be disqualified if they submit Retail Orders that do not meet the requirements of Retail Orders. If disqualified, RMOs may appeal and reapply. RLPs could lose their assigned securities or be disqualified if they do not meet the five percent requirement for three consecutive months. If disqualified, the RLP could appeal or reapply. The Exchange has set up a Program Panel to review disapproval or disqualification.

Under the Program, there are three types of Retail Orders. A Type 1 Retail Order will interact only with available contra-side RPI Orders and Mid-Point Liquidity Orders (''MPL Orders''). A Type 1 Retail Order will not interact with other available contra-side interst or route to away markets. The unexecuted portion of a Type 1 Retail Order will be immediately cancelled. A Type 2 Retail Order will interact first with available contra-side RPI Orders and MPL Orders. Any remaining portion will be executed as a Regulation NMS-compliant immediate-or-cancel order.[11] A Type 3 Retail Order will interact first with contra-side RPI Orders and MPL Orders. Any remaining portion will be executed as an NYSE immediate-or-cancel order.[12]

The Program provides that RPI Orders will be ranked and allocated according to price-time priority. The Program considers all eligible RPI Orders and MPL Orders to determine the price to execute a Retail Order. If there are only RPI Orders, then execution occurs at the price level that completes the incoming order's execution. If there are only MPL Orders, then a Retail Order will executes at the mid-point of the PBBO. If both RPI and MPL Orders are present, the Exchange will evaluate at the price level at which an incoming Retail Order will execute in full (''clean up price''). If the clean up price is equal to the mid-point of the PBBO, RPI Orders will receive priority over MPL Orders, and Retail Orders will execute against both RPI and Mid-Point Liquidity Orders at the midpoint. If the clean up price is worse than the mid-point of the PBBO, a Retail Order will execute first with the MPL Orders at the midpoint of the PBBO, and any remaining Retail Orders will execute with the RPI Orders at the clean up price. If the clean up price is better than the mid-point of the PBBO, then a Retail Order will execute against RPI Orders at the clean up price and will ignore the MPL Orders.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 83454 (June 15, 2018), 83 FR 28874 (''Notice'').

[4] *See* Securities Exchange Act Release No. 83749, 83 FR 38393 (August 6, 2018). The Commission designated September 19, 2018, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[5] 15 U.S.C. 78s(b)(2)(B).

[6] *See* NYSE Rule 107C(a)(4).

[7] *See* NYSE Rule 107C(j).

[8] *See* NYSE Rule 107C(a)(2).

[9] *See* NYSE Rule 107C(a)(3).

[10] Conducting a retail business includes carrying retail custsomer accounts on a fully disclosed basis. *See* NYSE Rule 107C(b)(1).

[11] A Regulation NMS compliant immediate-or-cancel order will be automatically executed against the displayed quotation up to its full size and sweep the Exchange book without routing away. Portions not executed will be immediately cancelled. *See* NYSE Rule 13(b)(2)(A).

[12] An NYSE immediate-or-cancel order will be automatically executed against the displayed quotation up to its full size and sweep the Exchange book, with portions routed to away markets if an execution would trade through a protected quotation in compliance with Regulation NMS. Portions not executed will be immediately cancelled. *See* NYSE Rule 13(b)(2)(B).

A more detailed description of how the Program operates, including, but not limited to, how a member organization may qualify and apply to become a RMO; the requirements of RLPs; different types of Retail Orders; and prioriy and order allocation of RPI orders is more fully set forth in the Notice.[13]

In July 2012, the Commission approved the Program on a pilot basis (''RLP Approval Order'').[14] As set forth in the RLP Approval Order, the Commission approved the Program on a pilot basis to allow the Exchange and market participants to gain valuable practical experience with the Program during the pilot period, and to allow the Commission to determine whether modifications to the Program were necessary or appropriate prior to any Commission decision to approve the Program on a permanent basis.[15] Indeed, the Exchange has modified aspects of Exchange Rule 107C on several occasions during the pilot period.[16] Additionally, as part of the RLP Approval Order, the Exchange agreed to provide the Commission with a significant amount of data to assist the Commission's evaluation of the Program.[17] Specifically, the Exchange represented that it would ''produce data throughout the pilot, which will include statistics about participation, the frequency and level of price improvement provided by the Program, and any effects on the broader market structure.'' [18] The Commission expected the Exchange to monitor the scope and operation of the Program and study the data produced during that time with respect to such issues.[19]

Although the pilot period was originally scheduled to end on July 31, 2013, the Exchange filed to extend the operation of the pilot on several occasions, with the most recent extension being to provide more time for the Exchange to prepare this proposed rule change.[20] The pilot is currently set to expire on December 31, 2018.

