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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

[Docket No. FCIC–18–0002]

RIN 0563–AC57

Common Crop Insurance Regulations; Forage Seeding Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule with request for comments.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the Common Crop Insurance Regulations, Forage Seeding Crop Insurance Provisions (Crop Provisions). The intended effect of this action is to update existing policy provisions and definitions to better reflect current agricultural practices and allow for variations in insurance provisions based on regionally-specific agronomic conditions and potential future expansions. The changes are to be effective for the 2020 and succeeding crop years.

DATES: This final rule is effective April 30, 2019. However, FCIC will accept written comments on this final rule until close of business January 9, 2019. FCIC will consider these comments and make changes to the rule if warranted.

ADDRESSES: FCIC prefers that interested persons submit comments electronically through the Federal eRulemaking Portal. Interested persons may submit comments, identified by Docket ID No. FCIC–18–0002, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205.

All comments received, including those received by mail, will be posted without change to *http://www.regulations.gov,* including any personal information provided. Once these comments are posted to this website, the public can access all comments at its convenience from this website. All comments must include the agency name and docket number or Regulatory Information Number (RIN) for this rule. For detailed instructions on submitting comments and additional information, see *http://www.regulations.gov*. If interested persons are submitting comments electronically through the Federal eRulemaking Portal and want to attach a document, FCIC requests use of a text-based format. If interested persons wish to attach a document that is a scanned Adobe PDF file, it must be scanned as text and not as an image, thus allowing FCIC to search and copy certain portions of the submissions. For questions regarding attaching a document that is a scanned Adobe PDF file, please contact the Risk Management Agency (RMA) Web Content Team at (816) 823–4694 or by email at *rmaweb.content@rma.usda.gov*.

Privacy Act: Anyone is able to search the electronic form of all comments received for any dockets by the name of the person submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Interested persons may review the complete User Notice and Privacy Notice for *Regulations.gov* at *http://www.regulations.gov/#!privacyNotice*.

FOR FURTHER INFORMATION CONTACT: Francie Tolle, Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, Beacon Facility, Stop 0812, Room 421, P.O. Box 419205, Kansas City, MO 64141–6205, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION:

Background

FCIC amends the Common Crop Insurance Regulations (7 CFR part 457) by revising 7 CFR 457.151 Forage Seeding Crop Insurance Provisions (''Crop Provisions''), to be effective for the 2020 and succeeding crop years. The intended effect of this action is to update existing policy provisions and definitions to better reflect current agricultural practices and allow for variations in insurance provisions based on regional agronomic conditions and potential future expansions.

The changes are as follows:

1. FCIC is removing the paragraph immediately preceding section 1, which refers to the order of priority if a conflict exists among the policy provisions. This same provision is contained in the Common Crop Insurance Policy, Basic Provisions (''Basic Provisions''). Therefore, the appearance here is duplicative and should be removed from the Crop Provisions.

2. Section 1—FCIC is adding the definition of ''adequate stand.'' The new definition will allow RMA to revise loss adjustment procedures to rely upon the number of live alfalfa stems rather than the number of live plants (normal stand) for making loss determinations for forage containing more than 60 percent alfalfa. Plants can have more than one stem. Extension research across major forage growing areas has demonstrated that the number of live alfalfa stems is more closely correlated with future yield than the number of live plants when alfalfa is the dominant component of the forage mixture. Loss determinations for forage types that contain less than 60 percent alfalfa or no alfalfa at all, such as red clover, will have no change to existing loss adjustment procedures and, as stated below, will be based upon the normal planting density because there is no demonstrable correlation between future yield and the number of live alfalfa stems when the forage type does not contain at least 60 percent alfalfa.

FCIC is adding the definition of ''amount of insurance.'' The term ''amount of insurance'' refers to the dollar amount of insurance per acre obtained by multiplying the reference maximum dollar amount shown in the actuarial documents by the coverage level percentage elected by the insured. FCIC adds this definition to provide clarity because the term is used multiple times in the Crop Provisions but is not defined.

FCIC is removing the definition of ''nurse crop (companion crop)'' and adding the definition of ''companion crop''. FCIC also replaces the definition ''nurse crop (companion crop)'' with the term ''companion crop'' throughout the

Crop Provisions. FCIC replaces this definition to reduce ambiguity and increase clarity by using one term instead of referring to ''nurse crop'' and ''companion crop'' interchangeably.

FCIC is revising the definition of ''fall planted'' by adding the phrase ''except when specified in the Special Provisions,'' following the phrase ''A forage crop seeded after June 30'' to allow FCIC to provide area-specific dates that have distinctions outside of this range. For example, Maine is currently recognized as having a single growing season with planting dates that begin before June 30 but extend beyond June 30, which is inconsistent with existing definitions for ''spring planted'' and ''fall planted.'' This change also allows FCIC to be responsive to new or evolving regional conditions as needed in the future.

FCIC is revising the definition of ''good farming practices.'' The revised definition adds the phrase ''in lieu of the definition in the Basic Provisions'' to clarify that the ''good farming practices'' definition in the Crop Provisions will replace the definition contained in the Basic Provisions. The definition in the Basic Provisions is not appropriate for forage seeding because it includes references to the insured's approved yield, but these Crop Provisions provide coverage for a failed forage seeding, not for yield losses below an insured's approved yield. The revised definition also replaces the phrase ''normal stand'' with ''adequate stand,'' because the adequate stand will be used to determine if the forage seeding was successful. The revised definition also replaces the phrase ''and are those recognized by the Cooperative State Research, Education, and Extension Service as compatible with agronomic and weather conditions in the county'' with ''which are those generally recognized by agricultural experts or organic agricultural experts, as compatible with agronomic and weather conditions for the area'' to be more consistent with the definition of ''good farming practices'' contained in the Basic Provisions because, even though the definition in the Basic Provisions is no longer applicable, some of the same principles apply. These changes are intended to ensure that the definition is consistent with the practices applicable to forage seeding crops.

FCIC is revising the definition of ''harvest'' to remove the word ''only'' before ''grazed'' to clarify that the acreage does not have to be exclusively grazed to not be considered harvested. If the acreage is grazed at any time regardless of whether the crop is removed from the field, it is not considered harvested.

FCIC is removing the definition of ''normal stand'' and replacing it with the definition of ''normal planting density.'' The new definition of ''normal planting density'' simplifies the previous definition of ''normal stand'' by replacing the phrase ''a population of live plants per square foot that meets the minimum required number of plants'' with the more concise phrase ''the minimum number of live plants per square foot.'' The normal planting density will be used to determine if the stand qualifies for replanting payments. The normal planting density will result in more accurate replanting payments than basing replant determinations on an adequate stand because not all stems may have emerged when replanting determinations are made.

FCIC is revising the definition of ''planted acreage'' by removing the reference to ''provisions in section 1'' and replacing it with the more specific phrase ''definition in''. This is not a substantive change but it makes it consistent with other definitions that refer to the definitions in the Basic Provisions.

FCIC is revising the definition of ''replanting'' by removing the duplicative language that is already contained in the Basic Provisions. FCIC is revising the remaining sentence of the current definition by adding the phrase ''in addition to the definition in the Basic Provisions'' to clarify that the ''replanting'' definition in the Crop Provisions will add to the definition contained in the Basic Provisions, replacing the phrase ''replacing'' with the word ''placing'' as it is a more accurate term for seeding an existing stand, and replacing the phrase ''which results in'' with the word ''using'' to convey that using a reduced seeding rate to replace seed into an existing damaged stand will not be considered replanting.

FCIC is revising the definition of ''sales closing date.'' The revised definition replaces the term ''fall seeded'' with ''fall planted.'' The terms ''fall seeded'' and ''fall planted'' had been used interchangeably. This change will add clarity and reduce confusion because ''fall planted'' is defined within the policy, but ''fall seeded'' is not.

FCIC proposes to revise the definition of ''spring planted.'' The revised definition adds the phrase ''except when specified in the Special Provisions,'' following the phrase ''A forage crop seeded before July 1,'' to allow FCIC to provide area specific dates that have distinctions outside of this range. For example, Maine is currently recognized as having a single growing season with planting dates that begin before June 30 but extend beyond June 30, which is inconsistent with existing definitions for ''spring planted'' and ''fall planted''. This change also allows FCIC to be responsive to new or evolving regional conditions as needed in the future. FCIC proposes this change to reduce ambiguity and increase clarity because the definition of ''crop year'' references the calendar year of the planted acreage.

3. Section 5—FCIC is replacing the cancellation and termination date table with a new date table. The new dates allow for expansion of the fall-planted practice and align forage seeding cancellation and termination dates with the dates for other fall-planted crops in each state. Maine's cancellation and termination dates will remain unchanged at March 15th to allow time after premium billing for a termination decision to be made. In all other states, the cancellation date will be July 31st and termination date will be September 30th to allow time after premium billing for a termination decision to be made.

4. Section 6—FCIC is replacing the term ''acreage report date'' with the term ''acreage reporting date.'' FCIC is making this change because the term ''acreage reporting date'' is defined in the Basic Provisions and also appears in the Special Provisions.

5. Section 7—FCIC is replacing ''a normal stand'' with ''an adequate stand'' and ''nurse crops'' with ''companion crops'' to incorporate the references to the new terms stated above.

6. Section 8—FCIC is revising section 8(a) to simplify this section by removing references to states and counties and applying the same replanting requirements to all insurable areas. FCIC is removing section 8(b) which requires some California counties to replant if damage occurred anytime within the crop year, compared to all other areas, where replanting is only required for damage that occurred before the final planting date. This change was done concurrently with revisions to section 11, which outlines when replanting payments are allowed based on region and spring or fall planting. FCIC is also replacing the phrase ''a normal stand'' with ''the normal planting density,'' consistent with the changes above regarding the definition change.

7. Section 9—FCIC is revising section 9(c) to make it be grammatically correct.

FCIC also is removing all state and county specific end of insurance dates and instead referring to the end of insurance period date shown in the actuarial documents. This change will simplify the provision and allow FCIC to provide area specific dates, allow for

future program expansion, and allow FCIC to continue to be responsive to new or evolving regional conditions as needed in the future.

8. Section 10—FCIC is replacing the phrase ''a stand of forage that occur'' with the phrase ''an adequate stand that occurs.'' This change reduces ambiguity and clarifies the provisions because ''adequate stand'' is a defined term but ''stand of forage'' is not, which could lead to different results when determining losses.

9. Section 11—In section 11(a), FCIC is moving the phrase ''unless specified otherwise in the Special Provisions,'' from subparagraph (a)(1) (addressing California only) to the main paragraph (addressing all areas) to allow FCIC greater flexibility in determining regional specific distinctions for replanting payments and to protect program integrity and insured interests by allowing FCIC, with assistance from forage subject matter experts and regional offices, to address regional specific production practices.

FCIC is moving the phrase ''It is practical to replant;'' from subparagraph (a)(2)(iii) (addressing Lassen, Modoc, Mono, Shasta, Siskiyou Counties, California and all other states) to the subparagraph 11(a)(1) (addressing all areas). FCIC is moving this phrase to consistently apply the requirement that it be practical to replant in order to receive a replanting payment across all counties and states.

In section 11(a)(2), FCIC is moving the phrase ''We give written consent to replant;'' from subparagraph (a)(2)(iv) (addressing Lassen, Modoc, Mono, Shasta, Siskiyou Counties, California and all other states) to the subparagraph 11(a)(2) (addressing all areas). FCIC is moving this phrase to require written consent by approved insurance providers as a requirement of replanting payments across all counties and states. FCIC is renumbering subsequent paragraphs.

In the newly designated section 11(a)(3) FCIC is replacing the phrase ''within the insurance period'' with the phrase ''before the spring final planting date in the actuarial documents.'' FCIC is replacing this phrase so that allowable replanting payments correlate with replanting requirements. Specifically, this change corresponds with the removal of section 8(b), which removed the replanting requirement in California counties for damage occurring after the spring final planting date. Therefore, the spring final planting date is a more appropriate timeframe for defining when replanting payments are available. FCIC is replacing ''a normal stand'' with ''the normal planting density'' consistent with the changes made above.

FCIC is revising the newly designated section 11(a)(4) to remove the list of specific California counties. This list is not needed because the Special Provisions will include any county differences in replanting payment provisions.

FCIC is removing section 11(a)(4)(i), renumbering subsequent paragraphs, and adding the phrase ''spring or '' before ''fall planted'' in the newly designated section 11(a)(4)(i) to extend replanting payment eligibility to include both fall and spring planted practices, as opposed to the current provisions that allowed replanting only for a failed fall seeding in counties that designated both fall and spring final planting dates. FCIC is adding this language in order to allow replanting payments for producers engaged in the spring planted practice. A producer that plants a forage crop in the spring suffers the same financial consequences as a producer of a fall planted crop, if that crop fails to emerge or suffers damage and needs to be replanted. Therefore, FCIC is expanding coverage to allow replanting payments for spring planted forage as well as fall planted forage. Additionally, as the plan requires replanting to maintain the insurance, this will provide some compensation to cover replanting costs. Additionally, FCIC is replacing the phrase ''a normal stand'' with the phrase ''the normal planting density,'' consistent with definition change.

In the newly designated section 11(a)(2)(ii), FCIC is revising the paragraph to clarify the provision only pertains to the fall planted practice, because a separate provision is added below to address the spring planted practice. FCIC is also adding the word ''final'' before ''planting date'' to eliminate ambiguity between spring planting dates. FCIC is also correcting the grammar.

FCIC is revising the newly designated section 11(a)(2)(iii) to state ''If spring planted, the original planting took place after the earliest planting date shown in the Special Provisions, and the acreage is replanted by the spring final planting date shown in the Special Provisions.'' FCIC is adding this language in order to allow replanting payments for producers engaged in the spring planted practice. A producer that plants a forage crop in the spring suffers the same financial consequences as a producer of a fall planted crop, if that crop fails to emerge or suffers damage and needs to be replanted. Therefore, FCIC is expanding coverage to allow replanting payments for spring planted forage as well as fall planted forage. Additionally, as the plan requires replanting to maintain the insurance, this will provide some compensation to cover replanting costs.

In section 11(b), FCIC is adding ''(a)'' directly after ''section 13'' to more specifically reference section 13(a). This addition clarifies which specific part of section 13 this provision is referencing.

10. Section 12—In section 12(b), FCIC removes the phrase, ''(Duties in the Event of Damage or Loss)'' as the parenthetical section name is unnecessary and removing these titles will prevent FCIC from having to revise the Crop Provisions should these section titles change in the Basic Provisions.

In section 12(b), FCIC is also adding the adjective ''damaged'' before ''fall planted acreage'' and removing the phrase ''that is damaged'' after the phrase ''fall planted acreage'' to simplify the language and clarify the provisions.

11. Section 13—FCIC is removing the sub-section designation of ''(a)'' as it is not needed in the introductory paragraph. FCIC is also adding paragraph designation ''(a)'' and the statement ''Each type and practice:'' directly following the introductory paragraph in order to clarify and simplify the section, because the steps for settling a claim should be followed first for each type and practice and then summed to any applicable unit.

FCIC is revising section 13(a)(1) to change the phrase ''Multiplying the insured acreage of each type and practice by the amount of insurance for the applicable type and practice;'' to ''Determining the value of all insured acreage by multiplying the number of insured acres by the dollar amount of insurance;''. This change is intended to clarify that this is the outcome of the calculation in this step and to remove reference to type and practices because type and practice instructions are already stated in 13(a).

FCIC is removing 13(a)(2), because the step for totaling results by type and practice from 13(a) is moved to the newly designated 13(b).

FCIC is revising section 13(a)(3) to change the phrase ''multiplying the total acres with an established stand for the insured acreage of each type and practice in the unit by the amount of insurance for the applicable type and practice;'' to ''determining the value of the acreage with no insurable losses, by multiplying the dollar amount of insurance by the insured acreage that: [.]'' This change is intended to simplify the policy language by removing the term ''established stand,'' which was referenced within the settlement steps of section 13(b); clarifying the outcome

of the calculation in this step by adding the phrase ''value of the acreage with no insurable losses''; and removing the phrase ''for each type and practice'' because this instruction is already stated in 13(a). In addition, FCIC designates 13(a)(3) as 13(a)(2).

FCIC is moving the settlement steps in section 13(b), previously referred to as an ''established stand'' to section 13(a)(2)(i)–(iv). In moving these settlement steps, FCIC is also revising the sub-sections 13(a)(2)(i)–(iv) to each start with a verb to provide more cohesive language and reduce redundancy between the leading text and sub-paragraphs.

FCIC is adding a new section 13(a)(3) to state, ''Determining the value of the acreage with partial insurable losses, by multiplying the dollar amount of insurance by the number of insured acres that have a stand less than 75 percent but more than 55 percent of an adequate stand, by 50 percent (0.5);''. This step was previously captured in section 13(c), which stated, ''The amount of indemnity on any spring planted acreage determined in accordance with section 13(a) will be reduced 50 percent if the stand is less than 75 percent but more than 55 percent of a normal stand.'' FCIC is moving this step to section 13(a)(3) so that all steps for settling a claim throughout section 13 are presented in sequential order. FCIC is updating the language of this step to clarify that the outcome of the calculation in this step is determining the value of acreage with partial insurable losses by adding the phrase ''determining the value of the acreage with partial insurable losses''. FCIC is also removing reference to spring planted acreage because the steps for settling a claim are first done by any applicable unit, which is already defined to allow basic units by spring planted and fall planted acreage. FCIC is replacing the term ''a normal stand'' with the term ''an adequate stand,'' consistent with the new definition. FCIC is removing section 13(c) because it is incorporated into section 13(a)(3), and it is no longer needed.

FCIC is revising section 13(a)(4), to state ''Adding the results in section 13(a)(2) and section 13(a)(3);''. This revision calculates the total value of the acreage with no insurable loss by adding together the value of acreage with no insurable loss plus the value of acreage with partial insurable loss. FCIC removes the previous language because the step for totaling results by type and practice from 13(a) is moved to the newly designated 13(b).

FCIC is updating section 13(a)(5) reference of section 13(a)(2) to section 13(a)(1) and change the words ''result'' to ''results''. This step will function as subtracting the total value of the acreage with no insurable loss from the total value of all insured acreage to determine the total value of acreage with insurable losses. This calculation will be for each type and practice. FCIC is also removing the word ''and'' at the end of the section as it is not needed for this step.

FCIC is revising 13(a)(6) to update the section reference from section 13(a)(5) to 13(a)(3). FCIC is also adding the word ''and'' at the end of the section 13(a)(6) to provide a cohesive transition to the final step for settlement of a claim in 13(b).

FCIC is adding section 13(b) to state ''totaling the results in section 13(a).'' Totaling results for each type and practice to any applicable unit was previously included twice in the steps for settling a claim. With this revision, totaling results for each type and practice is only performed once.

FCIC is revising the indemnity calculation example to portray the revised steps for settlement of a claim in section 13. The revised example demonstrates the difference in calculations when a portion of the acreage has a stand between 55 and 75 percent of an adequate stand versus a stand with less than 55 percent of an adequate stand. Additional revisions to the indemnity calculation example include replacing each instance of ''remaining stand of 75 percent or greater'' with ''remaining stand of 75 percent of an adequate stand or greater'' and to replace ''75% stand or greater'' with ''75% of an adequate stand or greater'' to reduce ambiguity and clarify that loss determinations are to be determined relative to adequate stand. In the indemnity calculation, FCIC also is replacing ''$100.00'' with ''$100'' and ''$90.00'' with ''90.'' This change simplifies the example calculations.

Notice and Comment

The FCIC is issuing this final rule without opportunity for prior notice and comment. The Administrative Procedure Act (APA) exempts rules ''relating to agency management or personnel or to public property, loans, grants, benefits, or contracts'' from the statutory requirement for prior notice and opportunity for public comment (5 U.S.C. 553(a)(2)). A Federal crop insurance policy is a contract and is thus exempt from APA notice-and-comment procedures. Previously, changes made to the Federal crop insurance policies codified in the Code of Federal Regulations were required to be implemented through the notice-and-comment rulemaking process. Such action was not required by the APA, which exempts contracts. Rather, the requirement originated with a notice USDA published in the **Federal Register** on July 24, 1971 (36 FR 13804), stating that the Department of Agriculture would, to the maximum extent practicable, use the notice-and-comment rulemaking process when making program changes, including those involving contracts. FCIC complied with this notice over the subsequent years. On October 28, 2013, USDA published a notice in the **Federal Register** (78 FR 64194) rescinding the prior notice, thereby making contracts again exempt from the notice-and-comment rulemaking process. This exemption applies to the 30-day notice prior to implementation of a rule. Therefore, the policy changes made by this final rule are effective April 30, 2019 in the **Federal Register**.

However, FCIC is providing a 30-day comment period and invites interested persons to participate in this rulemaking by submitting written comments. To assist in analyzing the comments, FCIC requests that commenters include the number and heading corresponding to their comment, along with any applicable supporting data or references. FCIC will consider the comments received and may conduct additional rulemaking based on the comments.

The changes will be effective for the 2020 and succeeding crop years.

Executive Orders 12866, 13563, 13771 and 13777

Executive Order 12866, ''Regulatory Planning and Review,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review,'' 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). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' established a federal policy to alleviate unnecessary regulatory burdens on the American people. The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866, ''Regulatory Planning and Review,'' and therefore, OMB has not reviewed this rule. The rule is not subject to Executive Order 13771,

''Reducing Regulation and Controlling Regulatory Costs.''

Paperwork Reduction Act of 1995

Pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, subchapter I), the collections of information in this rule have been approved by OMB under control number 0563–0053.

E-Government Act Compliance

FCIC is committed to complying with the E-Government Act of 2002, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 13132

It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the States. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

The Federal Crop Insurance Corporation has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under E.O. 13175. If a Tribe requests consultation, the Federal Crop Insurance Corporation will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

Regulatory Flexibility Act

FCIC certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Program requirements for the Federal crop insurance program are the same for all producers regardless of the size of their farming operation. For instance, all producers are required to submit an application and acreage report to establish their insurance guarantees and compute premium amounts, and all producers are required to submit a notice of loss and production information to determine the indemnity amount for an insured cause of crop loss. Whether a producer has 10 acres or 1000 acres, there is no difference in the kind of information collected. To ensure crop insurance is available to small entities, the Federal Crop Insurance Act (FCIA) authorizes FCIC to waive collection of administrative fees from limited resource farmers. FCIC believes this waiver helps to ensure that small entities are given the same opportunities as large entities to manage their risks through the use of crop insurance. A Regulatory Flexibility Analysis has not been prepared since this regulation does not have a significant impact on a substantial number of small entities, and, therefore, this regulation is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605).

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See 2 CFR part 415, subpart C.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. With respect to any direct action taken by FCIC or action by FCIC directing the insurance provider to take specific action under the terms of the crop insurance policy, the administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action against FCIC for judicial review may be brought.

Environmental Evaluation

This action is not expected to have a significant economic impact on the quality of the human environment, health, or safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

List of Subjects in 7 CFR Part 457

Crop insurance, Forage seeding, Reporting and recordkeeping requirements.

Final Rule

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation amends 7 CFR part 457 effective for the 2020 and succeeding crop years as follows:

PART 457—COMMON CROP INSURANCE REGULATIONS

■ 1. The authority citation for part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(o).