The Exchange represents that as part of its assessment of the Program's potential impact, it has posted core weekly and daily summary data on its website for public investors to review, and that it has provided additional data to the Commission regarding potential investor benefits, including the level of price improvement provided by the Program.[21] In addition, the Notice includes statistics about participation, frequency and level of price improvement and effective and realized spreads, upon which the Exchange relies to summarize its overall assessment of the Program.[22] As more fully set forth in the Notice, the Exchange concludes that the Program has achieved its goal of attracting retail order flow and allowing such order flow to receive potential price improvement.[23] Additionally, the Exchange concludes that the data relating to the Program ''demonstrates that the Program had an overall negligible impact on broader market structure.'' [24]

III. Proceedings To Determine Whether To Approve or Disapprove SR–NYSE–2018–28 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act [25] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[26] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Sections 6(b)(5) [27] and 6(b)(8) [28] of the Exchange Act. Section 6(b)(5) of the Exchange Act requires that the rules of a national securities exchange be designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Section 6(b)(8) of the Exchange Act requires that the rules of a national securities exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

The Commission received numerous comment letters expressing concerns with respect to the Program when it was first proposed and eventually approved

[13] *See* Notice, *supra* note 3, at 28875–78.

[14] *See* Securities Exchange Act Release No. 67347 (July 3, 2012), 77 FR 40673, 74 (July 10, 2012) (SR–NYSE–2011–55). In addition to approving the Program on a pilot basis, the Commission granted the Exchange's request for exemptive relief from Rule 612 of Regulation NMS, 17 CFR 242.612 (''Sub-Penny Rule''), which among other things prohibits a national securities exchange from accepting or ranking orders priced greater than $1.00 per share in an increment smaller than $0.01. *See id.* The Sub-Penny Rule exemption coincedes with the Program's expiration date.

[15] *See id.*

[16] *See* Securities Exchange Act Release Nos. 68709 (January 23, 2013) 78 FR 6160 (January 29, 2013) (NYSE–2013–04) (amending Exchange Rule 107C to clarify that RLPs may act in a non-RLP capacity for those securities to which RLP is not assigned, and as a result, may submit RPI Orders for those securities); 69513 (May 3, 2013) 78 FR 27261(May 9, 2013) (NYSE–2013–08) (allowing an RMO to attest that ''substantially all'' orders submitted to the Program will qualify as Retail Orders); 69103 (March 11, 2013) 78 FR 16547 (March 15, 2013) (NYSE–2013–20) (amending Rule 107C to clarify that an RMO may submit Retail Orders to the Program in a riskless principal capacity as well as in an agency capacity, provided that (i) the entry of such riskless principal orders meets the requirements of FINRA Rule 5320.03, including that the RMO maintains supervisory systems to reconstruct, in a time-sequenced manner, all Retail Orders that are entered on a riskless principal basis; and (ii) the RMO does not include non-retail orders together with the Retail Orders as part of the riskless principal transaction); 71330 (January 16, 2014) 79 FR 3895 (January 23, 2014) (NYSE–2013–71) (incorporating Midpoint Passive Liquidity Orders into the Program); and 76553 (December 5, 2015 80 FR 46607 (December 9, 2015) (NYSE–2015–59) (amending Rule 107C to distinguish between orders routed on behalf of other broker-dealers and orders routed on behalf of introduced retail accounts that are carried on a fully disclosed basis).

[17] *See* RLP Approval Order, supra note 15, at 40681.

[18] *See id.*

[19] *See id.*

[20] *See* Securities Exchange Act Release Nos. 83540 (June 28, 2018), 83 FR 31234 (July 3, 2018) (SR–NYSE–2018–29) (extending pilot until December 31, 2018); 82230 (December 7, 2017), 82 FR 58667 (December 13, 2017) (SR–NYSE–2017–64) (extending pilot until June 30, 2018); 80844 (June 1, 2017), 82 FR 26562 (June 7, 2017) (SR–NYSE–2017–26) (extending pilot until December 31, 2017); 79493 (December 7, 2016), 81 FR 90019 (December 13, 2016) (SR–NYSE–2016–82) (extending pilot until June 30, 2017); 78600 (August 17, 2016), 81 FR 57642 (August 23, 2016) (SR–NYSE–2016–54) (extending pilot until December 31, 2016); 77426 (March 23, 2016), 81 FR 17533 (March 29, 2016) (SR–NYSE–2016–25) (extending pilot until August 31, 2016); 5993 (September 28, 2015), 80 FR 59844 (October 2, 2015) (SR–NYSE–2015–41) (extending pilot until March 31, 2016); 74454 (March 6, 2015), 80 FR 13054 (March 12, 2015) (SR–NYSE–2015–10) (extending pilot until September 30, 2015); 72629 (July 16, 2014), 79 FR 42564 (July 22, 2014) (NYSE–2014–35) (extending pilot until March 31, 2015); and No. 70096 (Aug. 2, 2013), 78 FR 48520 (Aug. 8, 2013) (SR–NYSE–2013–48) (extending pilot until July 31, 2014).

[21] *See* Notice, *supra* note 3, at 28878.

[22] *See id.* at 28878–83

[23] *See id.* at 28879.

[24] *See id.*

[25] 15 U.S.C. 78s(b)(2)(B).

[26] *Id.*

[27] 15 U.S.C. 78f(b)(5).

[28] 15 U.S.C. 78f(b)(8).

on a pilot basis.[29] The Program was intended to create additional price improvement opportunities for retail investors by segmenting retail order flow on the Exchange.[30] When the Commission initially approved the Program on a pilot basis, it explained that it would monitor the Program throughout the pilot period for its potential effects on public price discovery and on the broader market structure.[31] The Commission expressed its view that the Program should not cause a major shift in market structure, but instead, it would closely replicate the trading dynamics that exist in the over-the-counter markets to present another competitive venue for retail order flow execution.[32] As explained above, the Exchange provides an analysis of what it considers to be the economic benefits for retail investors and the marketplace flowing from operation of the Program.[33] The Exchange also concludes, among other things, that the Program had an overall negligible impact on the broader market structure.[34]

Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the [Act] and the rules and regulations issued thereunder . . . is on the [SRO] that proposed the rule change.'' [35] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[36] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.[37] Moreover, ''unquestioning reliance'' on an SRO's representations in a proposed rule change would not be sufficient to justify Commission approval of a proposed rule change.[38]

The Commission questions whether the information and analysis provided by the Exchange in the Notice support the Exchange's conclusions that the Program has achieved its goals, including whether the Program has had an overall negligible impact on broader market structure. The Commission seeks additional information and analysis concerning the Program's impact on the broader market; for example, additional information to support the view that the Program has not had a material adverse impact on market quality, and consideration of any effects that fees and rebates may have had on the operation of the Program. The Commission believes it is appropriate to institute proceedings to allow for additional consideration and comment on the issues raised herein, any potential response to comments or supplemental information provided by the Exchange, and any additional independent analysis by the Commission. The Commission believes that these issues raise questions as to whether the the Exchange has met its burden to demonstrate, based on the data and analysis provided, that permanent approval of the Program is consistent with the Act, and specifically, with its requirements that the Program be designed to perfect the mechanism of a free and open market and the national market system, protect investors and the public interest, and not be unfairly discriminatory; or not impose an unnecessary or inappropriate burden on competition.[39]

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Sections 6(b)(5) and 6(b)(8), or any other provision of the Exchange Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[40]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by October 15, 2018. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by October 29, 2018.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2018–28 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Numbers SR–NYSE–2018–28. 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 these filings also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All

[29] *See* RLP Approval Order, supra note 15, at 40673 n.4.

[30] *See id.,* at 40679.

[31] *See id.,* at 40680.

[32] *See id.*

[33] *See supra* notes 24–26, and Notice, *supra* note 3, at 28878–83.

[34] *See id.*

[35] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[36] *See id.*

[37] *See id.*

[38] *See Susquehanna Int'l Group, LLP* v. *Securities and Exchange Commission,* 866 F.3d 442, 446–47 (D.C. Cir. 2017) (rejecting the Commission's reliance on an SRO's own determinations without sufficient evidence of the basis for such determinations).

[39] *See* 15 U.S.C. 78f(b)(4), (5), and (8).