■ 2. Amend § 457.151 as follows:
■ a. Remove ''2003'' and add ''2020'' in its place in the introductory text;
■ b. Remove the undesignated paragraph immediately preceding section 1;
■ c. In section 1:
■ i. Add in alphabetical order the definitions of ''adequate stand'', ''amount of insurance'', and ''companion crop'';
■ ii. Revise the definition of ''good farming practices'';
■ iii. In the definition of ''harvest'' remove the word ''only'';
■ iv. Add in alphabetical order the definition of ''normal planting density'';
■ v. Remove the definitions of ''normal stand'' and ''nurse crop (companion crop)'';
■ vi. Revise the definitions of ''planted acreage'', ''replanting'', and ''sales closing date'';
■ d. Revise section 5;
■ e. In section 6 remove the phrase ''acreage report date'' and add the phrase ''acreage reporting date'' in its place;

■ f. In section 7:
■ i. In paragraph (b) remove the phrase ''a normal'' and add the phrase ''an adequate'' in its place;
■ ii. In paragraph (d) remove the word ''nurse'' and add the word ''companion'' in its place;
■ g. Revise section 8;
■ h. In Section 9;
■ i. Revise paragraph (c);
■ ii. Revise paragraph (g);
■ i. In section 10 in the introductory text remove the phrase ''stand of forage that occur'' and add the phrase ''an adequate stand that occurs'' in its place;
■ j. In section 11:
■ i. Revise paragraph (a);
■ ii. In paragraph (b) add the term ''(a)'' directly following the number ''13'';
■ k. In paragraph 12(b) remove the phrase ''(Duties in the Event of Damage or Loss)'', add the word ''damaged'' preceding the term ''fall planted acreage'', and remove the phrase ''that is damaged''; and
■ l. Revise section 13.

The revisions and additions read as follows:

§ 457.151 Forage seeding crop insurance provisions.

* * * * *

1. Definitions.

Adequate stand. The number shown in the Special Provisions, representing:

(a) For forage containing 60 percent or more alfalfa, the minimum required number of live alfalfa stems per square foot that are two inches or greater in height; or

(b) For forage containing less than 60 percent alfalfa, the normal planting density.

Amount of insurance. The dollar amount of insurance per acre obtained by multiplying the reference maximum dollar amount shown in the actuarial documents by the coverage level percentage you elect.

Companion crop. A crop seeded into the same acreage as another crop, that is intended to be harvested separately, and that is planted to improve growing conditions for the crop with which it is grown.

* * * * *

Good farming practices. In lieu of the definition in the Basic Provisions, the cultural practices generally in use in the county for the crop to make normal progress toward maturity and produce an adequate stand and which are those generally recognized by agricultural experts or organic agricultural experts, as compatible with agronomic and weather conditions for the area.

* * * * *

Normal planting density. The number of live plants per square foot as shown in the Special Provisions.

* * * * *

Planted acreage. In addition to the definition in the Basic Provisions, land on which seed is initially spread onto the soil surface by any method and subsequently is mechanically incorporated into the soil in a timely manner and at the proper depth will be considered planted, unless otherwise provided by the Special Provisions, actuarial documents, or written agreement.

Replanting. In addition to the definition in the Basic Provisions, placing new seed into an existing damaged stand, using a reduced seeding rate from the original seeding rate, will not be considered replanting.

Sales closing date. In lieu of the definition contained in the Basic Provisions, a date contained in the Special Provisions by which an application must be filed and by which you may change your crop insurance coverage for a crop year. If the Special Provisions provide a sales closing date for both fall planted and spring planted practices for the insured crop and you plant any insurable fall planted acreage, you may not change your crop insurance coverage after the fall sales closing date for the fall planted practice.

* * * * *

5. Cancellation and Termination Dates.

In accordance with section 2 of the Basic Provisions, the cancellation and termination dates are:

State	Cancellation	Termination
Maine	March 15	March 15.
All other states	July 31	September 30.

* * * * *

8. Insurable Acreage.

In addition to the provisions of section 9 of the Basic Provisions, any acreage of the insured crop damaged before the final planting date, to the extent that such acreage has less than 75 percent of a normal planting density, must be replanted unless we agree that it is not practical to replant.

9. Insurance Period.

* * * * *

(c) The first harvest after the late harvest date, if a late harvest date is specified in the Special Provisions (You may harvest the crop as often as practical in accordance with good farming practices on or before the late harvest date);

* * * * *

(g) The end of insurance period date shown in the actuarial documents.

* * * * *

11. Replanting Payment

(a) Unless otherwise specified in the Special Provisions, a replanting payment is allowed if:

(1) It is practical to replant;

(2) We give written consent to replant;

(3) In California, acreage planted to the insured crop is damaged by an insurable cause of loss occurring before the spring final planting date in the actuarial documents to the extent that less than 75 percent of the normal planting density remains and the crop can reach maturity before the end of the insurance period;

(4) In all other states:

(i) The insured spring or fall planted acreage is damaged by an insurable cause of loss to the extent that less than 75 percent of the normal planting density remains;

(ii) If fall planted, the acreage is replanted the following spring by the spring final planting date; and

(iii) If spring planted, the original planting took place after the earliest planting date shown in the Special Provisions; and the acreage is replanted by the spring final planting date shown in the Special Provisions.

* * * * *

13. Settlement of Claim

In the event of loss or damage covered by this policy, we will settle your claim on any unit by:

(a) Each type and practice:

(1) Determining the value of all insured acreage by multiplying the number of insured acres by the dollar amount of insurance;

(2) Determining the value of the acreage with no insurable losses, by multiplying the dollar amount of insurance by the insured acreage that:

(i) Has at least 75 percent of an adequate stand;

(ii) Was abandoned or put to another use without our prior written consent;

(iii) Was damaged solely by an uninsured cause; or

(iv) Was harvested and not reseeded.

(3) Determining the value of the acreage with partial insurable losses, by multiplying the dollar amount of insurance by the number of insured acres that have a stand less than 75 percent but more than 55 percent of an adequate stand, by 50 percent (0.5);

(4) Adding the results in section 13(a)(2) and section 13(a)(3);

(5) Subtracting the results in section 13(a)(4) from the results in section 13(a)(1);

(6) Multiplying the result in section 13(a)(3) by your share; and

(b) Totaling the results in section 13(a).

Example: Assume you have a 100 percent share in 30 acres of type A forage in the unit, with an amount of insurance of $100 per acre. At the time of loss, the following findings are established: 10 acres had a remaining stand of 75 percent of an adequate stand or greater. 20 acres had a remaining stand less than 75 percent but more than 55 percent of an adequate stand.

You also have a 100 percent share in 20 acres of type B forage in the unit, with an amount of insurance of $90 per acre. 10 acres had a remaining stand of 75 percent of an adequate stand or greater. 10 acres had a remaining stand less than 55 percent of an adequate stand.

Your indemnity would be calculated as follows:

1. 30 acres × $100 = $3,000 amount of insurance for type A;

20 acres × $90 = $1,800 amount of insurance for type B;

2. 10 acres with 75% of an adequate stand or greater × $100 = $1,000 for type A;

10 acres with 75% of an adequate stand or greater × $900 = $900 for type B;

3. 20 acres with less than 75% but greater than 55% of an adequate stand × $100 × 50 percent = $1,000 for type A;

0 acres with less than 75% but greater than 55% of an adequate stand × $90 × 50 percent = $0 for type B;

4. $1,000 + $1,000 = $2,000 reduction for type A;

$900 + $0 = $900 reduction for type B;

5. $3,000 − $2,000 = $1,000 for type A

$1,800 − $900 = $900 for type B

6. $1,000 × 100 percent share = $1,000 for type A;

$900 × 100 percent share = $900 for type B;

7. $1,000 + $900 = $1,900 total indemnity

* * * * *

Martin R. Barbre,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2018–26559 Filed 12–7–18; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0761; Product Identifier 2018–NM–088–AD; Amendment 39–19516; AD 2018–25–05]

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 certain Airbus SAS Model A350–941 airplanes. This AD was prompted by reports that, for multimaterial (hybrid) joints of the passenger door frame fittings, the interfay sealant was not applied between all surfaces of the joint parts. This AD requires modification of the hybrid joints of the passenger doors by applying additional corrosion protection to the hybrid joints of the passenger door frame fittings. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 14, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 14, 2019.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *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–2018–0761.

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–2018–0761; 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: 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 certain Airbus SAS Model A350–941 airplanes. The NPRM published in the **Federal Register** on September 4, 2018 (83 FR 44844). The NPRM was prompted by reports that, for multimaterial (hybrid) joints of the passenger door frame fittings, the interfay sealant was not applied between all surfaces of the joint parts. The NPRM proposed to require modification of the hybrid joints of the passenger doors by applying additional corrosion protection to the hybrid joints of the passenger door frame fittings.

We are issuing this AD to address water ingress in the hybrid joints and subsequent galvanic corrosion of the aluminum holes. This condition, if not corrected, could lead to failure of the door, resulting in reduced evacuation capacity from the airplane during an emergency and consequent injury to occupants.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0108, dated May 15, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A350–941 airplanes. The MCAI states:

> Due to the misinterpretation of the prevailing requirements for multimaterial (hybrid) joints of the passenger door frame fittings, the interfay sealant, which prevents water ingress, was only applied on the surface in direct contact with the aluminum parts and not between all surfaces of the joint parts. For sealing of multi-material-stacks involving aluminum, application of interfay sealant is necessary between all assembled parts, even between parts made of corrosion resistant material, in order to ensure a double barrier to prevent water ingress in the joint and subsequent potential galvanic corrosion on the aluminum holes.
>
> This condition, if not corrected, could lead to failure of the door to perform its intended function, possibly resulting in reduced evacuation capacity from the aeroplane during an emergency and consequent injury to occupants.
>
> To address this unsafe condition, Airbus developed production mod 110790 and mod 109554 to improve protection against corrosion, and issued the SB [Airbus Service Bulletin A350–52–P012, dated September 7, 2017] to provide modification instructions for in-service pre-mod aeroplanes.
>
> For the reasons described above, this [EASA] AD requires a modification by adding sealant and protective treatment on the affected passenger doors.

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–2018–0761.

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), Delta Air Lines (DAL), and JM, a private citizen, indicated their support for the NPRM.

Request To Allow Alternative Method of Compliance

DAL requested the addition of a paragraph in the final rule that would allow operators to use certain Airbus Model A350 Airplane Maintenance Manual (AMM) tasks, identified in the comment, to accomplish the actions that would be required by the final rule. The commenter noted that the Airbus Model A350 AMM includes tasks related to maintenance of the passenger door frame fittings, including installation of the fittings with sealant applied between the fitting and the door, similar to what is described in the Accomplishment Instructions of Airbus Service Bulletin A350–52–P012, dated September 7, 2017.

The commenter also pointed out that the Airbus Model A350 AMM tasks do not include application of a top coat spray or corrosion prevention compound after installation of passenger door frame fittings, or include application of top coat sealant and application of primer over the fasteners, which are included in the Accomplishment Instructions of Airbus Service Bulletin A350–52–P012, dated September 7, 2017. The commenter observed that replacement of passenger door frame fittings in-service is customary, and that if an operator uses the Airbus Model A350 AMM tasks in-service to rework the passenger door frame fittings, the operator could be out of compliance with the requirements of the final rule because of the differences in the procedures between the Airbus Model A350 AMM tasks and the Accomplishment Instructions of Airbus Service Bulletin A350–52–P012, dated September 7, 2017.

The commenter also indicated that some operators may perceive using the fay surface sealant as described in the Airbus Model A350 AMM tasks to be a more robust solution than the spray-on corrosion inhibitor compounds or top coating of fasteners described in the Accomplishment Instructions of Airbus Service Bulletin A350–52–P012, dated September 7, 2017. The commenter observed that some operators may prefer to remove the passenger door frame fittings, apply the fay surface sealant, and re-install the passenger door frame fittings.

The commenter clarified that the language in the suggested paragraph would not mandate the use of the Airbus Model A350 AMM tasks, but would state that operators would have to apply for an alternative method of compliance (AMOC) in order to use the Airbus Model A350 AMM tasks instead of the procedures in the Accomplishment Instructions of Airbus Service Bulletin A350–52–P012, dated September 7, 2017.

We disagree with the commenter's request. The Airbus Model A350 AMM task numbers provided by the commenter do not match the Airbus Model A350 AMM task numbers specified in Airbus Service Bulletin A350–52–P012, dated September 7, 2017. Also, the commenter did not provide sufficient documentation to show that, in regard to the unsafe condition identified in this AD, the Airbus Model A350 AMM tasks provide an equivalent level of safety as the procedures described in Airbus Service Bulletin A350–52–P012, dated September 7, 2017. Under the provisions of paragraph (h)(1) of this AD, operators may apply for an AMOC to use other Airbus Model A350 AMM tasks instead of the procedures in the Accomplishment Instructions of Airbus Service Bulletin A350–52–P012, dated September 7, 2017. We have not changed this AD in regard to this issue.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Airbus SAS has issued Service Bulletin A350–52–P012, dated September 7, 2017. This service information describes procedures for modification of the hybrid joints of the left-hand and right-hand sides of the passenger door frame fittings at doors 1, 2, 3 and 4, by applying additional corrosion protection. 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 1 airplane of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
60 work-hours × $85 per hour = $5,100	$0	$5,100	$5,100

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all known costs in our cost estimate.

Authority for This Rulemaking

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

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

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

This 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):

2018–25–05 Airbus SAS: Amendment 39–19516; Docket No. FAA–2018–0761; Product Identifier 2018–NM–088–AD.

(a) Effective Date

This AD is effective January 14, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A350–941 airplanes, certificated in any category, as identified in Airbus Service Bulletin A350–52–P012, dated September 7, 2017.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD was prompted by reports that, for multimaterial (hybrid) joints of the passenger door frame fittings, the interfay sealant was not applied between all surfaces of the joint parts. We are issuing this AD to address water ingress in the hybrid joints and subsequent galvanic corrosion of the aluminum holes. This condition, if not corrected, could lead to failure of the door, resulting in reduced evacuation capacity from the airplane during an emergency and consequent injury to occupants.

(f) Compliance

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

(g) Modification of Passenger Door Hybrid Joints

Within 48 months after the date of issuance of the original certificate of airworthiness or the original export certificate of airworthiness, whichever occurs earlier: Apply additional corrosion protection (*e.g.* primer/topcoat or corrosion prevention compound) to the hybrid joints of the left-hand and right-hand sides of the passenger door frame fittings at doors 1, 2, 3 and 4, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A350–52–P012, dated September 7, 2017.

(h) 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 (i)(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.

(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.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0108, dated May 15, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0761.

(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.

(j) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A350–52–P012, dated September 7, 2017.

(ii) [Reserved]

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@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 November 23, 2018.

John P. Piccola,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–26464 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0767; Product Identifier 2018–NM–068–AD; Amendment 39–19514; AD 2018–25–03]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. This AD was prompted by reports that debris from the parking brake shut off valve (PBSOV) could create a partial blockage of the restrictor check valve in the hydraulic return line of the PBSOV. This AD requires replacing the restrictor check valve with an improved valve that has a filter screen. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 14, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 14, 2019.

ADDRESSES: For service information identified in this final rule, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* internet *http://www.myfokkerfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0767.

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–2018–0767; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. The NPRM published in the **Federal Register** on September 7, 2018 (83 FR 45362). The NPRM was prompted by reports that debris from the PBSOV could create a partial blockage of the restrictor check valve in the hydraulic return line of the PBSOV. The NPRM proposed to require replacing the restrictor check valve with an improved valve that has a filter screen.

We are issuing this AD to address debris from the PBSOV that could create a partial blockage of the restrictor check valve in the hydraulic return line of the PBSOV, which, if not corrected, may prevent complete main landing gear extension, possibly resulting in damage to the airplane during landing, and consequent injury to occupants.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2018–0077 dated April 6, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. The MCAI states:

> Service experience with Fokker 70 and Fokker 100 aeroplanes has shown that debris from the parking brake shut-off valve (PBSOV) can eventually block the restrictor check valve in the hydraulic return line of the PBSOV. Prompted by these findings, Fokker Services issued [Service Bulletin] SBF100–32–159 to introduce a new PBSOV and a one-time inspection for debris in the affected part of the hydraulic return system. EASA issued AD 2009–0220 [which corresponds to FAA AD 2010–22–05 (75 FR 66649, October 29, 2010) (''AD 2010–22–05'')] to require those actions. In addition, Fokker Services issued SBF100–32–163 to introduce the option to install a restrictor check valve with a filter screen in the return line of the PBSOV. A recent review of in-service experience and the SBF100–32–159 inspection results revealed new occurrences of debris that obstructed (but did not completely block) the restrictor check valve.
>
> This condition, if not corrected, might prevent complete main landing gear extension, possibly resulting in damage to the aeroplane during landing, and consequent injury to occupants.
>
> To address this potential unsafe condition, Fokker Services issued Revision 1 of SBF100–32–163, providing instructions to replace the restrictor check valve with the improved valve incorporating a filter screen.
>
> For the reason described above, this [EASA] AD requires the replacement of the restrictor check valve in the return line of the PBSOV with the improved valve.

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–2018–0767.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Fokker Services B.V. has issued Service Bulletin SBF100–32–163, Revision 1, dated February 21, 2018. This service information describes procedures for removing the restrictor check valve in the hydraulic return line of the PBSOV and installing an improved restrictor check valve that has a filter screen. 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 4 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
2 work-hours × $85 per hour = $170	$1,282	$1,452	$5,808

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):

2018–25–03 Fokker Services B.V.: Amendment 39–19514; Docket No. FAA–2018–0767; Product Identifier 2018–NM–068–AD.

(a) Effective Date

This AD is effective January 14, 2019.

(b) Affected ADs

This AD affects AD 2010–22–05, Amendment 39–16484 (75 FR 66649, October 29, 2010) (''AD 2010–22–05'').

(c) Applicability

This AD applies to Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes, certificated in any category, all serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by service experience showing that debris from the parking brake shut off valve (PBSOV) could create a partial blockage of the restrictor check valve in the hydraulic return line of the PBSOV. We are issuing this AD to address this condition, which, if not corrected, may prevent complete main landing gear extension, possibly resulting in damage to the airplane during landing, and consequent injury to occupants.

(f) Compliance

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

(g) Definitions

For the purposes of this AD, the definitions in paragraphs (g)(1) through (g)(3) apply.

(1) An affected part is any hydraulic restrictor check valve having part number (P/N) D71293–003, P/N D71295–401, or P/N D71296–401.

(2) Group 1 airplanes are those that have an affected part installed.

(3) Group 2 airplanes are those that do not have an affected part installed.

(h) Required Actions

For Group 1 airplanes, within 24 months after the effective date of this AD, modify the airplane by replacing each affected part with a restrictor check valve that has a filter screen, P/N CKLX0517200B or P/N CKLX0520100B, as applicable, in accordance with the accomplishment instructions of Fokker Service Bulletin SBF100–32–163, Revision 1, dated February 21, 2018.

(i) Parts Installation Prohibition

Do not install an affected part on any airplane, as required by paragraph (i)(1) or (i)(2) of this AD, as applicable.

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

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

(j) Terminating Actions for AD 2010–22–05

Accomplishing the actions required by paragraph (h) of this AD terminates all requirements of AD 2010–22–05.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (l)(2) of this AD. Information may

be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2018–0077, dated April 6, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0767.

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

(m) Material Incorporated by Reference

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

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

(i) Fokker Service Bulletin SBF100–32–163, Revision 1, dated February 21, 2018.

(ii) [Reserved]

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

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

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

Issued in Des Moines, Washington, on November 23, 2018.

John P. Piccola,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–26463 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0797; Product Identifier 2018–NM–096–AD; Amendment 39–19521; AD 2018–25–10]

RIN 2120–AA64

Airworthiness Directives; Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems) Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2018–11–07, which applied to all Saab AB, Saab Aeronautics Model SAAB 2000 airplanes. AD 2018–11–07 required a one-time inspection of an affected lug attaching the aileron bellcrank support bracket to the rear spar of the wing and the adjacent area of the installed support brackets, a thickness measurement of the affected lug, repetitive inspections of the affected aileron bellcrank support brackets, and corrective actions if necessary. AD 2018–11–07 also provided an optional terminating action for the repetitive inspections. This AD retains the actions of AD 2018–11–07 and requires the terminating action for the repetitive inspections. This AD was prompted by a determination that it is necessary to require the terminating action. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 14, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 13, 2018 (83 FR 24399, May 29, 2018).

ADDRESSES: For service information identified in this final rule, contact Saab AB, Saab Aeronautics, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab2000.techsupport@saabgroup.com;* internet *http://www.saabgroup.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0797.

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–2018–0797; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2018–11–07, Amendment 39–19295 (83 FR 24399, May 29, 2018) (''AD 2018–11–07''). AD 2018–11–07 applied to all Saab AB, Saab Aeronautics Model SAAB 2000 airplanes. The NPRM published in the **Federal Register** on September 19, 2018 (83 FR 47321). The NPRM was prompted by a determination that further rulemaking is necessary to include the requirement to replace all affected support brackets. The NPRM proposed to continue to require one-time inspection of the affected lug attaching the aileron bellcrank support bracket to the rear spar of the wing and the adjacent area of the installed aileron bellcrank support brackets, a thickness measurement of the affected lug attaching the support bracket to the rear spar of the wing, repetitive inspections of the affected aileron bellcrank support brackets, and corrective actions if necessary. The NPRM also proposed to require the replacement of all affected support brackets. We are issuing this AD to address the defect of the aileron bellcrank support bracket, which, in the event of an aileron jam, could lead to failure of the support bracket and result in reduced controllability of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0103, dated April 30, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the

MCAI''), to correct an unsafe condition for all Saab AB, Saab Aeronautics Model SAAB 2000 airplanes. 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–2018–0797.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Saab AB, Saab Aeronautics has issued Saab Service Bulletin 2000–27–056, dated April 18, 2018. This service information was incorporated by reference in AD 2018–11–07 on June 13, 2018 (83 FR 24399, May 29, 2018). This service information describes procedures for a detailed visual inspection for cracks, corrosion, and damage (including missing paint) of the affected lug and the adjacent area of the installed aileron bellcrank support brackets on the left-hand and right-hand wings; a thickness measurement of the affected lug attaching the support bracket to the rear spar of the wing; and replacement of aileron bellcrank support brackets. 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 8 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 19 work-hours × $85 per hour = $1,615	Up to $18,074	Up to $19,689	Up to $157,512.

We have received no definitive data for the on-condition costs specified in this AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under 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 removing Airworthiness Directive (AD) 2018–11–07, Amendment 39–19295 (83 FR 24399, May 29, 2018), and adding the following new AD:

2018–25–10 Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems): Amendment 39–19521; Docket No. FAA–2018–0797; Product Identifier 2018–NM–096–AD.

(a) Effective Date

This AD is effective January 14, 2019.

(b) Affected ADs

This AD replaces AD 2018–11–07, Amendment 39–19295 (83 FR 24399, May 29, 2018) (''AD 2018–11–07'').

(c) Applicability

This AD applies to Saab AB, Saab Aeronautics (formerly known as Saab AB, Saab Aerosystems) Model SAAB 2000 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by the identification of a manufacturing defect on certain aileron bellcrank support brackets that resulted in insufficient material

thickness of the affected lug attaching the support bracket to the rear spar of the wing. We are issuing this AD to detect and correct a defect of the aileron bellcrank support bracket, which, in the event of an aileron jam, could lead to failure of the support bracket and result in reduced controllability of the airplane.

(f) Compliance

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

(g) Retained Definitions, With No Changes

(1) This paragraph restates the definition specified in paragraph (g)(1) of AD 2018–11–07, with no changes. For the purposes of this AD, affected support brackets are aileron bellcrank support brackets, part number (P/N) 7327993–813 and P/N 7327993–814, for which it has been determined that the affected lug attaching the support bracket to the rear spar of the wing has a thickness of less than 2.75 millimeters (mm) (0.108 inch (in.)), as specified in Saab Service Bulletin 2000–27–056, dated April 18, 2018.