[40] Section 19(b)(2) of the Exchange Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

submissions should refer to File Number SR–NYSE–2018–28 and should be submitted on or before October 15, 2018. Rebuttal comments should be submitted by October 29, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[41]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–20658 Filed 9–21–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84180; File No. SR–Phlx–2018–58]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 1080(A)(I)(C) Relating to Options Floor Based Management System

September 18, 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 7, 2018, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 1080(a)(i)(C) relating to Options Floor Based Management System (''FBMS'') in connection with offering an interface to submit orders to a particular Floor Broker on the options floor.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to offer a new FBMS FIX interface which connects to FBMS (''FBMS FIX Interface'')[3] to allow members and non-members to submit orders directly[4] to a Floor Broker on the Exchange's trading floor. Today, a market participant desiring to submit an order to the trading floor may contact a Floor Broker telephonically, electronically using an external order management system, or via instant message.[5] An order submitted via the FBMS FIX Interface would be created by the sender and routed to a Floor Broker. This order would be systematized so that the Floor Broker[6] automatically receives the order and may then represent the order for execution. A member or non-member would not be able to send the order directly to the trading system for execution. Orders entered via the FBMS FIX Interface will require the interaction of a Floor Broker. Orders will continue to be represented in the trading crowd, regardless of the method in which the order was received. Orders would be executed in the matching engine using FBMS, after all requirements for exposure have been met. The proposed new FBMS FIX Interface will allow the following types of orders to be submitted directly to a Floor Broker: Simple Orders, Multi-leg Orders, Cross and Non-Cross Orders, Simple Cancels, Cancel and Replacement Orders and Floor Qualified Contingent Cross Orders.

The Exchange believes this new feature will enhance the workflow of a Floor Broker by permitting orders to be directly submitted into FBMS for handling. The Exchange believes that this new functionality will offer market participants another method to direct liquidity to a Floor Broker on the trading floor. The Exchange proposes to amend Rule 1080(a)(i)(C) to add the following sentence to the description of the FBMS protocol, ''In addition, a non-member or member may utilize an FBMS FIX interface to create and send an order into FBMS to be represented by a Floor Broker for execution.''

Implementation

The Exchange proposes to implement this functionality in Q1 of 2019. Market participants will be notified of the deployment date by way of an Options Trader Alert, which will be posted on the Exchange's website.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by proposing another method for market participants to submit orders to a particular Floor Broker on the Exchange's trading floor.

The proposal would offer market participants an alternative to the current methods of submitting an order to a Floor Broker which include: (i) Calling a Floor Broker; (ii) electronically using an external order management system, or (iii) utilizing instant message. The Exchange believes that this proposal will promote more efficient work flow and provide ease in sending liquidity to the Exchange's trading floor. The Exchange notes that the requirements for submission of orders for execution within FBMS will continue to exist. The Exchange believes that this proposal is consistent with the Act because it will continue to remove impediments to and perfect the mechanism of a free and open market and a national market system by continuing to require a Floor Broker to expose these orders in the trading crowd prior to execution. A Floor Broker would continue to submit any orders to the matching engine for execution using FBMS, after all requirements for exposure have been met. Finally, this proposal is consistent with the Act because it protects investors and the public interest by

[41] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] This new interface is a separate and distinct connection from the existing FIX interface, which allows members to send orders to the electronic match engine.

[4] The interface would allow the market participant to designate a particular Floor Broker through the use of a FIX tag.

[5] An audit trail is maintained today for all orders received by a Floor Broker.

[6] A Floor Broker's employee may also send an order into FBMS or the System on behalf of the Floor Broker.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

continuing to provide an audit trail for orders submitted through the FBMS FIX interface.

The Exchange notes that while it is permitting a broader group of market participants to have access to FBMS, in this case with the FBMS FIX Interface, the Exchange does not believe that this amendment raises concern with respect to the quality of information received by the Floor Broker because the Floor Broker remains responsible for ensuring the order is in the proper form and contains the appropriate information for submission. As noted herein, members and non-members would not be able to send orders directly for execution into the matching engine through the FBMS FIX Interface. The Exchange believes that this expansion only seeks to provide a Floor Broker with an order that is available for representation without the need for the Floor Broker to manually enter the order into FBMS.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal offers market participants the ability to send an order via the FBMS FIX Interface to a particular Floor Broker. The Exchange believes that these proposed amendments do not create a burden on inter-market competition because all members and non-members may send orders to a Floor Broker via the FBMS FIX Interface. As is the case today, any member or non-member may contact a Floor Broker to submit an order to the Phlx trading floor. The Exchange notes that the proposed rule creates a new modality for member and non-members to send orders to a Floor Broker for representation. Floor Brokers conduct an agency business. Other market participants that conduct a market making business have varied workflows as compared to a Floor Broker and would not benefit from a similar FBMS FIX Interface. The Exchange believes that this new interface does not create an intra-market burden on competition for these reasons.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2018–58 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–Phlx–2018–58. 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–Phlx–2018–58 and should be submitted on or before October 15,2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–20659 Filed 9–21–18; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84179; File No. SR–Nasdaq–2018–074]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Eliminate the Market Quality Program (Rule 5950)

September 18, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 7, 2018, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 eliminate the Market Quality Program at Rule 5950. The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to eliminate its Market Quality Program (''MQP'') and delete corresponding Rule 5950. The Exchange established the MQP in 2013 [4] to promote market quality in certain securities listed on Nasdaq (''MQP Securities''), including by providing financial incentives to market makers in MQP Securities (''MQP Market Makers'') to maintain certain quoting and liquidity standards for them.

The MQP is designed to be a one year pilot program that is set to commence if and when certain conditions are satisfied: (i) The Exchange's acceptance of an MQP Company,[5] on behalf of an MQP Security; and (ii) the entry of a relevant MQP Market Maker into the Program. To date, however, neither of these conditions for the commencement of the MQP have occurred despite efforts by the Exchange over time to make the MQP more enticing to market makers.[6] Because the MQP has yet to even satisfy the necessary pre-conditions for launching its pilot period, neither the Exchange nor the Commission has been able to assess whether or to what extent the Program is successful.

At the Commission's suggestion and pursuant to its general initiative to end pilot programs that have failed to achieve their stated objectives, the Exchange is now proposing to eliminate the MQP and delete Rule 5950, which comprises the Program. The Exchange notes that it plans to develop a replacement market quality program in the future that it hopes will be more successful in attracting market maker interest than the existing Program.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The Exchange believes that it is consistent with the Act to eliminate the MQP because the Exchange has limited resources available to it to devote to the operation of special programs like MQP and as such, it is reasonable and equitable for the Exchange to allocate those resources to those programs that are effective and away from those programs that are ineffective. The Exchange believes that the objectives of the MQP would best be served through a re-design of the program at a future date.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the MQP is not and has not ever been utilized and, as such, the elimination of the Program will have no impact on competition whatsoever.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10] 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.[11]

A proposed rule change filed under Rule 19b–4(f)(6) [12] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[13] 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 Exchange states that waiver of the 30-day delayed operative date is consistent with the protection of investors and the public interest because the MQP program has never been utilized and there is no reason for such a delay. The Commission agrees. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[14]

[4] *See* Securities Exchange Act Release No. 74580 (March 25, 2015), 80 FR 17126 (March 31, 2015) (SR–NASDAQ–2015–025) (reducing MQP fees to MQP Market Makers).

[5] The term ''MQP Company'' is defined in Rule 5950(e)(5) as the trust or company housing the Exchange Traded Fund (''ETF'') or, if the ETF is not a series of a trust or company, then the ETF itself.

[6] *See* Securities Exchange Act Release No. 69195 (March 20, 2013), 78 FR 18393 (March 26, 2013) (SR–NASDAQ–2012–137) (order granting approval of Market Quality Program) (SR–NASDAQ–2012–137) (''MQP order''). *See also* Securities Exchange Act Release No. 68515 (December 21, 2012), 77 FR 77141 (December 31, 2012) (SR–NASDAQ–2012–137) (notice of filing Market Quality Program as pilot, with extensive description of program) (''MQP proposal'').

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19 b–4(f)(6)(iii), the Exchange provided the Commission with 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.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on

Continued

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) [15] 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–Nasdaq–2018–074 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–Nasdaq–2018–074. 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–Nasdaq–2018–074, and should be submitted on or before October 15, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–20660 Filed 9–21–18; 8:45 am]

BILLING CODE 8011–01–P

efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78s(b)(2)(B).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84194; File No. SR–CTA/CQ–2018–03]

Consolidated Tape Association; Notice of Filing and Immediate Effectiveness of the Twenty-Fourth Charges Amendment to the Second Restatement of the CTA Plan and the Fifteenth Charges Amendment to the Restated CQ Plan

September 18, 2018.

Pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 608 thereunder,[2] notice is hereby given that on August 27, 2018, the Consolidated Tape Association (''CTA'') Plan participants (''Participants'') [3] filed with the Securities and Exchange Commission (''Commission'') a proposal to amend the Second Restatement of the CTA Plan and the Restated CQ Plan (''Plans''). The amendment represents the twenty-fourth Charges Amendment to the CTA Plan and the fifteenth Charges Amendment to the CQ Plan (''Amendments''). The Participants seek to amend the Plans' fee schedules (applicable to Network A and Network B) to rescind the changes made to the Non-Display Use and the access fee schedules adopted pursuant to amendments filed in October 2017 (''2017 Amendments'').[4] As a result of the Participants' decision to rescind the 2017 Amendments, the Participants believe that the stay order issued by the Commission in connection with the 2017 Amendments and the briefing schedule set therein are now moot.[5]

Pursuant to Rule 608(b)(3) under Regulation NMS,[6] the Participants designate the Amendments as establishing or changing a fee or other charge collected on their behalf in connection with access to, or use of, the facilities contemplated by the Plans. As a result, the Amendments are effective upon filing with the Commission.

The Commission is publishing this notice to solicit comments from interested persons on the proposed Amendments. Set forth in Sections I and II is the statement of the purpose and summary of the Amendments, along with the information required by Rules 608(a) and 601(a) under the Act, prepared and submitted by the Participants to the Commission.

I. Rule 608(a)

A. Purpose of the Amendments

As part of the 2017 Amendments, the Participants amended the definition of ''Non-Display Use'' in footnote eight of the Plans' fee schedules to explicitly state that any use of data that does not make data visibly available to a data recipient on a device would be a Non-Display Use. The Participants also made a parallel amendment to footnote two of the Plans' fee schedules to state that the device fee would only be applicable where the data was visibly available to the data recipient; any other data use on a device would be considered Non-Display Use. The Participants also amended footnote ten of the Plans' fee schedules to clarify when the access fee was applicable. In particular, the Participants amended footnote ten in the Plans' fee schedules to provide the access fee would be applicable if: (1) The data recipient uses the data for non-display; or (2) the data recipient receives the data in such a manner that the data can be manipulated and disseminated to one or more devices, display or otherwise, regardless of encryption or instructions from the redistribution vendor regarding who has authorized access to the data.

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] The Participants are: Cboe BYX Exchange, Inc.; Cboe BZX Exchange, Inc.; Cboe EDGA Exchange, Inc.; Cboe EDGX Exchange, Inc.; Cboe Exchange, Inc.; Chicago Stock Exchange, Inc.; Financial Industry Regulatory Authority, Inc.; Investors' Exchange LLC; Nasdaq BX, Inc.; Nasdaq ISE, LLC; Nasdaq PHLX Inc.; The Nasdaq Stock Market LLC; New York Stock Exchange LLC; NYSE American LLC; NYSE Arca, Inc.; NYSE National, Inc.

[4] *See* Securities Exchange Act Release No. 82072 (November 14, 2017), 82 FR 55137 (November 20, 2017).

[5] *See* Securities Exchange Act Release No. 83755 (July 31, 2018) (''Stay Order'').

[6] 17 CFR 242.608(b)(3)(i).

Although the Participants believed that the 2017 Amendments would have a positive effect on competition, Bloomberg and SIFMA filed denial of access petitions with the Commission with respect to the 2017 Amendments. On July 31, 2018, the Commission issued an order granting a motion made by Bloomberg to stay the 2017 Amendments. Having reviewed the Stay Order, the Participants have decided to rescind the 2017 Amendments. The result of the Participants' decision is to revert the fee schedule to the form it had immediately prior to the 2017 Amendments.

B. Governing or Constituent Documents

Not applicable.

C. Implementation of the Amendments

Pursuant to Rule 608(b)(3)(i) under Regulation NMS, the Participants have designated the proposed amendment as establishing or changing fees and are submitting the amendment for immediate effectiveness.

D. Development and Implementation Phases

See Item C above.

E. Analysis of Impact on Competition

The amendments proposed herein do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed amendments simply rescind the 2017 Amendments and revert the fee schedule to the form it had immediately prior to the 2017 Amendments.

F. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

Not applicable.