(2) This paragraph restates the definition specified in paragraph (g)(2) of AD 2018–11–07, with no changes. For the purposes of this AD, serviceable support brackets are aileron bellcrank support brackets, P/N 7327993–813 and P/N 7327993–814, for which it has been determined that the affected lug attaching the support bracket to the rear spar of the wing has a thickness of 2.75 mm (0.108 in.) or more, as specified in Saab Service Bulletin 2000–27–056, dated April 18, 2018.

(h) Retained One-Time Inspection, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2018–11–07, with no changes. Within 100 flight cycles or 30 days, whichever occurs first after June 13, 2018 (the effective date of AD 2018–11–07), accomplish a detailed visual inspection for cracks, corrosion, and damage (including missing paint) of the affected lug and the adjacent area of the aileron bellcrank support brackets installed on the left-hand (LH) and right-hand (RH) wings, and measure the thickness of the affected lug attaching the aileron bellcrank support bracket to the rear spar of the wing, in accordance with the Accomplishment Instructions of Saab Service Bulletin 2000–27–056, dated April 18, 2018.

(i) Retained Repetitive Inspections, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2018–11–07, with no changes. If, during the measurement required by paragraph (h) of this AD, it is determined that the affected lug attaching the aileron bellcrank support bracket to the rear spar of the wing has a thickness of less than 2.75 mm (0.108 in.), at intervals not to exceed 100 flight cycles, accomplish a detailed visual inspection for cracks, corrosion, and damage (including missing paint) of that affected support bracket in accordance with the Accomplishment Instructions of Saab Service Bulletin 2000–27–056, dated April 18, 2018. Accomplishing the replacement specified in paragraph (l) of this AD terminates the repetitive inspections required by this paragraph for that bracket.

(j) Retained Corrective Actions, With No Changes

This paragraph restates the requirements of paragraph (j) of AD 2018–11–07, with no changes. If, during any inspection required by paragraph (h) or (i) of this AD, any crack, corrosion, or damage (including missing paint) is found, before further flight, obtain corrective actions instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Saab AB, Saab Aeronautics' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature. Accomplish the corrective actions within the compliance time specified therein. If no compliance time is specified in the corrective actions instructions, accomplish the corrective action before further flight.

(k) Retained Parts Installation Limitation, With No Changes

This paragraph restates the requirements of paragraph (m) of AD 2018–11–07, with no changes. As of June 13, 2018 (the effective date of AD 2018–11–07), it is allowed to install on any airplane an aileron bellcrank support bracket P/N 7327993–813 or P/N 7327993–814, provided it is a serviceable support bracket.

(l) New Requirement of This AD: Replacement

Within 6 months after the effective date of this AD, replace each affected support bracket with a serviceable support bracket, in accordance with the Accomplishment Instructions of Saab Service Bulletin 2000–27–056, dated April 18, 2018. Replacing each affected support bracket terminates the inspections required by paragraph (i) of this AD for that airplane.

(m) Other FAA AD Provisions

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

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

(ii) AMOCs approved previously for AD 2018–11–07, are approved as AMOCs for the corresponding provisions of this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Saab AB, Saab Aeronautics' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2018–0103, dated April 30, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0797.

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

(o) 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.

(3) The following service information was approved for IBR on June 13, 2018 (83 FR 24399, May 29, 2018).

(i) Saab Service Bulletin 2000–27–056, dated April 18, 2018.

(ii) [Reserved]

(4) For service information identified in this AD, contact Saab AB, Saab Aeronautics, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab2000.techsupport@saabgroup.com;* internet *http://www.saabgroup.com.*

(5) 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.

(6) 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 November 29, 2018.

James Cashdollar,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–26530 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0799; Product Identifier 2018–NM–117–AD; Amendment 39–19515; AD 2018–25–04]

RIN 2120–AA64

Airworthiness Directives; C Series Aircraft Limited Partnership (CSALP) (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain C Series Aircraft Limited Partnership (CSALP) Model BD–500–1A10 and BD–500–1A11 airplanes. This AD was prompted by reports of dislodged cargo compartment blowout panels. This AD requires repetitive inspections for any dislodged blow-out panel in the forward and aft cargo compartments, reporting of the inspection findings, and reinstallation if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 14, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publication listed in this AD as of January 14, 2019.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0799.

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–2018–0799; 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: Darren Gassetto, Aerospace Engineer, Mechanical Systems and Admin Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516 794 5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain C Series Aircraft Limited Partnership (CSALP) Model BD–500–1A10 and BD–500–1A11 airplanes. The NPRM published in the **Federal Register** on September 19, 2018 (83 FR 47315). The NPRM was prompted by reports of dislodged cargo compartment blowout panels. The NPRM proposed to require repetitive inspections for any dislodged blow-out panel in the forward and aft cargo compartments, reporting of the inspection findings, and reinstallation if necessary.

We are issuing this AD to address dislodged cargo compartment blow-out panels, which could result in openings in the forward and aft cargo compartments. In the event of a cargo compartment fire, these unintended openings in the forward and aft cargo compartments would provide a path for smoke, fire, and Halon to enter the adjacent equipment bays, flight deck, and passenger cabin, which could delay smoke detection in the forward and aft cargo compartments and result in the forward and aft cargo compartments not being able to maintain the Halon concentration required for fire suppression. The cargo compartment fire may become uncontrollable if this condition is not addressed, which could result in the loss of controllability of the airplane.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2018–15, dated June 6, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain C Series Aircraft Limited Partnership (CSALP) Model BD–500–1A10 and BD–500–1A11 airplanes. The MCAI states:

> Multiple events of dislodged cargo compartment blow-out panels have been reported in-service. It was determined that these events were caused by baggage impacting the cargo panel cage, or the cargo compartment liner below the cargo panel cage, during baggage loading and unloading on the ground, or during flight due to shifting luggage.
>
> Dislodged cargo compartment blow-out panels create openings in the forward and aft cargo compartments. In the event of a cargo compartment fire, these unintended openings in the forward and aft cargo compartments would provide a path for smoke, fire, and Halon to enter the adjacent equipment bays, flight deck, and passenger cabin, which could delay smoke detection in the forward and aft cargo compartments and result in the forward and aft cargo compartments not being able to maintain Halon concentration required for fire suppression. The cargo compartment fire may become uncontrollable if this condition is not corrected.
>
> This [TCCA] AD mandates repetitive [detailed] inspections of the affected forward and aft cargo compartment blow-out panels, and reporting of inspection findings where dislodged blow-out panels have been found [and re-installation of dislodged blow-out panels].

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 0799.

Comments

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

Change to Product Name

The type certificate holder for Model BD–500–1A10 and BD–500–1A11 airplanes has changed from ''Bombardier, Inc.,'' to ''C Series Aircraft Limited Partnership (CSALP).'' We have revised this AD accordingly.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this final rule with the change 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

Bombardier has issued C Series Data Module BD500–A–J50–10–01–01AAA–310B–A, ''Forward and aft cargo compartment blow-out panels—Visual check,'' Issue 002, dated May 16, 2018. This service information describes procedures for an inspection for any dislodged blow-out panel in the forward and aft cargo compartments.

Bombardier has issued C Series Data Module BD500–A–J50–10–01–00AAA–521A–A, ''Decompression panels dislodging—Return to basic configuration,'' Issue 002, dated May 16, 2018. This service information describes procedures for re-installation of dislodged forward and aft cargo compartment blow-out panels.

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 affects 21 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
1 work-hour × $85 per hour = $85	$0	$85	$1,785

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

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

We estimate that it would take about 1 work-hour per product to comply with the on-condition reporting requirement in this AD. The average labor rate is $85 per hour. Based on these figures, we estimate the cost of reporting the inspection results on U.S. operators to be $85 per product.

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–25–04 C Series Aircraft Limited Partnership (CSALP) (Type Certificate Previously Held by Bombardier, Inc.): Amendment 39–19515; Docket No. FAA–2018–0799; Product Identifier 2018–NM–117–AD.

(a) Effective Date

This AD is effective January 14, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to C Series Aircraft Limited Partnership (CSALP) (Type Certificate Previously Held by Bombardier, Inc.) airplanes, certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model BD–500–1A10 airplanes, serial numbers 50001 and subsequent, equipped with blow-out panel part number D762213–503, D762216–505, or D762209–503.

(2) Model BD–500–1A11 airplanes, serial numbers 55001 and subsequent, equipped with blow-out panel part number D762213–503, D762216–505, or D762209–503.

(d) Subject

Air Transport Association (ATA) of America Code 50, Cargo and accessory compartment.

(e) Reason

This AD was prompted by reports of dislodged cargo compartment blow-out panels. We are issuing this AD to address this condition, which could result in openings in the forward and aft cargo compartments. In the event of a cargo compartment fire, these unintended openings in the forward and aft cargo compartments would provide a path for smoke, fire, and Halon to enter the adjacent equipment bays, flight deck, and passenger cabin, which could delay smoke detection in the forward and aft cargo compartments and result in the forward and aft cargo compartments not being able to maintain the Halon concentration required for fire suppression. The cargo compartment fire may become uncontrollable if this condition is not addressed, which could result in the loss of controllability of the airplane.

(f) Compliance

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

(g) Repetitive Inspections of the Forward and Aft Cargo Compartment Blow-Out Panels and Re-Installation

Within 7 days or 50 flight cycles, whichever occurs first, after the effective date of this AD, do a detailed inspection for any dislodged blow-out panel in the forward and aft cargo compartments, in accordance with C Series (Bombardier) Data Module BD500–A–J50–10–01–01AAA–310B–A, ''Forward and aft cargo compartment blow-out panels—Visual check,'' Issue 002, dated May 16, 2018. Re-install all dislodged forward and aft cargo compartment blow-out panels before further flight, in accordance with C Series (Bombardier) Data Module BD500–A–J50–10–01–00AAA–521A–A, ''Decompression panels dislodging—Return to basic configuration,'' Issue 002, dated May 16, 2018. Thereafter, at intervals not to exceed 100 flight cycles, repeat the detailed inspection for any dislodged blow-out panel in the forward and aft cargo compartments.

(h) Reporting

If any blow-out panel in the forward or aft cargo compartments is found dislodged during any inspection required by paragraph (g) of this AD, at the applicable time specified in paragraph (h)(1) or (h)(2) of this AD, report findings to the Bombardier customer response center (CRC) via email: *crc_cseries@aero.bombardier.com.* Reportable findings include the airplane serial number on which any dislodged blow-out panel was found, the date of inspection, and the part number and location of each dislodged blow-out panel.

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

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

(i) Paperwork Reduction Act Burden Statement

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

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2018–15, dated June 6, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0799.

(2) For more information about this AD, contact Darren Gassetto, Aerospace Engineer, Mechanical Systems and Admin Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516 794 5531; email *9-avs-nyaco-cos@faa.gov.*

(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) C Series (Bombardier) Data Module BD500–A–J50–10–01–00AAA–521A–A, ''Decompression panels dislodging—Return to basic configuration,'' Issue 002, dated May 16, 2018.

(ii) C Series (Bombardier) Data Module BD500–A–J50–10–01–01AAA–310B–A, ''Forward and aft cargo compartment blow-out panels—Visual check,'' Issue 002, dated May 16, 2018.

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

(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 November 23, 2018.

John P. Piccola,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–26473 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0800; Product Identifier 2018–NM–107–AD; Amendment 39–19517; AD 2018–25–06]

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 A330–223F and Model A330–243F airplanes. This AD was prompted by a report of cracking at fastener holes located at a certain frame on the lower shell panel junction. This AD requires repetitive special detailed inspections (rototest) of certain fastener holes located at the lower shell junction of a certain frame on both left-hand (LH) and right-hand (RH) sides, and applicable related investigative and corrective actions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 14, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 14, 2019.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0800.

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–2018–0800; 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: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A330–223F and Model A330–243F airplanes. The NPRM published in the **Federal Register** on September 21, 2018 (83 FR 47850). The NPRM was prompted by a report of cracking at fastener holes located at a certain frame on the lower shell panel junction. The NPRM proposed to require repetitive special detailed inspections (rototest) of certain fastener holes located at the lower shell junction of a certain frame on both LH and RH sides, and applicable related investigative and corrective actions.

We are issuing this AD to address cracking at FR40 on the lower shell panel junction; such cracking could lead to reduced structural integrity of the fuselage.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2018–0146, dated July 12, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A330–223F and Model A330–243F airplanes. The MCAI states:

> During embodiment of a frame (FR) 40 web repair on an A330 aeroplane, and during keel beam replacement on an A340 aeroplane, cracks were found on both left hand (LH) and right hand (RH) sides on internal strap, butt strap, keel beam fitting, or forward fitting FR40 flange.
>
> This condition, if not detected and corrected, could affect the structural integrity of the centre fuselage of the aeroplane.
>
> Prompted by these findings, Airbus issued SB [service bulletin] A330–53–3215, providing inspection instructions, and EASA issued AD 2014–0136 and, subsequently, AD 2017–0063 [which corresponds to FAA AD 2018–12–08, Amendment 39–19312 (83 FR 33821, July 18, 2018)] to require repetitive special detailed inspection (SDI), (rototest), of 10 fastener holes located at the FR40 lower shell panel junction on both LH and RH sides and, depending on findings, accomplishment of applicable corrective action(s).
>
> After those ADs were issued, it has been determined that A330 Freighter aeroplanes are also affected by this potential unsafe condition. Consequently, Airbus published SB A330–53–3215 Revision 03 to expand the Effectivity of that SB to these aeroplanes.
>
> For the reason described above, this [EASA] AD requires repetitive SDI (rototest) of 10 fastener holes located at the FR40 lower shell panel junction on both LH and RH sides and, depending on findings, accomplishment of applicable corrective action(s) [which include oversizing, installing fasteners and repair; and accomplishment of applicable related investigative actions, which include a rototest inspection for cracking after oversizing].

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–2018–0800.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A330–53–3215, Revision 03, dated January 22, 2018. This service information describes procedures for repetitive rototest inspections of certain fastener holes, and related investigative and corrective actions if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 5 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 42 work-hours × $85 per hour = $3,570	$0	Up to $3,570	Up to $17,850.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
46 work-hours × $85 per hour = $3,910	$3,690	$7,600

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):

2018–25–06 Airbus SAS: Amendment 39–19517; Docket No. FAA–2018–0800; Product Identifier 2018–NM–107–AD.

(a) Effective Date

This AD is effective January 14, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes, certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD; all manufacturer serial numbers.

(1) Airbus SAS Model A330–223F airplanes.

(2) Airbus SAS Model A330–243F airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by a report of cracking on both left-hand (LH) and right-hand (RH) sides on the internal strap, butt strap, keel beam fitting, or forward fitting frame (FR) 40 flange. We are issuing this AD to address cracking at FR40 on the lower shell panel junction; such cracking could lead to reduced structural integrity of the fuselage.

(f) Compliance

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

(g) Compliance Times for the Actions Required by Paragraph (h) of This AD

Accomplish the actions required by paragraph (h) of this AD before exceeding the compliance time ''threshold'' defined in paragraph 1.E., ''Compliance,'' of Airbus Service Bulletin A330–53–3215, Revision 03, dated January 22, 2018 (''A330–53–3215, R3''), depending on airplane utilization and configuration and to be counted from airplane first flight, and, thereafter, at intervals not to exceed the compliance times defined in paragraph 1.E., ''Compliance,'' of A330–53–3215, R3, depending on airplane utilization and configuration.

(h) Repetitive Inspections and Related Investigative and Corrective Actions

At the applicable compliance times specified in paragraph (g) of this AD: Accomplish a special detailed inspection of the 10 fastener holes located at FR40 lower shell panel junction on both LH and RH sides, in accordance with the Accomplishment Instructions of A330–53–3215, R3.

(1) If, during any inspection required by the introductory text of paragraph (h) of this AD, any crack is detected, before further flight, accomplish all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of A330–53–3215, R3, except where A330–53–3215, R3 specifies to contact Airbus for repair instructions, and specifies that action as Required for Compliance (RC), this AD requires repair before further flight using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or 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) If, during any inspection required by the introductory text of paragraph (h) of this AD, the diameter of a fastener hole is found to be outside the tolerances of the transition

fit as specified in A330–53–3215, R3, as applicable; and A330–53–3215, R3; specifies to contact Airbus for repair instructions, and specifies that action as ''RC,'' before further flight, repair using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) Accomplishment of corrective actions, as required by paragraph (h)(1) of this AD, does not constitute terminating action for the repetitive inspections required by the introductory text of paragraph (h) of this AD.

(4) Accomplishment of a repair on an airplane, as required by paragraph (h)(2) of this AD, does not constitute terminating action for the repetitive inspections required by the introductory text of paragraph (h) of this AD for that airplane, unless the method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA DOA indicates otherwise.

(i) No Reporting Requirement

Although A330–53–3215, R3, specifies to submit certain information to the manufacturer, and specifies that action as RC, this AD does not include that requirement.

(j) Credit for Previous Actions

This paragraph provides credit for the inspections required by the introductory text of paragraph (h) of this AD and the related investigative and corrective actions required by paragraph (h)(1) of this AD, if those actions were performed before the effective date of this AD, using Airbus Service Bulletin A330–53–3215, dated June 21, 2013; or Revision 01, dated April 17, 2014; or Revision 02, dated November 23, 2016.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or 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):* Except as specified by paragraphs (h)(1), (h)(2), and (i) of this AD: 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.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0146, dated July 12, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0800.

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

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

(m) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A330–53–3215, Revision 03, dated January 22, 2018.

(ii) [Reserved]

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

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

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

Issued in Des Moines, Washington, on November 23, 2018.

John P. Piccola,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–26474 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0685; Airspace Docket No. 18–AGL–19]

RIN 2120–AA66

Amendment of Class D Airspace; Detroit, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class D airspace at Coleman A. Young Municipal Airport (formerly Detroit City Airport), Detroit, MI, by changing the airspace designation to Detroit, MI, thereby removing the old airport name. The name and geographic coordinates of this airport are also updated to coincide with the FAA's aeronautical database. This action is necessary to keep information current for the safety and management of aircraft within the national airspace system.

DATES: Effective 0901 UTC, February 28, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class D airspace at Coleman A. Young Memorial Airport, Detroit, MI.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (83 FR 47580; September 20, 2018) for Docket No. FAA–2018–0685 to amend Class D airspace at Coleman A. Young Memorial Airport, Detroit, MI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA discovered that the longitudinal geographic coordinate for the airport was published incorrectly. That error is corrected in this final rule.

Class D airspace designations are published in paragraph 5000 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 modifies the Class D airspace by updating for the location in the header of the airspace legal description to Detroit, MI (previously Detroit City Airport, MI), at Coleman A. Young Municipal Airport (formerly Detroit City Airport), Detroit, MI, to comply with FAA Order 7400.2L, Procedures for Handling Airspace Matters. The name and geographic coordinates of the airport are also updated to coincide with the FAA's aeronautical database.

The longitudinal geographic coordinate for the airport is corrected to ''83°00′37″ W'' Except for this change, this rule is the same as published in the NPRM.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AGL MI D Detroit, MI [Amended]

Coleman A. Young Municipal Airport, MI
(Lat. 42°24′34″ N, long. 83°00′37″ W)

That airspace extending upward from the surface to and including 3,100 feet MSL within a 4.1-mile radius of the Coleman A. Young Municipal Airport.

Issued in Fort Worth, Texas, on November 26, 2018.

Walter Tweedy,

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

[FR Doc. 2018–26503 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0698; Airspace Docket No. 18–AGL–20]

RIN 2120–AA66

Amendment of Class D Airspace; Pontiac, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class D airspace at Oakland County International Airport, Pontiac, MI, due to the decommissioning of the Pontiac VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at this airport, as part of the VOR Minimum Operational Network (MON) Program. This action also replaces the outdated term Airport/Facility Directory with Chart Supplement. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Effective 0901 UTC, February 28, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order

7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.* FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class D airspace at Oakland County International Airport, Pontiac, MI, to support IFR operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (83 FR 47578; September 20, 2018) for Docket No. FAA–2018–0698 to amend Class D airspace at Oakland County International Airport, Pontiac, MI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA discovered that the extension from the Oakland County Intl: RWY 09R–LOC was contained within the radius of the airport and is thus not required in the airspace legal description. That extension and the Oakland County Intl: RWY 09R–LOC are removed from the airspace legal description in this rule.

Class D airspace designations are published in paragraph 5000 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 modifies the Class D airspace at Oakland County International Airport, Pontiac, MI, by adding an extension 1 mile each side of the 274° bearing from the airport extending from the 4.2-mile radius to 4.4 miles west of the airport.

This action also makes an editorial change to the airspace legal description replacing ''Airport/Facility Directory'' with ''Chart Supplement''.

The extension from the Oakland County Intl: RWY 09R–LOC and the Oakland County Intl: RWY 09R–LOC are removed from the airspace legal description. Except for this change, this rule is the same as published in the NPRM.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AGL MI D Pontiac, MI [Amended]

Oakland County International Airport, MI
(Lat. 42°39′56″ N, long. 83°25′14″ W)

That airspace extending upward from the surface to and including 3,500 feet MSL within a 4.2-mile radius of Oakland County International Airport, and within 1 mile each side of the 274° bearing from the airport extending from the 4.2-mile radius to 4.4 miles west of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Issued in Fort Worth, Texas, on November 26, 2018.

Walter Tweedy,

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

[FR Doc. 2018–26501 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0825; Airspace Docket No. 18–ASO–17]

RIN 2120–AA66

Amendment of Class D and Class E Airspace; Louisville, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This editorial amendment corrects the legal description published in the **Federal Register** on September 11, 2018, amending Class E surface area for Louisville International Airport, Louisville, KY, by removing excessive language (E–104) from the Class E surface area legal description.

DATES: Effective 0901 UTC, February 28, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Louisville International Airport, Louisville, KY, to support IFR operations at the airport.

History

The FAA published a final rule in the **Federal Register** (83 FR 45820, September 11, 2018) for Doc. No. FAA–2018–0825, amending Class D airspace and Class E surface airspace at Bowman Field Airport, Louisville, KY, that contained a clerical error in the airspace legal description. 'E–104' was incorrectly placed after the geographic coordinates of Louisville International Airport, KY under the Class E surface airspace.

Class E airspace designation are published in paragraph 6002, of FAA Order 7400.11C dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by correcting a clerical error in the regulatory text of Class E airspace extending upward from the surface at Louisville International Airport, Louisville, KY. The text is corrected to read, '(Lat. 38°10′27″ N, long. 85°44′11″ W).'

Section 553(b)(3)(B) of the Administrative Procedures Act (5 U.S.C.) authorizes agencies to dispense with notice and comment procedure when the agency for ''good cause'' finds that these procedures are ''impracticable, or contrary to the public interest.'' Accordingly, action is taken herein to remove 'E–104' from the geographic coordinates for Louisville International Airport. Therefore, in the interest of flight safety, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest. Section 553(d) of the Administrative Procedures Act (5 U.S.C.) authorizes agencies to determine an effective date of less than 30 days after publication for good cause found and published with the rule. In consideration of the need to correct the airspace description for Louisville International Airport and to avoid confusion on the part of pilots flying in the vicinity of airport, the FAA finds good cause for making this amendment effective in less than 30 days in order to promote the safe and efficient handling of air traffic in the area.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, effective September 15, 2018, is amended as follows:

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

ASO KY E2 Louisville, KY [Amended]

Bowman Field Airport, KY
(Lat. 38°13′41″ N, long. 85°39′49″ W)
Louisville International Airport, KY
(Lat. 38°10′27″ N, long. 85°44′11″ W)

That airspace extending upward from the surface within a 3.9-mile radius of Bowman Field Airport, excluding that portion within the Louisville International Airport Field Class C airspace area, and excluding that portion south of the 081° bearing from Louisville International Airport, and also excluding that portion north of the Louisville International Airport Class C airspace area and west of a line drawn from lat. 38°11′28″ N, long. 85°42′01″ W direct thru the point where the 030° bearing from Louisville International Airport intersects the 5-mile radius from Louisville International Airport to the point of intersection with the 3.9-mile radius from Bowman Field Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Issued in College Park, Georgia, on November 29, 2018.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2018–26567 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0699; Airspace Docket No. 18–ASW–11]

RIN 2120–AA66

Amendment of Class D and E Airspace and Revocation of Class E Airspace; Fayetteville, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class D airspace and Class E airspace designated as a surface area, and removes Class E airspace designated as an extension to a Class D and Class E airspace at Drake Field, Fayetteville, AR. This action is due to the decommissioning of the Drake VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at this airport, as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of the airport are also updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary to support instrument flight rule (IFR) operations at this airport.

DATES: Effective 0901 UTC, February 28, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies Class D airspace and Class E airspace designated as a surface area, and removes Class E airspace designated as an extension to a Class D and Class E airspace at Drake Field, Fayetteville, AR, to support IFR operations at this airport.

History

The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** (83 FR 47585; September 20, 2018) for Docket No. FAA–2018–0699 to amend Class D airspace and Class E airspace designated as a surface area, and remove Class E airspace designated as an extension to a Class D and Class E airspace at Drake Field, Fayetteville, AR. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA found a typographic error in the airspace legal description for the Class D airspace and Class E airspace designated as a surface area in the extension from the Drake Field: RWY 34–LOC. ''Sided'' should have been ''side''. This typographical error is corrected in this rule.

Class D and E airspace designations are published in paragraphs 5000, 6002, and 6004, respectively, of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This rule amends Title 14 Code of Federal Regulations (14 CFR) part 71 by: Amending the Class D airspace at Drake Field, Fayetteville, AR, to within a 4-mile radius (decreased from a 4.1-mile radius); and adding an extension 1.1 miles each side of the 181° bearing from the airport from the 4-mile radius to 5.9 miles north of the airport, and adding an extension 1 mile each side of the 172° bearing from the Drake Field: RWY 34–LOC from the 4-mile radius to 4.9 miles

south of the Drake Field: RWY 34–LOC; and adding an extension 1 mile each side of the 347° bearing from the airport from the 4-mile radius to 4.9 miles north the airport. The city associated with the airport is removed from the airspace legal description to comply with a change to FAA Order 7400.2L, Procedures for Handling Airspace Matters, and the outdated term ''Airport/Facility Directory'' is updated to ''Chart Supplement.'' Additionally, the geographic coordinates of the airport are updated to coincide with the FAA's aeronautical database.

Amending the Class E airspace designated as a surface area at Drake Field to within a 4-mile radius (decreased from a 4.1-mile radius); and extending the airspace up to and including 3,800 feet MSL; and adding an extension 1.1 miles each side of the 181° bearing from the airport from the 4-mile radius to 5.9 miles south of the airport, and adding an extension 1 mile each side of the 172° bearing from the Drake Field: RWY 34–LOC from the 4-mile radius to 4.9 miles south of the Drake Field: RWY 34–LOC; and adding an extension 1 mile each side of the 347° bearing from the airport from the 4-mile radius to 4.9 miles north of the airport. The city associated with the airport is removed from the airspace legal description to comply with a change to FAA Order 7400.2L, and the outdated term ''Airport/Facility Directory'' is updated to ''Chart Supplement.'' Additionally, the geographic coordinates of the airport are updated to coincide with the FAA's aeronautical database.

And removing the Class E airspace designated as an extension to Class D and Class E at Drake Field as it is no longer required.

The typographical error in the airspace legal description for the Class D airspace and Class E airspace designated as a surface area in the extension from the Drake Field: RWY 34–LOC changing ''sided'' to ''side'' is corrected in this rule. Except for this change, this rule is the same as published in the NPRM.

This action as the result of an airspace review caused by the decommissioning of the Drake VOR, which provided navigation information for the instrument procedures at this airport, as part of the VOR MON Program.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASW AR D Fayetteville, AR [Amended]

Drake Field, AR
(Lat. 36°00′18″ N, long. 94°10′12″ W)
Drake Field: RWY 34–LOC
(Lat. 36°00′26″ N, long. 94°10′10″ W)

That airspace extending upward from the surface to and including 3,800 feet MSL within a 4-mile radius of Drake Field, and within 1.1 miles each side of the 181° bearing from the airport from the 4-mile radius to 5.9 miles south of the airport, and within 1 mile each side of the 172° bearing from the Drake Field: RWY 34–LOC from the 4-mile radius to 4.9 miles south of the Drake Field: RWY 34–LOC, and within 1 mile each side of the 347° bearing from the airport from the 4-mile radius to 4.9 miles north of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

ASW AR E2 Fayetteville, AR [Amended]

Drake Field, AR
(Lat. 36°00′18″ N, long. 94°10′12″ W)
Drake Field: RWY 34–LOC
(Lat. 36°00′26″ N, long. 94°10′10″ W)

That airspace extending upward from the surface to and including 3,800 feet MSL within a 4-mile radius of Drake Field, and within 1.1 miles each side of the 181° bearing from the airport from the 4-mile radius to 5.9 miles south of the airport, and within 1 mile each side of the 172° bearing from the Drake Field: RWY 34–LOC from the 4-mile radius to 4.9 miles south of the Drake Field: RWY 34–LOC, and within 1 mile each side of the 347° bearing from the airport from the 4-mile radius to 4.9 miles north of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Designated as an Extension of Class D and Class E Surface Areas.

* * * * *

ASW OK E4 Fayetteville, AR [Removed]

Issued in Fort Worth, Texas, on November 26, 2018.

Walter Tweedy,

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

[FR Doc. 2018–26498 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0194; Airspace Docket No. 18–AGL–6]

RIN 2120–AA66

Amendment of Class E Airspace; Madison, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending up to 700 feet above the surface at Lac Qui Parle County Airport (formerly Madison-Lac Qui Parle Airport), Madison, MN, to accommodate new standard instrument approach procedures for instrument flight rules (IFR) operations at the airport. The FAA is taking this action due to the decommissioning of the Madison non-directional radio beacon (NDB) and cancellation of the associated approach. This enhances the safety and management of IFR operations at the airport. Also, an editorial change has been made removing the city from the airport name. The airport name is updated from Madison-Lac Qui Parle Airport, to Lac Qui Parle County Airport, Madison, MN.

DATES: Effective 0901 UTC, April 25, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Walter Tweedy, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5900.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend controlled airspace in Class E airspace, at Lac Qui Parle County Airport, Madison, MN, to support instrument flight rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (83 FR 44248; August 30, 2018) for Docket No. FAA–2018–0194 to amend Class E airspace extending upward from 700 feet above the surface at Lac Qui Parle County Airport, Madison, MN. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace extending upward from 700 feet above the surface within a 6.4-mile radius (increased from a 6.3-mile radius) at Lac Qui Parle County Airport, Madison, MN. The segment 7.4 miles southeast of the airport will be removed due to the decommissioning of the Madison NDB and cancellation of the associated approach. This action enhances the safety and management of the standard instrument approach procedures for IFR operations at the airport.

Also, an editorial change has been made removing the city from the airport name. The airport name is updated from Madison-Lac Qui Parle Airport, to Lac Qui Parle County Airport, Madison, MN.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MN E5 Madison, MN [Amended]

Lac Qui Parle Airport, MN
(Lat. 44°59′11″ N, long. 96°10′40″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Madison-Lac Qui Parle Airport, MN.

Issued in Fort Worth, Texas, on November 29, 2018.

Anthony Schneider,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2018–26565 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0682; Airspace Docket No. 18–ACE–5]

RIN 2120–AA66

Amendment of Class E Airspace; Cabool, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 700 feet above the surface at Cabool Memorial Airport, Cabool, MO, due to the decommissioning of the Maples VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at this airport, as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of this airport are also updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, February 28, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace extending upward from 700 feet above the surface at Cabool Memorial Airport, Cabool, MO, to support instrument flight rules operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (83 FR 47583; September 20, 2018) for Docket No. FAA–2018–0682 to amend Class E airspace extending upward from 700 feet above the surface at Cabool Memorial Airport, Cabool, MO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 modifies the Class E airspace extending upward from 700 feet above the surface at Cabool Memorial Airport, Cabool, MO, by removing the Maples VORTAC and associated extension northeast of the airport. This action also updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is necessary due to an airspace review caused by the decommissioning of the Maples VOR, which provided navigation information to the instrument procedures at this airport, as part of the VOR MON Program.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and

no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE MO E5 Cabool, MO [Amended]

Cabool Memorial Airport, MO
(Lat. 37°07′57″ N, long. 92°05′02″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Cabool Memorial Airport.

Issued in Fort Worth, Texas, on November 26, 2018.

Walter Tweedy,

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

[FR Doc. 2018–26502 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2017–0768; Amdt. No. 91–348B]

RIN 2120–AL38

Extension of the Prohibition Against Certain Flights in the Damascus Flight Information Region (FIR) (OSTT)

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

ACTION: Final rule.

SUMMARY: This action extends the prohibition against certain flight operations in the Damascus Flight Information Region (FIR) (OSTT) by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except where the operator of such aircraft is a foreign air carrier. The FAA finds this action to be necessary to address a potential hazard to persons and aircraft engaged in such flight operations. This action also includes minor editorial changes to this Special Federal Aviation Regulation (SFAR), consistent with other recently published flight prohibition SFARs.

DATES: This final rule is effective on December 10, 2018.

FOR FURTHER INFORMATION CONTACT: Michael Filippell, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone 202–267–8166; email *michael.e.filippell@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

This action extends the prohibition against flight operations in the Damascus FIR (OSTT) in SFAR No. 114 by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except where the operator of such aircraft is a foreign air carrier, from December 30, 2018, until December 30, 2020. This action also includes minor editorial changes to SFAR No. 114, title 14 Code of Federal Regulations (CFR) 91.1609, consistent with other recently published flight prohibition SFARs.

II. Legal Authority and Good Cause

A. Legal Authority

The FAA is responsible for the safety of flight in the U.S. and for the safety of U.S. civil operators, U.S.-registered civil aircraft, and U.S.-certificated airmen throughout the world. The FAA Administrator's authority to issue rules on aviation safety is found in title 49, United States Code (U.S. Code), Subtitle I, sections 106(f) and (g). Subtitle VII of title 49, Aviation Programs, describes in more detail the scope of the agency's authority. Section 40101(d)(1) provides that the Administrator shall consider in the public interest, among other matters, assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce. Section 40105(b)(1)(A) requires the Administrator to exercise his authority consistently with the obligations of the U.S. Government under international agreements.

This rulemaking is promulgated under the authority described in title 49, U.S. Code, Subtitle VII, Part A, subpart III, section 44701, General requirements. Under that section, the FAA is charged broadly with promoting safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for practices, methods, and procedures that the Administrator finds necessary for safety in air commerce and national security.

This regulation is within the scope of FAA's authority, because it continues to prohibit the persons described in paragraph (a) of SFAR No. 114, 14 CFR 91.1609, from conducting flight operations in the Damascus FIR (OSTT) due to the continued hazards to the safety of U.S. civil flight operations, as described in the preamble to this final rule. The FAA also finds that this action is fully consistent with the obligations under 49 U.S.C. 40105(b)(1)(A) to ensure that the FAA exercises its duties consistently with the obligations of the United States under international agreements.

B. Good Cause for Immediate Adoption

Section 553(b)(3)(B) of title 5, U.S. Code, 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.'' Section 553(d) also authorizes agencies to forgo the delay in the effective date of the final rule for good cause found and published with the rule. In this instance, the FAA finds good cause to forgo notice and comment because notice and comment would be impracticable and contrary to the public interest. In addition, it is contrary to the public interest to delay the effective date of this SFAR.

The FAA has identified an ongoing need to maintain the flight prohibition in place in the Damascus FIR (OSTT) due to the combined threat to civil aviation from the multifaceted conflict and extremist threat, and militant activity. These hazards are further described in the preamble to this rule. To the extent that the rule is based upon classified information, such information is not permitted to be shared with the general public. Also, threats to U.S. civil aviation and intelligence regarding these

threats can be fluid. As a result, the agency's original proposal could become unsuitable for minimizing the hazards to U.S. civil aviation in the affected airspace during or after the notice and comment process. For these reasons, the FAA finds good cause to forgo notice and comment and any delay in the effective date for this rule.

III. Background

On August 29, 2017, the FAA reissued SFAR No. 114, § 91.1609, prohibiting certain flight operations in the Damascus FIR (OSTT) by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except such persons operating a U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except where the operator is a foreign air carrier.[1] The FAA determined that the significant threat to U.S. civil aviation operating in the Damascus FIR (OSTT), identified when the FAA first published SFAR No. 114, § 91.1609, on December 30, 2014,[2] was ongoing due to the presence of anti-aircraft weapons controlled by non-state actors, threats made by extremist groups, de-confliction concerns, and ongoing military fighting. Flight safety risks associated with de-confliction between various military forces conducting operations in Syria and civil aviation, which were identified as a concern in the original prohibition and reissuance in 2017, have continued.

IV. Discussion of the Final Rule

The FAA continues to assess the situation in the Damascus FIR (OSTT) as being hazardous for U.S. civil aviation. The Syrian conflict between pro-regime forces and various opposition groups (which include extremist elements) is extremely complex, exacerbated by the presence of third parties conducting military operations against one or more elements. Syrian allies Russia and Iran are also conducting military operations and have deployed significant air defense and electronic warfare capabilities, to include GPS interference, in the conflict zone, presenting an inadvertent risk to civil aviation operations within the Damascus FIR (OSTT). Additionally, violent extremist groups including Islamic State of Iraq and ash Sham (ISIS) and al Qaida-aligned entities possess, or have access to, a wide array of anti-aircraft weapons that pose a risk to civil aviation operations within the Damascus FIR (OSTT). Anti-regime forces, extremists, and militants have successfully shot down multiple military aircraft using man portable air defense systems (MANPADS) during the conflict. Additionally, various elements have successfully targeted military aircraft using advanced anti-tank guided missiles (ATGM). ATGMs primarily pose a risk to civil aircraft operating near, or parked at, an airport. Various groups employ unmanned aircraft systems (UAS) to surveil and attack Syrian and allied fielded forces and airfields. The multifaceted conflict in Syria poses significant risk to civil aviation operations within the Damascus FIR (OSTT).

Therefore, as a result of the significant continuing risk to the safety of U.S. civil aviation in the Damascus FIR (OSTT), the FAA extends the expiration date of SFAR No. 114, § 91.1609, from December 30, 2018, to December 30, 2020, to maintain the prohibition on flight operations in the Damascus FIR (OSTT) by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except where the operator is a foreign air carrier. While the FAA's flight prohibition does not apply to foreign air carriers, DOT codeshare authorizations prohibit foreign air carriers from carrying a U.S. codeshare partner's code on a flight segment that operates in airspace for which the FAA has issued a flight prohibition.

The FAA will continue to actively monitor the situation and evaluate the extent to which U.S. civil operators and airmen may be able to operate safely in the Damascus FIR (OSTT). Amendments to SFAR No. 114, § 91.1609, may be appropriate if the risk to aviation safety and security changes. The FAA may amend or rescind SFAR No. 114, § 91.1609, as necessary, prior to its expiration date.

The FAA is also incorporating minor editorial changes for clarifying purposes in § 91.1609, including revising the title of the FIR, and clarifying the procedure for considering approval and exemption requests. These changes are consistent with other recently published SFARs. The FAA is also republishing the details concerning the approval and exemption processes in Sections V and VI of this preamble so that interested persons will be able to refer to this final rule for all relevant information regarding SFAR No. 114.

V. Approval Process Based on a Request From a Department, Agency, or Instrumentality of the United States Government

A. Approval Process Based on an Authorization Request From a Department, Agency, or Instrumentality of the United States Government

In some instances, U.S. government departments, agencies, or instrumentalities may need to engage U.S. civil aviation to support their activities in the Damascus FIR (OSTT). The FAA is clarifying the approval process for SFAR No. 114, § 91.1609(c), consistent with other recently published flight prohibition SFARs, as previously indicated. If a department, agency, or instrumentality of the U.S. Government determines that it has a critical need to engage any person described in SFAR No. 114, § 91.1609(a), including a U.S. air carrier or commercial operator, to conduct a charter to transport civilian or military passengers or cargo, or other operations, in the Damascus FIR (OSTT), that department, agency, or instrumentality may request the FAA to approve persons described in SFAR No. 114, § 91.1609(a), to conduct such operations.

An approval request must be made directly by the requesting department, agency, or instrumentality of the U.S. Government to the FAA's Associate Administrator for Aviation Safety in a letter signed by an appropriate senior official of the requesting department, agency, or instrumentality. The FAA will not accept or consider requests for approval by anyone other than the requesting department, agency, or instrumentality. In addition, the senior official signing the letter requesting FAA approval on behalf of the requesting department, agency, or instrumentality must be sufficiently positioned within the organization to demonstrate that the senior leadership of the requesting department, agency, or instrumentality supports the request for approval and is committed to taking all necessary steps to minimize operational risks to the proposed flights. The senior official must also be in a position to: (1) Attest to the accuracy of all representations made to the FAA in the request for approval and (2) ensure that any support from the requesting U.S. Government department, agency, or instrumentality described in the request for approval is in fact brought to bear and is maintained over time. Unless justified by exigent circumstances, requests for approval must be submitted to the FAA no less than 30 calendar days before the date on which the requesting department, agency, or

[1] 82 FR 40944. Corrected at 82 FR 42592, September 11, 2017.

[2] 79 FR 78299.

instrumentality intends to commence the proposed operations.

The letter must be sent to the Associate Administrator for Aviation Safety, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591. Electronic submissions are acceptable, and the requesting entity may request that the FAA notify it electronically as to whether the approval request is granted. If a requestor wishes to make an electronic submission to the FAA, the requestor should contact the Air Transportation Division, Flight Standards Service, at (202) 267–8166, to obtain the appropriate email address. A single letter may request approval from the FAA for multiple persons covered under SFAR No. 114, § 91.1609, and/or for multiple flight operations. To the extent known, the letter must identify the person(s) expected to be covered under the SFAR on whose behalf the U.S. Government department, agency, or instrumentality is seeking FAA approval, and it must describe—

- The proposed operation(s), including the nature of the mission being supported;
- The service to be provided by the person(s) covered by the SFAR;
- To the extent known, the specific locations in the Damascus FIR (OSTT) where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the Damascus FIR (OSTT) and the airports, airfields and/or landing zones at which the aircraft will take-off and land; and
- The method by which the department, agency, or instrumentality will provide, or how the operator will otherwise obtain, current threat information and an explanation of how the operator will integrate this information into all phases of the proposed operations (*i.e.,* pre-mission planning and briefing, in-flight, and post-flight phases).

The request for approval must also include a list of operators with whom the U.S. Government department, agency, or instrumentality requesting FAA approval has a current contract(s), grant(s), or cooperative agreement(s) (or its prime contractor has a subcontract(s)) for specific flight operations in the Damascus FIR (OSTT). Additional operators may be identified to the FAA at any time after the FAA approval is issued. However, all additional operators must be identified to, and obtain an Operations Specification (OpSpec) or Letter of Authorization (LOA), as appropriate, from the FAA for operations in the Damascus FIR (OSTT), before such operators commence such operations. The approval conditions discussed below apply to any such additional operators. Updated lists should be sent to the email address to be obtained from the Air Transportation Division, by calling (202) 267–8166.

If an approval request includes classified information, requestors may contact Aviation Safety Inspector Michael Filippell for instructions on submitting it to the FAA. His contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.

FAA approval of an operation under SFAR No. 114, § 91.1609, does not relieve persons subject to this SFAR of their responsibility to comply with all applicable FAA rules and regulations. Operators of civil aircraft must comply with the conditions of their certificate, OpSpecs, and LOAs, as applicable. Operators must further comply with all rules and regulations of other U.S. Government departments or agencies that may apply to the proposed operation(s), including, but not limited to, regulations issued by the Transportation Security Administration.

B. Approval Conditions

If the FAA approves the request, the FAA's Aviation Safety Organization will send an approval letter to the requesting department, agency, or instrumentality informing it that the FAA's approval is subject to all of the following conditions:

(1) The approval will stipulate those procedures and conditions that limit, to the greatest degree possible, the risk to the operator, while still allowing the operator to achieve its operational objectives.

(2) Before any approval takes effect, the operator must submit to the FAA:

(a) A written release of the U.S. Government from all damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising out of or related to the approved operations in the Damascus FIR (OSTT); and

(b) The operator's written agreement to indemnify the U.S. Government with respect to any and all third-party damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising from or related to the approved operations in the Damascus FIR (OSTT).

(3) Other conditions that the FAA may specify, including those that may be imposed in OpSpecs or LOAs, as applicable.

The release and agreement to indemnify do not preclude an operator from raising a claim under an applicable non-premium war risk insurance policy issued by the FAA under chapter 443 of title 49, U.S. Code.

If the FAA approves the proposed operation(s), the FAA will issue an OpSpec or LOA, as applicable, to the operator(s) identified in the original request authorizing them to conduct the approved operation(s), and will notify the department, agency, or instrumentality that requested the FAA's approval of any additional conditions beyond those contained in the approval letter.

VI. Information Regarding Petitions for Exemption

Any operations not conducted under an approval issued by the FAA through the approval process set forth previously must be conducted under an exemption from SFAR No. 114, § 91.1609. A petition for exemption must comply with 14 CFR part 11 and requires exceptional circumstances beyond those contemplated by the approval process set forth previously. In addition to the information required by 14 CFR 11.81, at a minimum, the requestor must describe in its submission to the FAA—

- The proposed operation(s), including the nature of the operation;
- The service to be provided by the person(s) covered by the SFAR;
- The specific locations in the Damascus FIR (OSTT) where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the Damascus FIR (OSTT) and the airports, airfields and/or landing zones at which the aircraft will take-off and land;
- The method by which the operator will obtain current threat information, and an explanation of how the operator will integrate this information into all phases of its proposed operations (*i.e.,* the pre-mission planning and briefing, in-flight, and post-flight phases); and
- The plans and procedures that the operator will use to minimize the risks, identified in this preamble, to the proposed operations, so that granting the exemption would not adversely affect safety or would provide a level of safety at least equal to that provided by this SFAR. The FAA has found comprehensive, organized plans and procedures of this nature to be helpful in facilitating the agency's safety evaluation of petitions for exemption from flight prohibition SFARs.

Additionally, the release and agreement to indemnify, as referred to previously, are required as a condition of any exemption that may be issued under SFAR No. 114, § 91.1609.

The FAA recognizes that operations that may be affected by SFAR No. 114, § 91.1609, may be planned for the governments of other countries with the support of the U.S. Government. While these operations will not be permitted through the approval process, the FAA will consider exemption requests for such operations on an expedited basis and prior to any private exemption requests.

VII. Regulatory Notices and Analyses

Changes to Federal regulations must undergo several economic analyses. First, Executive Orders 12866 and 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), as codified in 5 U.S.C. 603 *et seq.,* requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39), as amended, 19 U.S.C. Chapter 13, 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 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), as codified in 2 U.S.C. Chapter 25, 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, the FAA has determined that this final rule has benefits that justify its costs. This rule is a significant regulatory action, as defined in section 3(f) of Executive Order 12866, as it raises novel policy issues contemplated under that Executive Order. 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 rule will not create unnecessary obstacles to the foreign commerce of the United States and will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector, by exceeding the threshold identified previously.