G. Approval by Sponsors in Accordance With Plan

Section XII (b)(iii) of the CTA Plan provides that ''[a]ny addition of any charge to . . . the charges set forth in *Exhibit E* . . . shall be effected by an amendment to this CTA Plan . . . that is approved by affirmative vote of not less than two-thirds of all of the then voting members of CTA. Any such amendment shall be executed on behalf of each Participant that appointed a voting member of CTA who approves such amendment and shall be filed with the SEC.'' Further, Section IX(b)(iii) of the CQ Plan provides that ''additions, deletions, or modifications to any charges under this CQ Plan shall be effected by an amendment . . . that is approved by affirmative vote of two-thirds of all the members of the Operating Committee.''

The Participants have executed this Amendment and represent not less than two-thirds of all of the parties to the Plan. That satisfies the Plans' Participant-approval requirements.

H. Description of Operation of Facility Contemplated by the Proposed Amendments

Not applicable.

I. Terms and Conditions of Access

Not applicable.

J. Method of Determination and Imposition, and Amount of, Fees and Charges

Not applicable.

K. Method and Frequency of Processor Evaluation

Not applicable.

L. Dispute Resolution

Not applicable.

II. Rule 601(a)

A. Equity Securities for Which Transaction Reports Shall Be Required by the Plan

Not applicable.

B. Reporting Requirements

Not applicable.

C. Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information

Not applicable.

D. Manner of Consolidation

Not applicable.

E. Standards and Methods Ensuring Promptness, Accuracy and Completeness of Transaction Reports

Not applicable.

F. Rules and Procedures Addressed to Fraudulent or Manipulative Dissemination

Not applicable.

G. Terms of Access to Transaction Reports

Not applicable.

H. Identification of Marketplace of Execution

Not applicable.

III. Solicitation of Comments

The Commission seeks comment on the Amendments. Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Amendments are 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–CTA/CQ–2018–03 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–CTA/CQ–2018–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the Amendments that are filed with the Commission, and all written communications relating to the Amendments 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 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the Amendments also will be available for inspection and copying at the principal office of the CTA.

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–CTA/CQ–2018–03 and should be submitted on or before October 15, 2018.

By the Commission.

Brent J. Fields,

Secretary.

[FR Doc. 2018–20661 Filed 9–21–18; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 10556]

Notice of Availability of the Draft Supplemental Environmental Impact Statement for the Proposed Keystone XL Pipeline Mainline Alternative Route in Nebraska; Public Meeting Announcement

ACTION: Notice; solicitation of comments.

SUMMARY: The U.S. Department of State (Department) announces the availability for public review and comment of the Draft Supplemental Environmental Impact Statement (Draft SEIS) for the Proposed Keystone XL Pipeline Mainline Alternative Route (MAR) in Nebraska. The Draft SEIS—consistent with the National Environmental Policy Act (NEPA) of 1969—analyzes the potential environmental impacts of the Keystone XL MAR. In connection with the publication of the Draft SEIS, the Department will hold a public meeting in Lincoln, Nebraska on Tuesday, October 9.

DATES: The Department invites members of the public, government agencies, tribal governments, and all other interested parties to comment on the Draft SEIS for the Proposed Keystone XL MAR during the 45-day public comment period which ends on November 8, 2018. Comments provided by agencies and organizations should list a designated contact person. All comments received during the public comment period may be publicized. Comments will be neither private nor edited to remove either identifying or contact information. Commenters should omit information that they do not want disclosed. Any party who will either solicit or aggregate other people's comments should convey this cautionary message.

The Department will hold a public meeting on Tuesday, October 9, 2018, at the Lincoln Marriott Cornhusker Hotel, 333 South 13th Street, Lincoln, Nebraska 68508, from 4:30 p.m. to 7:30 p.m. CDT. Further information about the meeting will be available at *https://www.keystonepipeline-xl.state.gov.*

ADDRESSES: Persons with access to the internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2018–0045'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.

FOR FURTHER INFORMATION CONTACT: Marko Velikonja, Keystone XL Program Manager, Office of Environmental Quality and Transboundary Issues, U.S. Department of State, 2201 C Street NW, Room 2726, 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. On September 17, 2018, the Department issued a *Notice of Intent to Prepare a Supplemental Environmental Impact Statement for the Proposed Keystone XL Pipeline Mainline Alternative Route in Nebraska* (83 FR 46989). The Department will consider comments received during the Draft Environmental Assessment comment period in the Final SEIS document.