A. Regulatory Evaluation

This rule prohibits U.S. civil flights in the entire Damascus FIR (OSTT). At the time of initial issuance of SFAR No. 114, 14 CFR 91.1609, on December 30, 2014, the FAA determined that incremental costs were minimal for U.S. operators of large transport category airplanes, because those U.S. operators conducting overflights in the Damascus FIR (parts 121 and 125 operators) had voluntarily ceased operating in the Damascus FIR beginning in 2011 due to the onset of hostilities in Syria, prior to the FAA's action prohibiting U.S. civil operations in the Damascus FIR. The FAA also determined that the incremental costs of SFAR No. 114 were minimal for ''on-demand'' large carriers (parts 121 and 121/135) and small ''on-demand'' operators (parts 135, 125, and 91K). The FAA believed that few, if any, of these ''on-demand'' operators were still operating in the Damascus FIR (OSTT) immediately before the FAA issued FDC NOTAM 4/4936 due to preexisting hostilities in Syria dating back to 2011.

As previously discussed, the FAA continues to assess the situation in the Damascus FIR (OSTT) as being hazardous for U.S. civil aviation due to continued military operations. The FAA believes there are very few, if any, U.S. operators who would seek to operate in the Damascus FIR (OSTT) at this time due to the hazards described in the Background section of this final rule. Therefore, the FAA finds that the incremental costs of extending SFAR No. 114, 14 CFR 91.1609 will be minimal and are exceeded by the benefits of avoided risks of deaths, injuries, and property damage that could result from a U.S. operator's aircraft being shot down (or otherwise damaged).

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 and any delay in the effective date 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 determined that its purpose is to protect the safety of U.S. civil aviation from hazards to their operations in the Damascus FIR (OSTT), a location outside the U.S. Therefore, the rule is in compliance with the Trade Agreements Act of 1979.

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.

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA's policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to this regulation.

G. Environmental Analysis

The FAA has analyzed this action under Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (44 FR 1957, January 4, 1979), and DOT Order 5610.1C, Paragraph 16. Executive Order 12114 requires the FAA to be informed of environmental considerations and take those considerations into account when making decisions on major Federal actions that could have environmental impacts anywhere beyond the borders of the United States. The FAA has determined that this action is exempt pursuant to Section 2–5(a)(i) of Executive Order 12114 because it does not have the potential for a significant effect on the environment outside the United States.

In accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 8–6(c), FAA has prepared a memorandum for the record stating the reason(s) for this determination; this memorandum has been placed in the docket for this rulemaking.

VIII. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action would 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, would not have Federalism implications.

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

The FAA analyzed this 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 would not be a ''significant energy action'' under the executive order and would not be 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 would have no effect on international regulatory cooperation.

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

This rule is not subject to the requirements of E.O. 13771 (82 FR 9339, Feb. 3, 2017) because it is issued with respect to a national security function of the United States.

IX. Additional Information

A. Availability of Rulemaking Documents

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

- Searching the Federal Document Management System (FDMS) 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 (identified by amendment or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677.

Except for classified material, all documents the FAA considered in developing this rule, including economic analyses and technical reports, may be accessed from the internet through the Federal Document Management System Portal referenced previously.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121) (set forth as a note to 5 U.S.C. 601) requires 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 persons 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 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Syria.

The Amendment

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

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 106(g), 1155, 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 2. In § 91.1609, revise the section heading and paragraphs (b), (c), (d), and (e) to read as follows:

§ 91.1609 Special Federal Aviation Regulation No. 114—Prohibition Against Certain Flights in the Damascus Flight Information Region (FIR) (OSTT).

* * * * *

(b) *Flight prohibition.* Except as provided in paragraphs (c) and (d) of this section, no person described in paragraph (a) of this section may conduct flight operations in the Damascus Flight Information Region (FIR) (OSTT).

(c) *Permitted operations.* This section does not prohibit persons described in paragraph (a) of this section from conducting flight operations in the Damascus Flight Information Region (FIR) (OSTT), provided that such flight operations are conducted under a contract, grant, or cooperative agreement with a department, agency, or instrumentality of the U.S. government (or under a subcontract between the prime contractor of the department, agency, or instrumentality and the person described in paragraph (a) of this section) with the approval of the FAA, or under an exemption issued by the FAA. The FAA will consider requests

for approval or exemption in a timely manner, with the order of preference being: First, for those operations in support of U.S. government-sponsored activities; second, for those operations in support of government-sponsored activities of a foreign country with the support of a U.S. government department, agency, or instrumentality; and third, for all other operations.

(d) *Emergency situations.* In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from this section to the extent required by that emergency. Except for U.S. air carriers and commercial operators that are subject to the requirements of 14 CFR part 119, 121, 125, or 135, each person who deviates from this section must, within 10 days of the deviation, excluding Saturdays, Sundays, and Federal holidays, submit to the responsible Flight Standards office a complete report of the operations of the aircraft involved in the deviation, including a description of the deviation and the reasons for it.

(e) *Expiration.* This SFAR will remain in effect until December 30, 2020. The FAA may amend, rescind, or extend this SFAR, as necessary.

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f) and (g), 40101(d)(1), 40105(b)(1)(A), and 44701(a)(5), on November 30, 2018.

Daniel K. Elwell,

Acting Administrator.

[FR Doc. 2018–26680 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 401

[Docket No. SSA–2015–0003]

RIN 0960–AI08

Social Security Administration Violence Evaluation and Reporting System

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: We are issuing a final rule to exempt a system of records entitled Social Security Administration Violence Evaluation and Reporting System (SSAvers) from certain provisions of the Privacy Act because this system will contain investigatory material compiled for law enforcement purposes.

DATES: This rule is effective January 9, 2019.

FOR FURTHER INFORMATION CONTACT: Pamela J. Carcirieri, Supervisory Government Information Specialist, SSA, Office of Privacy and Disclosure, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, Phone: (410) 965–0355, for information about this rule. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Background

On June 14, 2018, we published a Notice of Proposed Rulemaking (NPRM) [1] in the **Federal Register** in which we proposed to add SSAvers to the list of SSA systems that are exempt from specific provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). As part of our Workplace and Domestic Violence policy and program, SSAvers houses information regarding alleged incidents of workplace and domestic violence filed by SSA employees and contractors. It also provides a centralized means for us to review and respond to the reported allegations.

This final rule adds SSAvers to the list of SSA systems that are exempt from specific provisions of the Privacy Act due to the investigatory nature of information that is maintained in this system.

Public Comments and Discussion

In the NPRM, we provided a 30-day comment period, which ended on July 16, 2018. We received four comments.[2] We opted not to post one of these comments because it was submitted by a former SSA employee and it contained sensitive information. The remaining comments were submitted by members of the public.

The first commenter indicated that he or she did not understand the comment and review. While we regret that this commenter did not understand the proposal, we did not consider this comment further when determining to adopt this as a final rule.

The second commenter agreed with the new system of records and said it is imperative to have a system, like SSAvers, which will help review and investigate allegations of workplace or domestic violence. She said it would be convenient to make a reporting system that is easy to access and that removes the burden of the long process of reporting an occurrence.

The third commenter objected to our proposal, because, in the commenter's opinion, the proposal is against public policy and defeats the purpose of the Privacy Act and the Freedom of Information Act (FOIA). The commenter said that by making results of investigations inaccessible, it is impossible to know whether the perpetrators of workplace and domestic violence are held accountable. The commenter wrote that by denying everyone access to the information obtained from these investigations, SSA places the cost and burden of conducting the same investigation on others, especially the victims who have a special interest in knowing that the perpetrators of the violence are held accountable.

We carefully considered this comment and the objections presented. In response, we want to emphasize that SSAvers contains information we collect about not just alleged victims of workplace violence, but any employees, contractors, and members of the public who are witnesses of, involved in responding to, or allegedly involved in workplace and domestic violence affecting our employees and contractors. This highly sensitive information may include the name and contact information of individuals involved; personal information related to alleged behaviors of concern and assessing the risk of violence; and our response and recommendations to mitigate risks of violence. Due to the investigatory and sensitive nature of the content contained in this system, we continue to believe that exempting this system of records from certain provisions of the Privacy Act based on 5 U.S.C. 552a(k)(2) is appropriate.

Further, we want to clarify that, under the Privacy Act, an individual may request notification of or access to a record in this system, even though SSAvers is listed as an exempt system. We may still grant notification of and access to information contained in a record in an exempt system when the privacy of third parties would not be compromised by such action. In addition, an individual may still request these records under the FOIA, and SSA would release the records as required by law.

After carefully considering the public comments, we are adopting this final rule.

[1] 83 FR 27728.

[2] The posted public comments are viewable at *https://www.regulations.gov/docket?D=SSA-2015-0003.*

Regulatory Procedures

Executive Order 12866, as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. Therefore, OMB did not review it.

We also determined that this final rule meets the plain language requirement of Executive Order 12866.

Executive Order 13132 (Federalism)

We analyzed this rule in accordance with the principles and criteria established by Executive Order 13132, and we determined that the rule will not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. We also determined that this rule will not preempt any State law or State regulation or affect the States' abilities to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

The regulations effectuating Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this rule.

Regulatory Flexibility Act

We certify that this rule will not have a significant economic impact on a substantial number of small entities because it affects individuals only. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

E.O. 13771

This rule is not subject to the requirements of Executive Order 13771 because it is administrative in nature and results in no more than de minimis costs.

Paperwork Reduction Act

These rules do not create any new or affect any existing collections and, therefore, do not require OMB approval under the Paperwork Reduction Act.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; and 96.006, Supplemental Security Income).

List of Subjects in 20 CFR Part 401

Administrative practice and procedure, Privacy.

Nancy A. Berryhill,

Acting Commissioner of Social Security.

For the reasons stated in the preamble, we amend part 401 of title 20 of the Code of Federal Regulations as set forth below:

PART 401—PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

■ 1. The authority citation for part 401 continues to read as follows:

Authority: Secs. 205, 702(a)(5), 1106, and 1141 of the Social Security Act (42 U.S.C. 405, 902(a)(5), 1306, and 1320b–11); 5 U.S.C. 552 and 552a; 8 U.S.C. 1360; 26 U.S.C. 6103; 30 U.S.C. 923.

■ 2. Amend § 401.85 by adding paragraph (b)(2)(ii)(G) to read as follows:

§ 401.85 Exempt systems.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(G) Social Security Administration Violence Evaluation and Reporting System, SSA.

* * * * *

[FR Doc. 2018–26594 Filed 12–7–18; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–1017]

RIN 1625–AA00

Safety Zone: Winter on the Waterfront Fireworks Display, Berkeley, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of San Francisco Bay near Berkeley Marina in support of the Winter on the Waterfront Fireworks Display on December 8, 2018. This safety zone is necessary to protect personnel, vessels, and the marine environment from the dangers associated with pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port of their designated representative.

DATES: This rule is effective from 3:00 p.m. to 6:45 p.m. on December 8, 2018.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2018–1017. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Emily Rowan, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7443 or email at *D11-SMB-SectorSF-WaterwaySafety@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

APA Administrative Procedure Act
COTP U.S. Coast Guard Captain of the Port
DHS Department of Homeland Security
FR Federal Register
COTP Captain of the Port
NOAA National Oceanic and Atmospheric Administration
NPRM Notice of Proposed Rulemaking
PATCOM U.S. Coast Guard Patrol Commander
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final 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. Since the Coast Guard received notice of this event on November 7, 2018, notice and comment procedures would be impracticable in this instance.

For similar reasons as those stated above, 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**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port (COTP) San Francisco has determined that potential hazards associated with the Winter on

the Waterfront Fireworks Display on December 8, 2018, will be a safety concern for anyone within a 100 foot radius of the fireworks barge and anyone within a 140 foot radius of the fireworks firing site. This rule is needed to protect spectators, vessels, and other property from hazards associated with pyrotechnics.

IV. Discussion of the Rule

This rule establishes a temporary safety zone during the loading, staging, and transit of the fireworks barge, until after completion of the fireworks display. During the loading and staging of the pyrotechnics onto the fireworks barge, scheduled to take place from 3:00 p.m. to 4:00 p.m. on December 8, 2018, at Berkeley Marina Ferry Dock in Berkeley, CA, the safety zone will encompass the navigable waters around and under the fireworks barge within a radius of 100 feet.

The fireworks barge will remain at Berkeley Marina Ferry Dock until the start of its transit to the display location. Towing of the barge from Berkeley Marina Ferry Dock to the display location is scheduled to take place from 4:30 p.m. to 5:00 p.m. on December 8, 2018, where it will remain until the conclusion of the fireworks display.

At 5:00 p.m. on December 8, 2018, 30 minutes prior to the commencement of the two 3-minute fireworks displays, scheduled to start at 5:30 p.m. and 6:15 p.m., the safety zone will increase in size and encompass the navigable waters around and under the fireworks barge within a radius of 140 feet in approximate position 37°51′58″ N, 122°19′11″ W (NAD 83) for the Berkeley Winter on the Waterfront Fireworks Display. The safety zone shall terminate at 6:45 p.m. on December 8, 2018.

The effect of the temporary safety zone is to restrict navigation in the vicinity of the fireworks loading, staging, transit, and firing site. Except for persons or vessels authorized by the COTP or the COTP's designated representative, no person or vessel may enter or remain in the restricted areas. These regulations are needed to keep spectators and vessels away from the immediate vicinity of the fireworks firing sites to ensure the safety of participants, spectators, and transiting vessels.

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 limited duration and narrowly tailored geographic area of the safety zone. Although this rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will be notified via public Notice to Mariners to ensure the safety zone will result in minimum impact. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities.

B. Impact on Small Entities

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. 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.

This rule may affect the following entities, some of which may be small entities: Owners and operators of waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities and sightseeing, if these facilities or vessels are in the vicinity of the safety zone at times when this zone is being enforced. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) This rule will encompass only a small portion of the waterway for a limited period of time, and (ii) the maritime public will be advised in advance of these safety zones via Notice to Mariners.

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 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 Management 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 of limited size and duration. It is categorically excluded from further review under Categorical Exclusion 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; Department of Homeland Security Delegation No. 0170.1

■ 2. Add § 165.T11–960 to read as follows:

§ 165.T11–960 Safety Zone; Winter on the Waterfront Fireworks Display, Berkeley, CA

(a) *Location.* The following area is a safety zone: All navigable waters of the San Francisco Bay within 100 feet of the fireworks barge during loading and staging at Berkeley Marina Ferry Dock, Berkeley, as well as transit and arrival to the display location. From 3:00 p.m. on December 8, 2018 until approximately 4:00 p.m. on December 8, 2018, the fireworks barge will be loading and staged at Berkeley Marina Ferry Dock. The safety zone will expand to all navigable waters around and under the firework barge within a radius of 140 feet in approximate position 37°51′58″ N, 122°19′11″ W (NAD 83) 30 minutes prior to the start of the two 3-minute fireworks displays, scheduled to begin at 5:30 p.m. and 6:15 p.m. on December 8, 2018.

(b) *Enforcement period.* The zone described in paragraph (a) of this section will be enforced from 3:00 p.m. on December 8, 2018 until approximately 6:45 p.m. on December 8, 2018. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which these zones will be enforced via Notice to Mariners in accordance with 33 CFR 165.7.

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

(d) *Regulations.* (1) Under the general regulations in 33 CFR part 165, subpart C, entering into, transiting through, or anchoring within this safety zone is prohibited unless authorized by the COTP or the COTP's designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or a designated representative. Persons and vessels may request permission to enter the safety zones on VHF–23A or through the 24-hour Command Center at telephone (415) 399–3547.

Dated: November 29, 2018.

Anthony J. Ceraolo,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco.

[FR Doc. 2018–26607 Filed 12–7–18; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 380

[Docket No. 14–CRB–0001–WR (2016–2020) COLA 2019]

Cost of Living Adjustment to Royalty Rates for Webcaster Statutory License; Correction

AGENCY: Copyright Royalty Board (CRB), Library of Congress.

ACTION: Final rule; cost of living adjustment; correction.

SUMMARY: This document corrects the preamble to and one paragraph of the final rule published in the **Federal Register** of November 28, 2018, regarding the cost of living adjustment (COLA) to the royalty rate that noncommercial noninteractive webcasters pay for eligible transmissions pursuant to the statutory licenses for the public performance of and for the making of ephemeral reproductions of sound recordings.

DATES: *Effective Date:* January 1, 2019.

FOR FURTHER INFORMATION CONTACT: Anita Blaine, CRB Program Assistant, by telephone at (202) 707–7658 or by email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: The preamble and the regulatory language appearing on page 61125 in the **Federal Register** of Wednesday, November 28, 2018, reflected an error in calculating the COLA for the rate for noncommercial webcasters, and therefore the Judges make the following corrections to the preamble and the final rule:

Corrections

In FR Doc. 2018–25908 appearing on page 61125 in the **Federal Register** of Wednesday, November 28, 2018, make the following corrections:

Preamble

■ 1. In the **SUPPLEMENTARY INFORMATION** section, on page 61125 in the second column, in the third paragraph, ''$0.0018'' is corrected to read ''$0.0017'' and in the third column, in the first full paragraph, ''$0.0019'' is corrected to read ''$0.0018''.

Final rule

§ 380.10 [Corrected]

■ 2. On page 61125, in the third column, in § 380.10, in paragraph (a)(2), ''$0.0019'' is corrected to read ''$0.0018''.

Dated: December 3, 2018.

David R. Strickler,

Copyright Royalty Judge.

[FR Doc. 2018–26606 Filed 12–7–18; 8:45 am]

BILLING CODE 1410–72–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 153

[CMS–9919–F]

RIN 0938–AT66

Patient Protection and Affordable Care Act; Adoption of the Methodology for the HHS-Operated Permanent Risk Adjustment Program for the 2018 Benefit Year Final Rule

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: This final rule adopts the HHS-operated risk adjustment methodology for the 2018 benefit year. In February 2018, a district court vacated the use of statewide average premium in the HHS-operated risk adjustment methodology for the 2014 through 2018 benefit years. Following review of all submitted comments to the proposed rule, HHS is adopting for the 2018 benefit year an HHS-operated risk adjustment methodology that utilizes the statewide average premium and is operated in a budget-neutral manner, as established in the final rules published in the March 23, 2012 and the December 22, 2016 editions of the **Federal Register**.

DATES: The provisions of this final rule are effective on February 8, 2019.

FOR FURTHER INFORMATION CONTACT: Abigail Walker, (410) 786–1725; Adam Shaw, (410) 786–1091; Jaya Ghildiyal, (301) 492–5149; or Adrianne Patterson, (410) 786–0686.

SUPPLEMENTARY INFORMATION:

I. Background

A. Legislative and Regulatory Overview

The Patient Protection and Affordable Care Act (Pub. L. 111–148) was enacted on March 23, 2010; the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) was enacted on March 30, 2010. These statutes are collectively referred to as ''PPACA'' in this final rule. Section 1343 of the PPACA established an annual permanent risk adjustment program under which payments are collected from health insurance issuers that enroll relatively low-risk populations, and payments are made to health insurance issuers that enroll relatively higher-risk populations. Consistent with section 1321(c)(1) of the PPACA, the Secretary is responsible for operating the risk adjustment program on behalf of any state that elects not to do so. For the 2018 benefit year, HHS is responsible for operation of the risk adjustment program in all 50 states and the District of Columbia.

HHS sets the risk adjustment methodology that it uses in states that elect not to operate risk adjustment in advance of each benefit year through a notice-and-comment rulemaking process with the intention that issuers will be able to rely on the methodology to price their plans appropriately (see 45 CFR 153.320; 76 FR 41930, 41932 through 41933; 81 FR 94058, 94702 (explaining the importance of setting rules ahead of time and describing comments supporting that practice)).

In the July 15, 2011 **Federal Register** (76 FR 41929), we published a proposed rule outlining the framework for the risk adjustment program. We implemented the risk adjustment program in a final rule, published in the March 23, 2012 **Federal Register** (77 FR 17219) (Premium Stabilization Rule). In the December 7, 2012 **Federal Register** (77 FR 73117), we published a proposed rule outlining the proposed Federally certified risk adjustment methodologies for the 2014 benefit year and other parameters related to the risk adjustment program (proposed 2014 Payment Notice). We published the 2014 Payment Notice final rule in the March 11, 2013 **Federal Register** (78 FR 15409). In the June 19, 2013 **Federal Register** (78 FR 37032), we proposed a modification to the HHS-operated risk adjustment methodology related to community rating states. In the October 30, 2013 **Federal Register** (78 FR 65046), we finalized this proposed modification related to community rating states. We published a correcting amendment to the 2014 Payment Notice final rule in the November 6, 2013 **Federal Register** (78 FR 66653) to address how an enrollee's age for the risk score calculation would be determined under the HHS-operated risk adjustment methodology.

In the December 2, 2013 **Federal Register** (78 FR 72321), we published a proposed rule outlining the Federally certified risk adjustment methodologies for the 2015 benefit year and other parameters related to the risk adjustment program (proposed 2015 Payment Notice). We published the 2015 Payment Notice final rule in the March 11, 2014 **Federal Register** (79 FR 13743). In the May 27, 2014 **Federal Register** (79 FR 30240), the 2015 fiscal year sequestration rate for the risk adjustment program was announced.

In the November 26, 2014 **Federal Register** (79 FR 70673), we published a proposed rule outlining the proposed Federally certified risk adjustment methodologies for the 2016 benefit year and other parameters related to the risk adjustment program (proposed 2016 Payment Notice). We published the 2016 Payment Notice final rule in the February 27, 2015 **Federal Register** (80 FR 10749).

In the December 2, 2015 **Federal Register** (80 FR 75487), we published a proposed rule outlining the Federally certified risk adjustment methodology for the 2017 benefit year and other parameters related to the risk adjustment program (proposed 2017 Payment Notice). We published the 2017 Payment Notice final rule in the March 8, 2016 **Federal Register** (81 FR 12204).

In the September 6, 2016 **Federal Register** (81 FR 61455), we published a proposed rule outlining the Federally certified risk adjustment methodology for the 2018 benefit year and other parameters related to the risk adjustment program (proposed 2018 Payment Notice). We published the 2018 Payment Notice final rule in the December 22, 2016 **Federal Register** (81 FR 94058).

In the November 2, 2017 **Federal Register** (82 FR 51042), we published a proposed rule outlining the federally certified risk adjustment methodology for the 2019 benefit year. In that proposed rule, we proposed updates to the risk adjustment methodology and amendments to the risk adjustment data validation process (proposed 2019 Payment Notice). We published the 2019 Payment Notice final rule in the April 17, 2018 **Federal Register** (83 FR 16930). We published a correction to the 2019 risk adjustment coefficients in the 2019 Payment Notice final rule in the May 11, 2018 **Federal Register** (83 FR 21925). On July 27, 2018, consistent with § 153.320(b)(1)(i), we updated the 2019 benefit year final risk adjustment model coefficients to reflect an additional recalibration related to an

update to the 2016 enrollee-level EDGE dataset.[1]

In the July 30, 2018 **Federal Register** (83 FR 36456), we published a final rule that adopted the 2017 benefit year HHS-operated risk adjustment methodology set forth in the March 23, 2012 **Federal Register** (77 FR 17220 through 17252) and in the March 8, 2016 **Federal Register** (81 FR 12204 through 12352). The final rule provided an additional explanation of the rationale for use of statewide average premium in the HHS-operated risk adjustment state payment transfer formula for the 2017 benefit year, including why the program is operated in a budget-neutral manner. That final rule permitted HHS to resume 2017 benefit year program operations, including collection of risk adjustment charges and distribution of risk adjustment payments. HHS also provided guidance as to the operation of the HHS-operated risk adjustment program for the 2017 benefit year in light of publication of the final rule.[2]

In the August 10, 2018 **Federal Register** (83 FR 39644), we published the proposed rule concerning the adoption of the 2018 benefit year HHS-operated risk adjustment methodology set forth in the March 23, 2012 **Federal Register** (77 FR 17220 through 17252) and in the December 22, 2016 **Federal Register** (81 FR 94058 through 94183).

B. The New Mexico Health Connections Court's Order

On February 28, 2018, in a suit brought by the health insurance issuer New Mexico Health Connections, the United States District Court for the District of New Mexico (the district court) vacated the use of statewide average premium in the HHS-operated risk adjustment methodology for the 2014, 2015, 2016, 2017, and 2018 benefit years. The district court reasoned that HHS had not adequately explained its decision to adopt a methodology that used statewide average premium as the cost-scaling factor to ensure that the amount collected from issuers equals the amount of payments made to issuers for the applicable benefit year, that is, a methodology that maintains the budget neutrality of the HHS-operated risk adjustment program for the applicable benefit year.[3] The district court otherwise rejected New Mexico Health Connections' arguments.

C. The PPACA Risk Adjustment Program

The risk adjustment program provides payments to health insurance plans that enroll populations with higher-than-average risk and collects charges from plans that enroll populations with lower-than-average risk. The program is intended to reduce incentives for issuers to structure their plan benefit designs or marketing strategies to avoid higher-risk enrollees and lessen the potential influence of risk selection on the premiums that plans charge. Instead, issuers are expected to set rates based on average risk and compete based on plan features rather than selection of healthier enrollees. The program applies to any health insurance issuer offering plans in the individual, small group and merged markets, with the exception of grandfathered health plans, group health insurance coverage described in 45 CFR 146.145(c), individual health insurance coverage described in 45 CFR 148.220, and any plan determined not to be a risk adjustment covered plan in the applicable Federally certified risk adjustment methodology.[4] In 45 CFR part 153, subparts A, B, D, G, and H, HHS established standards for the administration of the permanent risk adjustment program. In accordance with § 153.320, any risk adjustment methodology used by a state, or by HHS on behalf of the state, must be a federally certified risk adjustment methodology.

As stated in the 2014 Payment Notice final rule, the federally certified risk adjustment methodology developed and used by HHS in states that elect not to operate a risk adjustment program is based on the premise that premiums for that state market should reflect the differences in plan benefits and efficiency—not the health status of the enrolled population.[5] HHS developed the risk adjustment state payment transfer formula that calculates the difference between the revenues required by a plan based on the projected health risk of the plan's enrollees and the revenues that the plan can generate for those enrollees. These differences are then compared across plans in the state market risk pool and converted to a dollar amount based on the statewide average premium. HHS chose to use statewide average premium and normalize the risk adjustment state payment transfer formula to reflect state average factors so that each plan's enrollment characteristics are compared to the state average and the total calculated payment amounts equal total calculated charges in each state market risk pool. Thus, each plan in the state market risk pool receives a risk adjustment payment or charge designed to compensate for risk for a plan with average risk in a budget-neutral manner. This approach supports the overall goal of the risk adjustment program to encourage issuers to rate for the average risk in the applicable state market risk pool, and mitigates incentives for issuers to operate less efficiently, set higher prices, or develop benefit designs or create marketing strategies to avoid high-risk enrollees. Such incentives could arise if HHS used each issuer's plan's own premium in the state payment transfer formula, instead of statewide average premium.

II. Provisions of the Proposed Rule and Analysis of and Responses to Public Comments

In the August 10, 2018 **Federal Register** (83 FR 39644), we published a proposed rule that proposed to adopt the HHS-operated risk adjustment methodology as previously established in the March 23, 2012 **Federal Register** (77 FR 17220 through 17252) and the December 22, 2016 **Federal Register** (81 FR 94058 through 94183) for the 2018 benefit year, with an additional explanation regarding the use of statewide average premium and the budget-neutral nature of the HHS-operated risk adjustment program. We did not propose to make any changes to the previously published HHS-operated risk adjustment methodology for the 2018 benefit year.

As explained above, the district court vacated the use of statewide average premium in the HHS-operated risk adjustment methodology for the 2014 through 2018 benefit years on the grounds that HHS did not adequately explain its decision to adopt that aspect of the risk adjustment methodology. The district court recognized that use of statewide average premium maintained the budget neutrality of the program, but concluded that HHS had not adequately explained the underlying decision to adopt a methodology that kept the program budget neutral, that is, a methodology that ensured that amounts

[1] See *Updated 2019 Benefit Year Final HHS Risk Adjustment Model Coefficients.* July 27, 2018. Available at *https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/2019-Updtd-Final-HHS-RA-Model-Coefficients.pdf.*

[2] See *https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/2017-RA-Final-Rule-Resumption-RAOps.pdf.*

[3] *New Mexico Health Connections* v. *United States Department of Health and Human Services et al.,* No. CIV 16–0878 JB/JHR (D.N.M. Feb. 28, 2018). On March 28, 2018, HHS filed a motion requesting that the district court reconsider its decision. A hearing on the motion for reconsideration was held on June 21, 2018. On October 19, 2018, the court denied HHS's motion for reconsideration. See *New Mexico Health Connections* v. *United States Department of Health and Human Services et al.,* No. CIV 16–0878 JB/JHR (D.N.M. Oct. 19, 2018).

[4] See the definition for ''risk adjustment covered plan'' at § 153.20.

[5] See 78 FR at 15417.

collected from issuers would equal payments made to issuers for the applicable benefit year. Accordingly, HHS provided the additional explanation in the proposed rule.

As explained in the proposed rule, Congress designed the risk adjustment program to be implemented and operated by states if they chose to do so. Nothing in section 1343 of the PPACA requires a state to spend its own funds on risk adjustment payments, or allows HHS to impose such a requirement. Thus, while section 1343 may have provided leeway for states to spend additional funds on their programs if they voluntarily chose to do so, HHS could not have required such additional funding.

We also explained that while the PPACA did not include an explicit requirement that the risk adjustment program be operated in a budget-neutral manner, HHS was constrained by appropriations law to devise a risk adjustment methodology that could be implemented in a budget-neutral fashion. In fact, although the statutory provisions for many other PPACA programs appropriated or authorized amounts to be appropriated from the U.S. Treasury, or provided budget authority in advance of appropriations,[6] the PPACA neither authorized nor appropriated additional funding for risk adjustment payments beyond the amount of charges paid in, and did not authorize HHS to obligate itself for risk adjustment payments in excess of charges collected.[7] Indeed, unlike the Medicare Part D statute, which expressly authorized the appropriation of funds and provided budget authority in advance of appropriations to make Part D risk-adjusted payments, the PPACA's risk adjustment statute made no reference to additional appropriations.[8] Because Congress omitted from the PPACA any provision appropriating independent funding or creating budget authority in advance of an appropriation for the risk adjustment program, we explained that HHS could not—absent another source of appropriations—have designed the program in a way that required payments in excess of collections consistent with binding appropriations law. Thus, Congress did not give HHS discretion to implement a risk adjustment program that was not budget neutral.

Furthermore, the proposed rule explained that if HHS elected to adopt a risk adjustment methodology that was contingent on appropriations from Congress through the annual appropriations process, that would have created uncertainty for issuers regarding the amount of risk adjustment payments they could expect for a given benefit year. That uncertainty would have undermined one of the central objectives of the risk adjustment program, which is to stabilize premiums by assuring issuers in advance that they will receive risk adjustment payments if, for the applicable benefit year, they enroll a higher-risk population compared to other issuers in the state market risk pool. The budget-neutral framework spreads the costs of covering higher-risk enrollees across issuers throughout a given state market risk pool, thereby reducing incentives for issuers to engage in risk-avoidance techniques such as designing or marketing their plans in ways that tend to attract healthier individuals, who cost less to insure.

Moreover, the proposed rule noted that relying on each year's budget process for appropriation of additional funds to HHS that could be used to supplement risk adjustment transfers would have required HHS to delay setting the parameters for any risk adjustment payment proration rates until well after the plans were in effect for the applicable benefit year. The proposed rule also explained that any later-authorized program management appropriations made to CMS were not intended to be used for supplementing risk adjustment payments, and were allocated by the agency for other, primarily administrative, purposes. Specifically, it has been suggested that the annual lump sum appropriation to CMS for program management (CMS Program Management account) was potentially available for risk adjustment payments. The lump sum appropriation for each year was not enacted until after the applicable rule announcing the HHS-operated methodology for the applicable benefit year, and therefore could not have been relied upon in promulgating that rule. Additionally, as the underlying budget requests reflect, the CMS Program Management account was intended for program management expenses, such as administrative costs for various CMS programs such as Medicaid, Medicare, the Children's Health Insurance Program, and the PPACA's insurance market reforms—not for the program payments under those programs. CMS would have elected to use the CMS Program Management account for these important program management expenses, rather than program payments for risk adjustment, even if CMS had discretion to use all or part of the lump sum for such program payments. Without the adoption of a budget-neutral framework, we explained that HHS would have needed to assess a charge or otherwise collect additional funds, or prorate risk adjustment payments to balance the calculated risk adjustment transfer amounts. The resulting uncertainty would have conflicted with the overall goals of the risk adjustment program—to stabilize premiums and to reduce incentives for issuers to avoid enrolling individuals with higher-than-average actuarial risk.

In light of the budget-neutral framework discussed above, the proposed rule explained that we also chose not to use a different parameter for the state payment transfer formula under the HHS-operated methodology, such as each plan's own premium, that would not have automatically achieved equality between risk adjustment payments and charges in each benefit year. As set forth in prior discussions,[9] use of the plan's own premium or a similar parameter would have required the application of a balancing adjustment in light of the program's budget neutrality—either reducing payments to issuers owed a payment, increasing charges on issuers due a charge, or splitting the difference in some fashion between issuers owed payments and issuers assessed charges. Using a plan's own premium would have frustrated the risk adjustment program's goals, as discussed above, of encouraging issuers to rate for the average risk in the applicable state market risk pool, and avoiding the creation of incentives for issuers to operate less efficiently, set higher prices, or develop benefit designs or create marketing strategies to avoid high-risk enrollees. Use of an after-the-fact balancing adjustment is also less predictable for issuers than a

[6] For examples of PPACA provisions appropriating funds, *see* PPACA secs. 1101(g)(1), 1311(a)(1), 1322(g), and 1323(c). For examples of PPACA provisions authorizing the appropriation of funds, *see* PPACA secs. 1002, 2705(f), 2706(e), 3013(c), 3015, 3504(b), 3505(a)(5), 3505(b), 3506, 3509(a)(1), 3509(b), 3509(e), 3509(f), 3509(g), 3511, 4003(a), 4003(b), 4004(j), 4101(b), 4102(a), 4102(c), 4102(d)(1)(C), 4102(d)(4), 4201(f), 4202(a)(5), 4204(b), 4206, 4302(a), 4304, 4305(a), 4305(c), 5101(h), 5102(e), 5103(a)(3), 5203, 5204, 5206(b), 5207, 5208(b), 5210, 5301, 5302, 5303, 5304, 5305(a), 5306(a), 5307(a), and 5309(b).

[7] *See* 42 U.S.C. 18063.

[8] *Compare* 42 U.S.C. 18063 (failing to specify source of funding other than risk adjustment charges), *with* 42 U.S.C. 1395w–116(c)(3) (authorizing appropriations for Medicare Part D risk adjusted payments); 42 U.S.C. 1395w–115(a) (establishing ''budget authority in advance of appropriations Acts'' for Medicare Part D risk adjusted payments).

[9] See for example, September 12, 2011, *Risk Adjustment Implementation Issues White Paper,* available at *https://www.cms.gov/CCIIO/Resources/Files/Downloads/riskadjustment_whitepaper_web.pdf.*

methodology that is established before the benefit year. We explained that such predictability is important to serving the risk adjustment program's goals of premium stabilization and reducing issuer incentives to avoid enrolling higher-risk populations.

Additionally, the proposed rule noted that using a plan's own premium to scale transfers may provide additional incentives for plans with high-risk enrollees to increase premiums in order to receive higher risk adjustment payments. As noted by commenters to the 2014 Payment Notice proposed rule, transfers also may be more volatile from year to year and sensitive to anomalous premiums if they were scaled to a plan's own premium instead of the statewide average premium. In the 2014 Payment Notice final rule, we noted that we received a number of comments in support of our proposal to use statewide average premium as the basis for risk adjustment transfers, while some commenters expressed a desire for HHS to use a plan's own premium.[10] HHS addressed those comments by reiterating that we had considered the use of a plan's own premium, but chose to use statewide average premium, as this approach supports the overall goals of the risk adjustment program to encourage issuers to rate for the average risk in the applicable state market risk pool, and avoids the creation of incentives for issuers to employ risk-avoidance techniques.[11]

The proposed rule also explained that although HHS has not yet calculated risk adjustment payments and charges for the 2018 benefit year, immediate administrative action was imperative to maintain stability and predictability in the individual, small group and merged insurance markets. Without administrative action, the uncertainty related to the HHS-operated risk adjustment methodology for the 2018 benefit year could add uncertainty to the individual, small group and merged markets, as issuers determine the extent of their market participation and the rates and benefit designs for plans they will offer in future benefit years. Without certainty regarding the 2018 benefit year HHS-operated risk adjustment methodology, there was a serious risk that issuers would substantially increase future premiums to account for the potential of uncompensated risk associated with high-risk enrollees. Consumers enrolled in certain plans with benefit and network structures that appeal to higher risk enrollees could see a significant premium increase, which could make coverage in those plans particularly unaffordable for unsubsidized enrollees. In states with limited Exchange options, a qualified health plan issuer exit would restrict consumer choice, and could put additional upward pressure on premiums, thereby increasing the cost of coverage for unsubsidized individuals and federal spending for premium tax credits. The combination of these effects could lead to involuntary coverage losses in certain state market risk pools.

Additionally, the proposed rule explained that HHS's failure to make timely risk adjustment payments could impact the solvency of issuers providing coverage to sicker (and costlier) than average enrollees that require the influx of risk adjustment payments to continue operations. When state regulators evaluate issuer solvency, any uncertainty surrounding risk adjustment transfers hampers their ability to make decisions that protect consumers and support the long-term health of insurance markets.

In response to the district court's February 2018 decision that vacated the use of statewide average premium in the risk adjustment methodology on the grounds that HHS did not adequately explain its decision to adopt that aspect of the methodology, we offered the additional explanation outlined above in the proposed rule, and proposed to maintain the use of statewide average premium in the applicable state market risk pool for the state payment transfer formula under the HHS-operated risk adjustment methodology for the 2018 benefit year. HHS proposed to adopt the methodology previously established for the 2018 benefit year in the **Federal Register** publications cited above that apply to the calculation, collection, and payment of risk adjustment transfers under the HHS-operated methodology for the 2018 benefit year. This included the adjustment to the statewide average premium, reducing it by 14 percent, to account for an estimated proportion of administrative costs that do not vary with claims.[12] We sought comment on the proposal to use statewide average premium. However, in order to protect the settled expectations of issuers that structured their pricing, offering, and market participation decisions in reliance on the previously issued 2018 benefit year methodology, all other aspects of the risk adjustment methodology were outside of the scope of the proposed rule, and HHS did not seek comment on those finalized aspects.

We summarize and respond to the comments received to the proposed rule below. Given the volume of exhibits, court filings, white papers (including all corresponding exhibits), and comments on other rulemakings incorporated by reference in one commenter's letter, we are not able to separately address each of those documents. Instead, we summarize and respond to the significant comments and issues raised by the commenter that are within the scope of this rulemaking.

Comment: One commenter expressed general concerns about policymaking and implementation of the PPACA related to enrollment activity changes, cost-sharing reductions, and short-term, limited-duration plans.

Response: The use of statewide average premium in the HHS-operated risk adjustment methodology, including the operation of the program in a budget-neutral manner, which was the limited subject of the proposed rulemaking, was not addressed by this commenter. In fact, the commenter did not specifically address the risk adjustment program at all. Therefore, the concerns raised by this commenter are outside the scope of the proposed rule, and are not addressed in this final rule.

Comment: Commenters were overwhelmingly in favor of HHS finalizing the rule as proposed, and many encouraged HHS to do so as soon as possible. Many commenters stated that by finalizing this rule as proposed, HHS is providing an additional explanation regarding the operation of the program in a budget-neutral manner and the use of statewide average premium for the 2018 benefit year consistent with the decision of the district court, and is reducing the risk of substantial instability to the Exchanges and individual and small group and merged market risk pools. Many commenters stated that no changes should be made to the risk adjustment methodology for the 2018 benefit year because issuers' rates for the 2018 benefit year were set based on the previously finalized methodology.

Response: We agree that a prompt finalization of this rule is important to ensure the ongoing stability of the individual and small group and merged markets, and the ability of HHS to continue operations of the risk adjustment program normally for the 2018 benefit year. We also agree that finalizing the rule as proposed would maintain stability and ensure predictability of pricing in a budget-neutral framework because issuers relied on the 2018 HHS-operated risk adjustment methodology that used

[10] 78 FR 15410, 15432.

[11] *Id.*

[12] See 81 FR 94058 at 94099.

statewide average premium during rate setting and when deciding in calendar year 2017 whether to participate in the market(s) during the 2018 benefit year.

Comment: Several commenters agreed with HHS's interpretation of the statute as requiring the operation of the risk adjustment program in a budget-neutral manner; several cited the absence of additional funding which would cover any possible shortfall between risk adjustment transfers as supporting the operation of the program in a budget-neutral manner. One commenter highlighted that appropriations can vary from year to year, adding uncertainty and instability to the market(s) if the program relied on additional funding to cover potential shortfalls and was not operated in a budget-neutral manner, which in turn would affect issuer pricing decisions. These commenters noted that any uncertainty about whether Congress would fund risk adjustment payments would deprive issuers of the ability to make pricing and market participation decisions based on a legitimate expectation that risk adjustment transfers would occur as required in HHS regulations. Other commenters noted that without certainty of risk adjustment transfers, issuers would likely seek rate increases to account for this further uncertainty and the risk of enrolling a greater share of high-cost individuals. Alternatively, issuers seeking to avoid significant premium increases would be compelled to develop alternative coverage arrangements that fail to provide adequate coverage to people with chronic conditions or high health care costs (for example, narrow networks or formulary design changes). Another commenter pointed to the fact that risk adjustment was envisioned by Congress as being run by the states, and that if HHS were to require those states that run their own program to cover any shortfall between what they collect and what they must pay out, HHS would effectively be imposing an unfunded mandate on states. The commenter noted there is no indication that Congress intended risk adjustment to impose such an unfunded mandate. Another commenter expressed that a budget-neutral framework was the most natural reading of the PPACA, with a different commenter stating this framework is implied in the statute.

However, one commenter stated that risk adjustment does not need to operate as budget neutral, as section 1343 of the PPACA does not require that the program be budget neutral, and funds are available to HHS for the risk adjustment program from the CMS Program Management account to offset any potential shortfalls. The commenter also stated that the rationale for using statewide average premium to achieve budget neutrality is incorrect, and that even if budget neutrality is required, any risk adjustment payment shortfalls that may result from using a plan's own premium in the risk adjustment transfer formula could be addressed through pro rata adjustments to risk adjustment transfers. This commenter also stated that the use of statewide average premium is not predictable for issuers trying to set rates, especially for small issuers which do not have a large market share, as they do not have information about other issuers' rates at the time of rate setting. Conversely, many commenters noted that, absent an appropriation for risk adjustment payments, the prorated payments that would result from the use of a plan's own premium in the risk adjustment methodology would add an unnecessary layer of complexity for issuers when pricing and would reduce predictability, resulting in uncertainty and instability in the market(s).

Response: We acknowledged in the proposed rule that the PPACA did not include a provision that explicitly required the risk adjustment program be operated in a budget-neutral manner; however, HHS was constrained by appropriations law to devise a risk adjustment methodology that could be implemented in a budget-neutral fashion. In fact, Congress did not authorize or appropriate additional funding for risk adjustment beyond the amount of charges paid in, and did not authorize HHS to obligate itself for risk adjustment payments in excess of charges collected. In the absence of additional, independent funding or the creation of budget authority in advance of an appropriation, HHS could not make payments in excess of charges collected consistent with binding appropriations law. Furthermore, we agree with commenters that the creation of a methodology that was contingent on Congress agreeing to appropriate supplemental funding of unknown amounts through the annual appropriations process would create uncertainty. It would also delay the process for setting the parameters for any potential risk adjustment proration until well after rates were set and the plans were in effect for the applicable benefit year. In addition to proration of risk adjustment payments to balance risk adjustment transfer amounts, we considered the impact of assessing additional charges or otherwise collecting additional funds from issuers of risk adjustment covered plans as alternatives to the establishment of a budget-neutral framework. All of these after-the-fact balancing adjustments were ultimately rejected because they are less predictable for issuers than a budget-neutral methodology which does not require after-the-fact balancing adjustments, a conclusion supported by the vast majority of comments received. As detailed in the proposed rule, HHS determined it would not be appropriate to rely on the CMS Program Management account because those amounts are designated for administration and operational expenses, not program payments, nor would the CMS Program Management account be sufficient to fund both the payments under the risk adjustment program and those administrative and operational expenses. Furthermore, use of such funds would create the same uncertainty and other challenges described above, as it would require reliance on the annual appropriations process and would require after-the-fact balancing adjustments to address shortfalls. After extensive analysis and evaluation of alternatives, we determined that the best method consistent with legal requirements is to operate the risk adjustment program in a budget-neutral manner, using statewide average premium as the cost scaling factor and normalizing the risk adjustment payment transfer formula to reflect state average factors.

We agree with the commenters that calculating transfers based on a plan's own premium without an additional funding source to ensure full payment of risk adjustment payment amounts would create premium instability. If HHS implemented an approach based on a plan's own premium without an additional funding source, after-the-fact payment adjustments would be required. As explained above, the amount of these payment adjustments would vary from year to year, would delay the publication of final risk adjustment amounts, and would compel issuers with risk that is higher than the state average to speculate on the premium increase that would be necessary to cover an unknown risk adjustment payment shortfall amount. We considered and ultimately declined to adopt a methodology that required an after-the-fact balancing adjustment because such an approach is less predictable for issuers than a budget-neutral methodology that can be calculated in advance of a benefit year. This included consideration of a non-budget neutral HHS-operated risk adjustment methodology that used a plan's own premiums as the cost-scaling

factor, which we discuss in detail later in this preamble. Modifying the 2018 benefit year risk adjustment methodology to use a plan's own premium would reduce the predictability of risk adjustment payments and charges significantly. As commenters stated, the use of a plan's own premium would add an extra layer of complexity in estimating risk adjustment transfers because payments and charges would need to be prorated retrospectively based on the outcome of risk adjustment transfer calculations, but would need to be anticipated in advance of the applicable benefit year for use in issuers' pricing calculations. We do not agree with the commenter that statewide average premium is less predictable than a plan's own premium, as the use of statewide average premium under a budget-neutral framework makes risk adjustment transfers self-balancing, and provides payment certainty for issuers with higher-than-average risk.

After considering the comments submitted, we are finalizing a methodology that operates risk adjustment in a budget-neutral manner using statewide average premium as the cost scaling factor and normalizing the risk adjustment payment transfer formula to reflect state average factors for the 2018 benefit year.