Availability of the Draft SEIS: Copies of the Draft SEIS have been distributed to state and governmental agencies, tribal governments, and other interested parties. Printed copies of the document may be obtained by visiting the libraries below or by contacting Marko Velikonja at the above address. The Draft SEIS is available at *https://keystonepipeline-xl.state.gov,* and at the following libraries:

Clarkson Memorial Library, 318 Pine Street, Clarkson, NE 68629.

Columbus Public Library, 2504 14th Street, Columbus, NE 68601.

Crete Public Library, 305 East 13th Street, Crete, NE 68333.

David City Public Library, 399 N 5th Street, David City, NE 68632.

Fairbury Public Library, 601 7th Street, Fairbury, NE 68352.

Neligh Public Library, 710 M Street, Neligh, NE 68756.

Norfolk Public Library, 308 West Prospect Avenue, Norfolk, NE 68701.

Seward Memorial Library, 233 South 5th Street, Seward, NE 68434.

Stanton Public Library, 1009 Jackpine Street, Stanton, NE 68779.

Brian P. Doherty,

Director, Office of Environmental Quality and Transboundary Issues, Department of State.

[FR Doc. 2018–20641 Filed 9–21–18; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 10555]

Notice of a Shipping Coordination Committee Meeting

The Department of State will conduct an open meeting at 1 p.m. on October 18, 2018, in Room 6i10–01–c of the Douglas A. Munro Coast Guard Headquarters Building at St. Elizabeth's, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593.

The primary purpose of the meeting is to prepare for the 73rd session of the International Maritime Organization's (IMO) Marine Environment Protection Committee to be held at the IMO Headquarters, United Kingdom, October 22–26, 2018.

The agenda items to be considered include:

—Adoption of the agenda
—Decisions of other bodies
—Consideration and adoption of amendments to mandatory instruments
—Harmful aquatic organisms in ballast water
—Air pollution and energy efficiency
—Further technical and operational measures for enhancing the energy efficiency of international shipping
—Reduction of GHG emissions from ships
—Development of an action plan to address marine plastic litter from ships
—Development of measures to reduce risks of use and carriage of heavy fuel oil as fuel by ships in Arctic waters
—Identification and protection of Special Areas, ECAs and PSSAs
—Pollution prevention and response
—Reports of other sub-committees
—Technical cooperation activities for the protection of the marine environment

—Capacity building for the implementation of new measures
—Work program of the Committee and subsidiary bodies
—Application of the Committees' method of work
—Election of the Chair and Vice-Chair
—Any other business
—Consideration of the report of the Committee

Members of the public may attend this meeting up to the seating capacity of the room. Upon request to the meeting coordinator, members of the public may also participate via teleconference, up to the capacity of the teleconference phone line. To access the teleconference line, participants should call (202) 475–4000 and use Participant Code: 887 809 72. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, LCDR Staci Weist, by email at *eustacia.y.weist@uscg.mil,* by phone at (202) 372–1372, or in writing at 2703 Martin Luther King Jr. Ave. SE Stop 7509, Washington, DC 20593–7509 not later than October 11, 2018, 7 days prior to the meeting. Requests made after October 11, 2018 might not be able to be accommodated. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Douglas A. Munro Coast Guard Headquarters Building. The Douglas A. Munro Coast Guard Headquarters Building is accessible by taxi, public transportation, and privately owned conveyance (upon request).

Gregory J. O'Brien,

Executive Secretary, Shipping Coordinating Committee, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2018–20697 Filed 9–21–18; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF VETERANS AFFAIRS

Special Medical Advisory Group, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Special Medical Advisory Group will meet on October 11, 2018 at the VHA National Conference Center, 2011 Crystal Drive, Suite 150 A, Potomac Room A–B, Crystal City, Arlington, VA 22202, from 8:15 a.m. to 3:30 p.m. EST. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs and the Under Secretary for Health on the care and treatment of Veterans, and other matters pertinent to the Veterans Health Administration (VHA).

The agenda for the meeting will include discussions on Community Care, Telehealth Expansion, Supply Chain Modernization, and Innovation for Care and Payment.

There will not be a public comment period, however, members of the public may submit written statements for review by the Committee to: Department of Veterans Affairs, Office of Under Secretary for Health (10), Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420 or by email at *VASMAGDFO@va.gov.* Comments will be accepted until close of business on October 9, 2018.

Any member of the public wishing to attend the meeting or seeking additional information should email *VASMAGDFO@va.gov* or call 202–461–7005.

Dated: September 18, 2018.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–20642 Filed 9–21–18; 8:45 am]

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