Comment: The majority of the comments supported the use of statewide average premium in the HHS-operated risk adjustment methodology for the 2018 benefit year. Some commenters stated that the risk adjustment program is working as intended, by compensating issuers based on their enrollees' health status, that is, transferring funds from issuers with predominately low-risk enrollees to those with a higher-than-average share of high-risk enrollees. One commenter stated that the program has been highly effective at reducing loss-ratios and ensuring that issuers can operate efficiently, without concern for significant swings in risk from year to year. Although some commenters requested refinements to ensure that the methodology does not unintentionally harm smaller, newer, or innovative issuers, a different commenter noted that the results for all prior benefit years of the risk adjustment program do not support the assertion that the risk adjustment methodology undermines small health plans. This commenter noted that the July 9, 2018 ''Summary Report on Permanent Risk Adjustment Transfers for the 2017 Benefit Year'' found a very strong correlation between the amount of paid claims and the direction and scale of risk adjustment transfers.[13] It also pointed to the American Academy of Actuaries' analysis of 2014 benefit year risk adjustment results, in which 103 of 163 small health plans (those with less than 10 percent of market share) received risk adjustment payments and the average payment was 27 percent of premium.[14] This commenter cited these points as evidence that risk adjustment is working as intended for small issuers. This commenter also cited an Oliver Wyman study that analyzed risk adjustment receipts by health plan member months (that is, issuer size) and found no systematic bias in the 2014 risk adjustment model.[15]

A few commenters stated that use of statewide average premium to scale risk adjustment transfers tends to penalize issuers with efficient care management and lower premiums and rewards issuers for raising rates. One of the commenters also stated that the HHS-operated risk adjustment methodology does not reflect relative actuarial risk, that statewide average premium harms issuers that price below the statewide average, and that the program does not differentiate between an issuer that has lower premiums because of medical cost savings from better care coordination and an issuer that has lower premiums because of healthier-than-average enrollees. The commenter suggested that HHS add a Care Management Effectiveness index into the risk adjustment formula. This commenter also stated that use of a plan's own premium rather than statewide average premium could improve the risk adjustment formula, stating that issuers would not be able to inflate their premiums to ''game'' the risk adjustment system due to other PPACA requirements such as medical loss ratio, rate review, and essential health benefits, as well as state insurance regulations, including oversight of marketing practices intended to avoid sicker enrollees.

However, other commenters opposed the use of a plan's own premium in the risk adjustment formula based on a concern that it would undermine the risk adjustment program and create incentives for issuers to avoid enrolling high-cost individuals. Some commenters noted the difficulty of determining whether an issuer's low premium was the result of efficiency, mispricing, or a strategy to gain market share, and that the advantages of using statewide average premium outweigh the possibility that use of a plan's own premium could result in better reflection of cost management. One commenter noted that encouraging issuers to set premiums based on market averages in a state (that is, using statewide average premium) promotes market competition based on value, quality of care provided, and effective care management, not on the basis of risk selection. Other commenters strongly opposed the use of a plan's own premium, as doing so would introduce incentives for issuers to attract lower-risk enrollees because they would no longer have to pay their fair share, or because issuers that traditionally attract high-risk enrollees would be incentivized to increase premiums in order to receive larger risk adjustment payments. Others stated that the use of a plan's own premium would add an extra layer of complexity in estimating risk adjustment transfers, and therefore in premium rate setting, because payments and charges would need to be prorated retrospectively based on the outcome of risk adjustment transfer calculations, but would need to be anticipated prospectively as part of issuers' pricing calculations.

One commenter expressed concern that the risk adjustment payment transfer formula exaggerates plan differences in risk because it does not address plan coding differences.

Response: We agree with the majority of commenters that use of statewide average premium will maintain the integrity of the risk adjustment program by discouraging the creation of benefit designs and marketing strategies to avoid high-risk enrollees and promoting market stability and predictability. The benefits of using statewide average premium as the cost scaling factor in the risk adjustment state payment transfer formula extend beyond its role in maintaining the budget neutrality of the program. Consistent with the statute, under the HHS-operated risk adjustment program, each plan in the risk pool receives a risk adjustment payment or charge designed to take into account the plan's risk compared to a plan with average risk. The statewide average premium reflects the statewide average cost and efficiency level and acts as the cost scaling factor in the state payment transfer formula under the HHS-operated risk adjustment methodology. HHS chose to use statewide average premium to encourage issuers to rate for the average risk, to automatically

[13] Available at *https://downloads.cms.gov/cciio/Summary-Report-Risk-Adjustment-2017.pdf.*

[14] American Academy of Actuaries, ''Insights on the ACA Risk Adjustment Program,'' April 2016. Available at *http://actuary.org/files/imce/Insights_on_the_ACA_Risk_Adjustment_Program.pdf.*

[15] Oliver Wyman, ''A Story in 4 Charts, Risk Adjustment in the Non-Group Market in 2014,'' February 24, 2016. Available at *https://health.oliverwyman.com/2016/02/a_story_in_four_char.html.*

achieve equality between risk adjustment payments and charges in each benefit year, and to avoid the creation of incentives for issuers to operate less efficiently, set higher prices, or develop benefits designs or create marketing strategies to avoid high-risk enrollees.

HHS considered and again declined in the 2018 Payment Notice to adopt the use of each plan's own premium in the state payment transfer formula.[16] As we noted in the 2018 Payment Notice, use of a plan's own premium would likely lead to substantial volatility in transfer results and could result in even higher transfer charges for low-risk, low-premium plans because of the program's budget neutrality. Under such an approach, high-risk, high-premium plans would require even greater transfer payments. If HHS applied a balancing adjustment in favor of these plans to maintain the budget-neutral nature of the program after transfers have been calculated using a plan's own premium, low-risk, low-premium plans would be required to pay in an even higher percentage of their plan-specific premiums in risk adjustment transfer charges due to the need to maintain budget neutrality. Furthermore, payments to high-risk, low-premium plans that are presumably more efficient than high-risk, high-premium plans would be reduced, incentivizing such plans to inflate premiums. In other words, the use of a plan's own premium in this scenario would neither reduce risk adjustment charges for low-cost and low-risk issuers, nor would it incentivize issuers to operate at the average efficiency. Alternatively, application of a balancing adjustment in favor of low-risk, low-premium plans could have the effect of under-compensating high-risk plans, increasing the likelihood that such plans would raise premiums. In addition, if the application of a balancing adjustment was split equally between high-risk and low-risk plans, such an after-the-fact adjustment, would create uncertainty and instability in the market(s), and would incentivize issuers to increase premiums to receive additional risk adjustment payments or to employ risk-avoidance techniques. As such, we agree with the commenters that challenges associated with pricing for transfers based on a plan's own premium would create pricing instability in the market, and introduce incentives for issuers to attract lower-risk enrollees to avoid paying their fair share. We also agree that it is very difficult to determine the reason an issuer has lower premiums than the average, since an issuer's low premium could be the result of efficiency, mispricing, or a strategy to gain market share. In all, the advantages of using statewide average premium outweigh the possibility that the use of a plan's own premium could result in better reflection of care or cost management, given the overall disadvantages, outlined above, of using a plan's own premium. HHS does not agree that use of statewide average premium penalizes efficient issuers or that it rewards issuers for raising rates.

Consistent with the 2018 Payment Notice,[17] beginning with the 2018 benefit year, this final rule adopts the 14 percent reduction to the statewide average premium to account for administrative costs that are unrelated to the claims risk of the enrollee population. While low cost plans are not necessarily efficient plans,[18] we believe this adjustment differentiates between premiums that reflect savings resulting from administrative efficiency from premiums that reflect healthier-than-average enrollees. As detailed in the 2018 Payment Notice,[19] to derive this parameter, we analyzed administrative and other non-claims expenses in the Medical Loss Ratio (MLR) Annual Reporting Form and estimated, by category, the extent to which the expenses varied with claims. We compared those expenses to the total costs that issuers finance through premiums, including claims, administrative expenses, and taxes, and determined that the mean administrative cost percentage in the individual, small group and merged markets is approximately 14 percent. We believe this amount represents a reasonable percentage of administrative costs on which risk adjustment should not be calculated.

We disagree that the HHS-operated risk adjustment methodology does not reflect relative actuarial risk or that the use of statewide average premium indicates otherwise. In fact, the risk adjustment models estimate a plan's relative actuarial risk across actuarial value metal levels, also referred to as ''simulated plan liability,'' by estimating the total costs a plan is expected to be liable for based on its enrollees' age, sex, hierarchical condition categories (HCCs), actuarial value, and cost-sharing structure. Therefore, this ''simulated plan liability'' reflects the actuarial risk relative to the average that can be assigned to each enrollee. We then use an enrollee's plan selection and diagnoses during the benefit year to assign a risk score. Although the HHS risk adjustment models are calibrated on national data, and average costs can vary between geographic areas, relative actuarial risk differences are generally similar nationally. The solved coefficients from the risk adjustment models are then used to evaluate actuarial risk differences between plans. The risk adjustment state payment transfer formula then further evaluates the plan's actuarial risk based on enrollees' health risk, after accounting for factors a plan could have rated for, including metal level, the prevailing level of expenditures in the geographic areas in which the enrollees live, the effect of coverage on utilization (induced demand), and the age and family structure of the subscribers. This relative plan actuarial risk difference compared to the state market risk pool average is then scaled to the statewide average premium. The use of statewide average premium as a cost-scaling factor requires plans to assess actuarial risk, and therefore scales transfers to actuarial differences between plans in state market risk pool(s), rather than differences in premium.

We have been continuously evaluating whether improvements are needed to the risk adjustment methodology, and will continue to do so as additional years' data become available. We decline to amend the risk adjustment methodology to include the Care Management Effectiveness index or a similar adjustment at this time. Doing so would be beyond the scope of this rulemaking, which addresses the use of statewide average premium and the operation of the risk adjustment program in a budget-neutral manner. A change of this magnitude would require significant study and evaluation. Although this type of change is not feasible at present, we will examine the feasibility, specificity, and sensitivity of measuring care management effectiveness through enrollee-level EDGE data for the individual, small group and merged markets, and the benefits of incorporating such measures in the risk adjustment methodology in future benefit years, either through rulemaking or other opportunities in which the public can submit comments. We believe that a robust risk adjustment program encourages issuers to adopt incentives to improve care management effectiveness, as doing so would reduce plans' medical costs. As we stated above, use of statewide average

[16] 81 FR 94100.

[17] 81 FR 94099.

[18] If a plan is a low-cost plan with low claims costs, it could be an indication of mispricing, as the issuer should be pricing for average risk.

[19] 81 FR 94100.

premium in the risk adjustment state payment transfer formula incentivizes plans to apply effective care management techniques to reduce losses, whereas use of a plan's own premium could be inflationary as it benefits plans with higher-than-average costs and higher-than-average premiums.

We are sympathetic to commenters' concerns about plan coding differences, and recognize that there is substantial variation in provider coding practices. We are continuing to strengthen the risk adjustment data validation program to ensure that conditions reported for risk adjustment are accurately coded and supported by medical records, and will adjust risk scores (and subsequently, risk adjustment transfers) beginning with 2017 benefit year data validation results to encourage issuers to continue to improve the accuracy of data used to compile risk scores and preserve confidence in the HHS-operated risk adjustment program.

Comment: Some commenters provided suggestions to improve the risk adjustment methodology, such as different weights for metal tiers, multiple mandatory data submission deadlines, reducing the magnitude of risk scores across the board, and fully removing administrative expenses from the statewide average premium. One commenter stated that, while it did not conceptually take issue with the use of statewide average premium, the payment transfer formula under the HHS-operated risk adjustment methodology creates market distortions and causes overstatement of relative risk differences among issuers. This commenter cited concerns with the use of the Truven MarketScan® data to calculate plan risk scores under the HHS risk adjustment models, and suggested incorporating an adjustment to the calculation of plan risk scores until the MarketScan® data is no longer used.

A few commenters stressed the importance of making changes thoughtfully and over time, and one encouraged HHS to actively seek improvements to avoid unnecessary litigation. Several commenters, while supportive of the proposed rule and its use for the 2018 benefit year, generally stated that the risk adjustment methodology should continue to be improved prospectively. Another commenter stated that the proposed rule did not do enough to improve the risk adjustment program, and encouraged HHS to review and consider suggestions to improve the risk adjustment methodology in order to promote stability and address the concerns raised in lawsuits other than the New Mexico case. One commenter further requested that HHS reopen rulemaking proceedings, reconsider, and revise the Payment Notices for the 2017 and 2019 benefit years under section 553(e) of the Administrative Procedure Act.

Response: We appreciate the feedback on potential improvements to the risk adjustment program, and will continue to consider the suggestions, analysis, and comments received from commenters for potential changes to future benefit years. This rulemaking is intended to provide additional explanation regarding the operation of the program in a budget-neutral manner and the use of statewide average premium for the 2018 benefit year, consistent with the February 2018 decision of the district court. It also requires an expedited timeframe to maintain stability in the health insurance markets following the district court's vacatur of the use of statewide average premium in the HHS-operated risk adjustment methodology for the 2018 benefit year. We intend to continue to evaluate approaches to improve the risk adjustment models' calibration to reflect the individual, small group and merged markets actuarial risk and review additional years' data as they become available to evaluate all aspects of the HHS-operated risk adjustment methodology. We also continue to encourage issuers to submit EDGE server data earlier and more completely for future benefit years. However, the scope of the proposed rule was limited to the use of statewide average premium and the budget-neutral nature of the risk adjustment program for the 2018 benefit year, and consequently, we decline to adopt the various suggestions offered by commenters regarding potential improvements to the 2018 benefit year HHS-operated risk adjustment methodology as to other issues because they are outside the scope of this rule.

We reiterate that HHS is always considering possible ways to improve the risk adjustment methodology for future benefit years. For example, in the 2018 Payment Notice, based on comments received for the 2017 Payment Notice and the March 31, 2016, HHS-Operated Risk Adjustment Methodology Meeting Discussion Paper,[20] HHS made multiple adjustments to the risk adjustment models and state payment transfer formula, including reducing the statewide average premium by 14 percent to account for the proportion of administrative costs that do not vary with claims, beginning with the 2018 benefit year.[21] HHS also modified the risk adjustment methodology by incorporating a high-cost risk pool calculation to mitigate residual incentive for risk selection to avoid high-cost enrollees, to better account for the average risk associated with the factors used in the HHS risk adjustment models, and to ensure that the actuarial risk of a plan with high-cost enrollees is better reflected in risk adjustment transfers to issuers with high actuarial risk.[22] Other recent changes made to the HHS-operated risk adjustment methodology include the incorporation of a partial year adjustment factor and prescription drug utilization factors.[23] Furthermore, as outlined above, HHS stated in the 2019 Payment Notice that it would recalibrate the risk adjustment model using 2016 enrollee-level EDGE data to better reflect individual, small group and merged market populations.[24] We also consistently seek methods to support states' authority and provide states with flexible options, while ensuring the success of the risk adjustment program.[25] We respond to comments regarding options available to states with respect to the risk adjustment program below. We appreciate the commenters' input and will continue to examine options for potential changes to the HHS-operated risk adjustment methodology in future notice with comment rulemaking.

The requests related to the 2017 and 2019 benefit year rulemakings are outside the scope of the proposed rule and this final rule, which is limited to the 2018 benefit year.

Comment: One commenter suggested that states should have broad authority to cap and limit risk adjustment transfers and charges as necessary, stating that the requirements associated with the flexibility HHS granted to states to request a reduction to risk adjustment transfers beginning in 2020 are too onerous and unclear. The commenter noted that state regulators know their markets best and should have the discretion and authority to implement their own remedial measures without seeking HHS's permission. Conversely, one commenter specifically supported the state flexibility policy set forth in § 153.320(d). A few commenters requested that states be allowed to establish alternatives to statewide

[20] *https://www.cms.gov/CCIIO/Resources/Forms-Reports-and-Other-Resources/Downloads/RA-March-31-White-Paper-032416.pdf.*

[21] See 81 FR 94100.

[22] See 81 FR 94080.

[23] See 81 FR at 94071 and 94074.

[24] See 83 FR 16940.

[25] *Id.* and 81 FR 29146.

average premium, with one suggesting that this change begin with the 2020 benefit year, and providing as an example the idea that HHS could permit states to aggregate the average premiums of two or more distinct geographic markets within a state.

Response: HHS continually seeks to provide states with flexibility to determine what is best for their state markets. Section 1343 of the PPACA provides states authority to operate their own state risk adjustment programs. Under this authority, a state remains free to elect to operate the risk adjustment program and tailor it to its markets, which could include establishing alternatives to the statewide average premium methodology or aggregating the average premiums of two or more distinct geographic markets within a state. If a state does not elect to operate the risk adjustment program, HHS is required to do so.[26] No state elected to operate the risk adjustment program for the 2018 benefit year; therefore, HHS is responsible for operating the program in all 50 states and the District of Columbia.

In the 2019 Payment Notice, HHS adopted § 153.320(d) to provide states the flexibility, when HHS is operating the risk adjustment program, to request a reduction to the otherwise applicable risk adjustment transfers in the individual, small group, or merged markets by up to 50 percent.[27] This flexibility was established to provide states the opportunity to seek state-specific adjustments to the HHS-operated risk adjustment methodology without the necessity of operating their own risk adjustment programs. It is offered beginning with the 2020 benefit year risk adjustment transfers and, since it involves an adjustment to the transfers calculated by HHS, it will require review and approval by HHS. States requesting such reductions must substantiate the transfer reduction requested and demonstrate that the actuarial risk differences in plans in the applicable state market risk pool are attributable to factors other than systematic risk selection.[28] The process will give HHS the necessary information to evaluate the flexibility requests. We appreciate the comments offered on this flexibility, but note that they are outside the scope of the proposed rule, which was limited to the 2018 benefit year and did not propose any changes to the process established in § 153.320(d). However, we will continue to consider commenter feedback on the process, along with any lessons learned from 2020 benefit year requests.

HHS has consistently acknowledged the role of states as primary regulators [29] of their insurance markets, and we continue to encourage states to examine local approaches under state legal authority as they deem appropriate.

Comment: One commenter detailed the impact of the HHS-operated risk adjustment methodology on the commenter, the CO–OP program's general struggles, and the challenges faced by some non-CO–OP issuers, stating that this is evidence that the HHS-operated risk adjustment methodology is flawed. The commenter urged HHS to make changes discussed above to the methodology to address what it maintains are unintended financial impacts on small issuers that are required to pay large risk adjustment charges, and also challenged the assertion that the current risk adjustment methodology is predictable.

Response: HHS previously recognized and acknowledged that certain issuers, including a limited number of newer, rapidly growing, or smaller issuers, owed substantial risk adjustment charges that they did not anticipate in the initial years of the program. HHS has regularly discussed with issuers and state regulators ways to encourage new participation in the health insurance markets and to mitigate the effects of substantial risk adjustment charges. Program results discussed earlier have shown that the risk adjustment methodology has worked as intended, that risk adjustment transfers correlate with the amount of paid claims rather than issuer size, and that no systemic bias is found when risk adjustment receipts are analyzed by health plan member months. We created an interim risk adjustment reporting process, beginning with the 2015 benefit year, to provide issuers and states with preliminary information about the applicable benefit year's geographic cost factor, billable member months, and state averages such as monthly premiums, plan liability risk score, allowable rating factor, actuarial value, and induced demand factors by market. States may pursue local approaches under state legal authority to address concerns related to insolvencies and competition, including in instances where certain state laws or regulations differentially affect smaller or newer issuers. In addition, as detailed above, beginning with the 2020 benefit year, states may request a reduction in the transfer amounts calculated under the HHS-operated methodology to address state-specific rules or market dynamics to more precisely account for the expected cost of relative risk differences in the state's market risk pool(s).

Finally, HHS has consistently sought to increase the predictability and certainty of transfer amounts in order to promote the premium stabilization goal of the risk adjustment program. Statewide average premium provides greater predictability of an issuer's final risk adjustment receivables than use of a plan's own premium, and we disagree with comments stating that the use of a plan's own premium in the risk adjustment transfer formula would result in greater predictability in pricing. As discussed previously, if a plan's own premium is used as a scaling factor, risk adjustment transfers would not be budget neutral. After-the-fact adjustments would be necessary in order for issuers to receive the full amount of calculated payments, creating uncertainty and lack of predictability.

III. Provisions of the Final Regulations

After consideration of the comments received, this final rule adopts the HHS-operated risk adjustment methodology for the 2018 benefit year which utilizes statewide average premium and operates the program in a budget-neutral manner, as established in the final rules published in the March 23, 2012 and the December 22, 2016 editions of the **Federal Register**.

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

V. Regulatory Impact Analysis

A. Statement of Need

The proposed rule and this final rule were published in light of the February 2018 district court decision described above that vacated the use of statewide average premium in the HHS-operated risk adjustment methodology for the 2014–2018 benefit years. This final rule adopts the HHS-operated risk adjustment methodology for the 2018 benefit year, maintaining the use of statewide average premium as the cost-scaling factor in the HHS-operated risk adjustment methodology and the

[26] See section 1321(c) of the PPACA.

[27] See 83 FR 16955.

[28] See § 153.320(d) and 83 FR 16960.

[29] See 83 FR 16955. Also see 81 FR 29146 at 29152 (May 11, 2016), available at *https://www.gpo.gov/fdsys/pkg/FR-2016-05-11/pdf/2016-11017.pdf.*

continued operation of the program in a budget-neutral manner, to protect consumers from the effects of adverse selection and premium increases that would result from issuer uncertainty. The Premium Stabilization Rule, previous Payment Notices, and other rulemakings noted above provided detail on the implementation of the risk adjustment program, including the specific parameters applicable for the 2018 benefit year.

B. Overall Impact

We have examined the impact of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), the Congressional Review Act (5 U.S.C. 804(2)), and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs. Executive Orders 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). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any one year).

OMB has determined that this final rule is ''economically significant'' within the meaning of section 3(f)(1) of Executive Order 12866, because it is likely to have an annual effect of $100 million in any 1 year. In addition, for the reasons noted above, OMB has determined that this final rule is a major rule under the Congressional Review Act.

This final rule offers further explanation of budget neutrality and the use of statewide average premium in the risk adjustment state payment transfer formula when HHS is operating the permanent risk adjustment program established by section 1343 of the PPACA on behalf of a state for the 2018 benefit year. We note that we previously estimated transfers associated with the risk adjustment program in the Premium Stabilization Rule and the 2018 Payment Notice, and that the provisions of this final rule do not change the risk adjustment transfers previously estimated under the HHS-operated risk adjustment methodology established in those final rules. The approximate estimated risk adjustment transfers for the 2018 benefit year are $4.8 billion. As such, we also incorporate into this final rule the RIA in the 2018 Payment Notice proposed and final rules.[30] This final rule is not subject to the requirements of Executive Order 13771 (82 FR 9339, February 3, 2017) because it is expected to result in no more than *de minimis* costs.

Dated: November 16, 2018.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: November 19, 2018.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

[FR Doc. 2018–26591 Filed 12–7–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

RIN 0648–XG025

Pacific Island Pelagic Fisheries; 2018 U.S. Territorial Longline Bigeye Tuna Catch Limits for American Samoa

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

ACTION: Announcement of a valid specified fishing agreement.

SUMMARY: NMFS announces a valid specified fishing agreement that allocates up to 1,000 metric tons (t) of the 2018 bigeye tuna limit for the Territory of American Samoa to identified U.S. longline fishing vessels. The agreement supports the long-term sustainability of fishery resources of the U.S. Pacific Islands, and fisheries development in American Samoa.

DATES: December 7, 2018.

ADDRESSES: NMFS prepared environmental analyses that describe the potential impacts on the human environment that would result from the action. The analyses, identified by NOAA–NMFS–2018–0026, are available from *https://www.regulations.gov/docket?D=NOAA-NMFS-2018-0026,* or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

The Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (Pelagic FEP) is available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or *http://www.wpcouncil.org.*

FOR FURTHER INFORMATION CONTACT: Rebecca Walker, NMFS PIRO Sustainable Fisheries, 808–725–5184.

SUPPLEMENTARY INFORMATION: In a final rule published on October 23, 2018, NMFS specified a 2018 limit of 2,000 t of longline-caught bigeye tuna for the U.S. Pacific Island territories of American Samoa, Guam, and the CNMI (83 FR 53399). NMFS allows each territory to allocate up to 1,000 t of the 2,000 t limit to U.S. longline fishing vessels identified in a valid specified fishing agreement.

On November 19, 2018, NMFS received from the Council a specified fishing agreement between the government of American Samoa and Quota Management, Inc. (QMI). The Council's Executive Director advised that the specified fishing agreement was consistent with the criteria set forth in 50 CFR 665.819(c)(1). NMFS reviewed the agreement and determined that it is consistent with the Pelagic FEP, the Magnuson-Stevens Fishery Conservation and Management Act, implementing regulations, and other applicable laws.

In accordance with 50 CFR 300.224(d) and 50 CFR 665.819(c)(9), vessels identified in the agreement may retain and land bigeye tuna in the western and central Pacific Ocean under the American Samoa limit. NMFS will begin attributing bigeye tuna caught by vessels identified in the agreement to American Samoa starting on December 10, 2018. This is seven days before December 17, 2018, which is the date NMFS forecasted the fishery would reach the CNMI bigeye tuna allocation limit. If NMFS determines that the fishery will reach the American Samoa 1,000-t attribution, we would restrict the retention of bigeye tuna caught by vessels identified in the agreement, unless the vessels are included in a subsequent specified fishing agreement with another U.S. territory, and we would publish a notice to that effect in the **Federal Register**.

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

[30] 81 FR 61455 and 81 FR 94058.

Dated: December 4, 2018.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2018–26616 Filed 12–7–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 236
Monday, December 10, 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 HOMELAND SECURITY

U.S. Citizenship and Immigration Services

RIN 1615–AC33

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

RIN 1205–AB91

[Docket No. ETA–2018–0003]

Modernizing Recruitment Requirements for the Temporary Employment of H–2B Foreign Workers in the United States; Extension of Comment Period

AGENCIES: U.S. Citizenship and Immigration Services, Department of Homeland Security; and Employment and Training Administration, Department of Labor.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: This document extends the period for submitting written comments on the Notice of Proposed Rulemaking (NPRM) entitled *Modernizing Recruitment Requirements for the Temporary Employment of H–2B Foreign Workers in the United States.* The comment period was initially scheduled to end on December 10, 2018. The Department of Homeland Security and the Department of Labor (collectively, the Departments) are taking this action to provide interested parties additional time to submit comments in response to requests for an extension of the commenting period.

DATES: The comment period for the proposed rule published on November 9, 2018, at 83 FR 55977, is extended. Comments must be received on or before December 28, 2018.

ADDRESSES: You may send comments, identified by the agencies' names and the Department of Labor (DOL)'s Docket No. ETA–2018–0003 or Regulatory Information Number (RIN) 1205–AB91, by any of the following methods:

—*Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the website instructions for submitting comments (under ''Help'' > ''How to use Regulations.gov'').

—*Mail and Hand Delivery/Courier:* Submit written comments and any additional material to Adele Gagliardi, Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210.

Instructions: All submissions must include the agencies' names and the DOL RIN 1205–AB91. Please submit your comments by only one method. Please be advised that DOL will post all comments received that relate to the notice of proposed rulemaking (NPRM) on *http://www.regulations.gov* without making any change to the comments or redacting any information.

The *http://www.regulations.gov* website is the Federal e-rulemaking portal, and all comments posted there are available and accessible to the public. Therefore, DOL recommends that commenters remove personal information (either about themselves or others) such as Social Security Numbers, personal addresses, telephone numbers, and email addresses included in their comments, as such information may become easily available to the public via the *http://www.regulations.gov* website. It is the responsibility of the commenter to safeguard personal information.

Also, please note that, due to security concerns, postal mail delivery in Washington, DC may be delayed. Therefore, DOL encourages the public to submit comments on *http://www.regulations.gov.* Docket: To read or download comments or other material in the electronic docket, go to *http://www.regulations.gov* website (search using RIN 1205–AB91 or Docket No. ETA–2018–0003). DOL also will make all the comments it receives available for public inspection by appointment during normal business hours at the above address. If you need assistance to review the comments, DOL will provide appropriate aids, such as readers or print magnifiers. DOL will make copies of the proposed rule available, upon request, in large print and electronic file on computer disk. To schedule an appointment to review the comments and/or obtain the proposed rule in an alternative format, contact the Office of Policy Development and Research at (202) 693–3700 (this is not a toll-free number). You may also contact Adele Gagliardi, Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210.

Comments under the Paperwork Reduction Act (PRA): In addition to filing comments with ETA, persons wishing to comment on the information collection (IC) aspects of the proposed rule may send comments to: Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503, Fax: (202) 395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov. See* Paperwork Reduction Act section of the proposed rule for particular areas of interest.

FOR FURTHER INFORMATION CONTACT: Regarding the Department of Labor: Thomas M. Dowd, Deputy Assistant Secretary, Employment and Training Administration, Department of Labor, Box #12–200, 200 Constitution Ave. NW, Washington, DC 20210, telephone (202) 513–7350 (this is not a toll-free number). Regarding the Department of Homeland Security: Kevin J. Cummings, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Ave. NW, Suite 1100, Washington, DC 20529–2120, telephone (202) 272–8377 (not a toll-free call). Individuals with hearing or speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION: On November 9, 2018, the Departments published an NPRM in the **Federal Register** at 83 FR 55977, proposing regulatory revisions that would modernize the recruitment an employer seeking H–2B nonimmigrant workers must conduct when applying for a temporary labor certification. In particular, the Departments are

proposing to replace the print newspaper advertisements that their regulations currently require with electronic advertisements posted on the internet, which the Departments believe will be a more effective and efficient means of disseminating information about job openings to U.S. workers.

The NPRM requested public comments on the proposed changes on or before December 10, 2018. The Departments have received a request to extend the comment period to allow the public to provide further input on the proposed changes. In light of the request, the Departments have extended the period for submitting public comment to December 28, 2018.

Molly E. Conway,

Acting Assistant Secretary for Employment and Training Administration, Department of Labor.

L. Francis Cissna,

Director, United States Citizenship and Immigration Services.

[FR Doc. 2018–26767 Filed 12–6–18; 4:15 pm]

BILLING CODE 4510–FP–P; 9111–97–P

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Regulation CC; Docket No. R–1637]

RIN 7100–AF 28

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1030

[Docket No. CFPB–2018–0035]

RIN 3170–AA31

Availability of Funds and Collection of Checks (Regulation CC)

AGENCY: Board of Governors of the Federal Reserve System (Board) and Bureau of Consumer Financial Protection (Bureau).

ACTION: Proposed rule and reopening of comment period for existing proposed rule.

SUMMARY: The Board and the Bureau (Agencies) are proposing amendments to Regulation CC, which implements the Expedited Funds Availability Act (EFA Act) (2018 Proposal), and are also providing an additional opportunity for public comment on certain amendments to Regulation CC that the Board proposed in 2011 (2011 Funds Availability Proposal). In the 2018 Proposal, the Agencies are proposing a calculation methodology for implementing a statutory requirement to adjust the dollar amounts in the EFA Act every five years by the aggregate annual percentage increase in the Consumer Price Index for Wage Earners and Clerical Workers (CPI–W) rounded to the nearest multiple of $25. The 2018 Proposal would also implement the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA) amendments to the EFA Act, which include extending coverage to American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam, and would make certain other technical amendments.

With regard to reopening comments on the 2011 Funds Availability Proposal, the Board published proposed amendments to Regulation CC in the **Federal Register** on March 25, 2011. As discussed in **SUPPLEMENTARY INFORMATION**, the Board and the Bureau now have joint rulemaking authority with respect to part of Regulation CC, related definitions, and appendices of the amendments that the Board proposed on that date. The Board and the Bureau are reopening the comment period for the 2011 Funds Availability Proposal.

DATES: Comments on the 2018 Proposal and the 2011 Funds Availability Proposal must be received on or before February 8, 2019.

ADDRESSES: Comments should be directed to:

Board: You may submit comments, identified by Docket No. R–1637; RIN 7100 AF–28, by any of the following methods:

- *Agency website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Email: regs.comments@federalreserve.gov.* Include the docket number and RIN in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments will be made available on the Board's website at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 3515, 1801 K Street NW (between 18th and 19th Streets NW), between 9:00 a.m. and 5:00 p.m. on weekdays.

Bureau: You may submit comments, identified by Docket No. CFPB–2018–0035 or RIN 3170–AA31, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2018–0035 or RIN 3170–AA31 in the subject line of the email.
- *Mail/Hand Delivery/Courier:* Comment Intake, Bureau of Consumer Financial Protection, 1700 G Street, NW, Washington, DC 20552.

Instructions: All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning (202) 435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: *Board:* Gavin L. Smith, Senior Counsel (202) 452–3474, Legal Division, or Ian C.B. Spear, Manager (202) 452–3959, Division of Reserve Bank Operations and Payment Systems; for users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

Bureau: Joseph Baressi and Marta Tanenhaus, Senior Counsels, Office of Regulations, at (202) 435–7700. If you require this document in an alternative electronic format, please contact *CFPB_accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. 2018 Proposal

A. Background

Regulation CC (12 CFR part 229) implements the Expedited Funds Availability Act (EFA Act) and the Check Clearing for the 21st Century Act

(Check 21 Act).[1] Subpart B of Regulation CC implements the requirements set forth in the EFA Act regarding the availability schedules within which banks must make funds available for withdrawal, exceptions to those schedules, disclosure of funds availability policies, and payment of interest. The EFA Act and subpart B of Regulation CC contain specified dollar amounts, including the minimum amount of deposited funds that banks must make available for withdrawal by opening of business on the next day for certain check deposits (''minimum amount''),[2] the amount a bank must make available when using the EFA Act's permissive adjustment to the funds-availability rules for withdrawals by cash or other means (''cash withdrawal amount''),[3] the amount of funds deposited by certain checks in a new account that are subject to next-day availability (''new-account amount''),[4] the threshold for using an exception to the funds-availability schedules when the aggregate amount of checks on any one banking day exceed the threshold amount (''large-deposit threshold''),[5] the threshold for determining whether an account has been repeatedly overdrawn (''repeatedly overdrawn threshold''),[6] and the civil liability amounts for failing to comply with the EFA Act's requirements.[7]

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) made certain amendments to the EFA Act, and these amendments were effective on a date designated by the Secretary of the Treasury, July 21, 2011.[8] Section 609(a) of the EFA Act, as amended by section 1086(d) of the Dodd-Frank Act,[9] provides that the Board and the Director of the Bureau shall jointly prescribe regulations to carry out the provisions of the EFA Act, to prevent the circumvention or evasion of such provisions, and to facilitate compliance with such provisions.

Additionally, section 1086(f) of the Dodd-Frank Act added section 607(f) of the EFA Act, which provides that the dollar amounts under the EFA Act shall be adjusted every five years after December 31, 2011, by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W), as published by the Bureau of Labor Statistics, rounded to the nearest multiple of $25.[10]

B. Proposed Effective Dates for Adjustments

The Agencies believe that section 607(f) is reasonably interpreted to provide for five years to elapse between a given set of adjustments and the next set of adjustments, with the first set of adjustments occurring sometime after December 31, 2011. As regulators of financial institutions, the Agencies are familiar with the challenges that institutions can face if changes to regulatory requirements are too frequent or abrupt. The Agencies believe that Congress intended to balance that concern with the need to prevent the EFA Act's dollar amounts from being eroded by inflation. Congress did so by providing that the adjustments would be effective at five-year intervals; by providing that the first set of adjustments would not occur until after December 31, 2011, which ensured that at least a full calendar year would elapse after the Dodd-Frank Act's enactment in mid-2010; and by providing that the adjustments would be rounded to the nearest multiple of $25. Several years have now elapsed since December 31, 2011, and the Agencies intend to move towards issuing a final rule implementing section 607(f), while providing appropriate time after the issuance of that final rule for implementation by institutions.

The Agencies anticipate publishing the first set of adjustments as a final rule in the first quarter of 2019. They propose that the first set of adjustments have an effective date of April 1, 2020. The Agencies anticipate publishing the second set of adjustments in the first quarter of 2024. They propose that the second set of adjustments have an effective date of April 1, 2025. The Agencies propose that each subsequent set of adjustments have an effective date of April 1 of every fifth year after 2025.

The proposed effective dates should provide institutions with sufficient time to make any necessary disclosure and software changes.[11] The Agencies request comment on the proposed effective dates for the adjustments. The Agencies request that entities affected by the adjustments provide details of the measures that would be necessary to implement them.

C. Proposed Methodology for Adjustments

Section 607(f) does not specify which month's CPI–W should be used to measure inflation. The Agencies propose to use the July CPI–W, which is released by the Bureau of Labor Statistics in August. The Agencies propose to use the aggregate percentage change in the CPI–W from July 2011 to July 2018 as the initial inflation measurement period for the first set of adjustments. (As discussed above, the Agencies anticipate that the first set of adjustments would be published as a final rule in the first quarter of 2019 and propose that it have an effective date of April 1, 2020.) The second set of adjustments would be based on the aggregate percentage change in the CPI–W for an inflation measurement period that begins in July 2018 and ends in July 2023. (As discussed above, the Agencies anticipate that the second set of adjustments would be published in the first quarter of 2024 and have a proposed effective date of April 1, 2025.) Each subsequent set of adjustments would be based on the aggregate percentage change in the CPI–W for an inflation measurement period that begins in July of every fifth year after 2018 and ends in July of every fifth year after 2023. This use of July CPI–W, starting with the July 2011 CPI–W, would align with section 607(f)'s effective date of July 21, 2011, and the Agencies expect it to provide a

[1] Expedited Funds Availability Act, 12 U.S.C. 4001 *et seq.;* Check Clearing for the 21st Century Act, 12 U.S.C. 5001 *et seq.*

[2] The minimum amount is currently $200. See section 1086(e) of the Dodd-Frank Act; 12 U.S.C. 4002(a)(2)(D).

[3] The cash withdrawal amount is currently $400. 12 U.S.C. 4002(b)(3)(B).

[4] The new-account amount is currently $5,000. 12 U.S.C. 4003(a)(3).

[5] The large-deposit threshold is currently $5,000. 12 U.S.C. 4003(b)(1).

[6] The repeatedly overdrawn threshold is currently $5,000. 12 CFR 229.13(d). This dollar amount is not specified in the EFA Act, but is a result of the authority of the Board and the Bureau under section 604(b)(3) of the EFA Act (12 U.S.C. 4003(b)(3)) to establish reasonable exceptions to time limitations for deposit accounts that have been overdrawn repeatedly. The Board and the Bureau propose to use their authority under section 604(b)(3) and also their authority under section 609(a) (12 U.S.C. 4008(a)), which is discussed below, to index the repeatedly overdrawn threshold in the same manner as the other dollar amounts. The Board and the Bureau believe that indexing the repeatedly overdrawn threshold would be consistent with the need identified by Congress to prevent such dollar amounts from being eroded by inflation.

[7] The civil liability amounts are currently ''not less than $100 nor greater than $1,000'' for an individual action and ''not more than $500,000 or 1 percent of the net worth'' of a depository institution for a class action. 12 U.S.C. 4010(a).

[8] Public Law 111–203, sections 1062, 1086, 1100H, 124 Stat. 2081 (2010); 75 FR 57252 (Sept. 20, 2010).

[9] 12 U.S.C. 4008(a).

[10] 12 U.S.C. 4006(f).

[11] The proposed effective dates would be consistent with section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 (Pub. L. 103–325, 108 Stat. 2160, 12 U.S.C. 4802). That section provides that new regulations and amendments to regulations prescribed by Federal banking agencies, including the Board, that impose additional reporting, disclosures, or other new requirements on insured depository institutions shall take effect on the first day of a calendar quarter which begins on or after the date on which the regulations are published in final form (with certain exceptions).

reasonable period of time after the CPI–W data becomes available for the Agencies to publish the requisite adjustments and for financial institutions to implement them. The Agencies request comment on this approach and its interaction with the proposed effective dates discussed above.

If there is an aggregate percentage increase in any inflation measurement period, then the aggregate percentage change would be applied to the dollar amounts in Regulation CC, and those amounts would be rounded to the nearest multiple of $25 to determine the new adjusted dollar amounts.[12] Section 607(f) of the EFA Act provides that the adjustments are to be based on the ''annual percentage increase'' in the CPI–W, but does not specify how the adjustment is to be made in the event that the CPI–W is negative for one or more years in the inflation measurement period. The Agencies believe it is a reasonable interpretation of section 607(f) to account for negative movements in the CPI–W on a year-to-year basis and to factor those movements into the calculation. The Agencies believe that the purpose of section 607(f) is to keep the dollar amounts in the EFA Act on a pace with inflation, as represented by the CPI–W. The funds-availability provisions of the EFA Act represent a balancing of interests—the interests of account customers in receiving prompt availability of their deposited funds and the interests of depository institutions in minimizing the risks from making funds available before learning of checks or other items being returned.[13] Accounting for upward and downward movements in the CPI–W in calculating any cumulative increase to the dollar amounts is consistent with the approach Congress took in the EFA Act of balancing the interests of depository institutions and their customers.

Under the proposed calculation methodology, the dollar amount adjustments would always be zero or positive.[14] If there is no aggregate percentage increase during the inflation measurement period (zero increase or net decrease) or if the aggregate percentage change when applied to the dollar amount does not result in a change because of rounding, the Agencies would not adjust that dollar amount. Moreover, in either of those situations, the aggregate percentage change would be calculated either from the CPI–W in July of the year that corresponds with the last publication of an adjusted dollar amount or, if there has never been an adjusted dollar amount, from the CPI–W in July 2011.[15]

The Agencies are proposing a new § 229.11 and accompanying commentary to implement the CPI–W index calculation method to be used by the Agencies to adjust the dollar amounts in the EFA Act. The new § 229.11 provides for the CPI–W calculation for the dollar amounts in § 229.10(c)(1)(vii) regarding the minimum amount, § 229.12(d) for the cash withdrawal amount, § 229.13(a) for the new-account amount, § 229.13(b) for the large-deposit threshold, § 229.13(d) for repeatedly overdrawn threshold, and § 229.21(a) for the civil liability amounts.

The Agencies request comment on the proposed calculation methodology to be applied to the dollar amounts in Regulation CC.

D. First Set of Adjustments

As discussed above, for the first set of adjustments, the Agencies propose to use CPI–W data from July 2011 through July 2018.[16] (As discussed above, the Agencies are proposing that this first set of adjustments have an effective date of April 1, 2020). In order to inform this rulemaking more fully, the Agencies have applied the proposed inflation calculation methodology to calculate the adjusted amounts that would result if the methodology is finalized.[17] Specifically, if the proposed adjustment methodology is finalized, the adjusted amounts, based on the change in CPI–W from 222.686 in July 2011 to 246.155 in July 2018, would be as follows:

- The minimum amount in § 229.10(c)(1)(vii) would be adjusted to $225, as the change of $21.00 results in a rounding to the nearest multiple of $25;
- The cash withdrawal amount in § 229.12(d) of $400 would be adjusted to $450, as the change of $42.00 results in a rounding to the nearest multiple of $25;
- The new-account amount of $5,000 in § 229.13(a), the large-deposit threshold of $5,000 in § 229.13(b), and the repeatedly overdrawn threshold of $5,000 in § 229.13(d) would each be adjusted to $5,525, as the change of $525 results in a rounding to the nearest multiple of $25; and
- In § 229.21(a) the civil liability amount of $100 would remain the same, as the change of $10.50 does not result in a rounding to $25, while the other civil liability amounts of $1,000 and $500,000 would be adjusted to $1,100 and $552,500, as the changes of $105 and $52,500, respectively, result in a rounding to the nearest multiple of $25.

E. Technical Amendments to Regulation CC and EGRRCPA Amendments

The Agencies also propose amending the commentary to each of the sections containing dollar amounts by inserting a cross-reference to the new § 229.11 containing the calculation method for indexing those dollar amounts every five years. In addition, the Agencies are proposing to update the dollar amounts with the adjusted dollar amounts throughout subpart B of Regulation CC, and the commentary thereto, and reflect these updates by the date on which depository institutions must comply with the adjusted dollar amounts.

The Board and Bureau are proposing a technical change to § 229.1(a), which sets forth the authority and purpose of Regulation CC, to explain that the Board and Bureau have joint rulemaking authority under certain provisions of the EFA Act.

In addition, the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA) made

[12] For example, if the CPI–W in July of the year the last publication of an adjusted dollar amount occurred and the CPI–W in July of the year that is five years later were 100 and 114.7, respectively, the aggregate percentage change that results from changes in the CPI–W for each year of the period using the CPI–W values in July would be 14.7%. If the applicable dollar amount was $200 for the prior period, then the adjusted figure would become $225 as the change of $29.40 results in rounding to $25.

[13] The EFA Act's legislative history shows that one intent of the Act was to ''provide a fairer balance between the banks' interest in avoiding fraud and consumers' interests in having speedy access to their funds.'' S. Rep. No. 100–19, at 28 (1987); see also H.R. Rep. No. 100–52, at 14 (1987) (describing the efforts ''to protect depository institutions while furthering the original goals of the legislation to provide shorter time periods for funds availability.'')

[14] Since 1939, no aggregate change in the CPI–W across a five-year period has been negative. However, the proposed rule would also cover this potential scenario.

[15] For example, if the aggregate percentage change in the CPI–W for an inflation measurement period was 4.0% and the applicable dollar amount was $200 from the prior period, then the adjusted figure would remain $200, as the change of $8.00 does not result in rounding to $25. However, if over the next inflation measurement period the aggregate percentage change for the five-year period was again 4.0%, then the adjusted figure would become $225, as the change of $16.32 does result in rounding to $25. The Board and Bureau calculate this adjustment by using the aggregate CPI–W change over two (or more) inflation measurement periods until the cumulative change results in publication of an adjusted dollar amount in the regulation.

[16] As is discussed below, the agencies propose that five years of CPI data be used for all subsequent sets of adjustments.

[17] With respect to subsequent calculations such as the calculations that will be conducted in 2023, the Agencies expect to find that notice and opportunity for public comment for the calculations is impracticable, unnecessary, or contrary to the public interest, because the calculations would be technical and non-discretionary. See 5 U.S.C. 553(b)(B).

amendments to the EFA Act to extend its application to American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam.[18] The effect of these statutory amendments is to subject banks in American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam to the EFA Act's requirements related to funds availability, payment of interest, and disclosures. Banks in those territories would be able to avail themselves of the one-day extension of the availability schedules permitted by the EFA Act and § 229.12(e) of Regulation CC. Accordingly, the Board and the Bureau are proposing to update § 229.2(ff), and (jj) (definitions of ''state,'' and ''United States''), as well as § 229.12(e) and its corresponding commentary, to implement the statutory amendments. Specifically, the Board and the Bureau are proposing to add American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam to the definitions of ''state'' and ''United States'' in § 229.2 (ff) & (jj) of Regulation CC, respectively. The Board and the Bureau are also proposing to remove Guam, American Samoa, and the Northern Mariana Islands from the list of territories in its definition of ''state'' for purposes of subpart D, as those territories are now included in the definition of State for Regulation CC generally. The Board and the Bureau are also proposing to add American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam to the list of States and territories in § 229.12(e), 229.12(e)(1), and its corresponding commentary.

Because American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam are considered to be in the United States under the EGRRCPA amendments, banks located in those territories would be considered ''banks'' under Regulation CC and checks drawn on those banks would meet the Regulation CC definition of ''check.'' Thus, the provisions of subpart C of Regulation CC with respect to check collection and return, including warranties and indemnities, would apply with respect to those banks and the checks deposited in and drawn on them. (The provisions of subpart D of Regulation CC with respect to substitute checks already apply to checks drawn on banks in these territories due to the broader definition of ''State'' in the Check 21 Act.) The Board had promulgated § 229.43 in subpart C to address how Regulation CC applied to checks drawn on banks located in Guam, American Samoa, and the Northern Mariana Islands when those checks are handled by other U.S. banks.[19] As those territories are now covered by the EFA Act, and subpart C of Regulation CC would apply by its terms to checks drawn on banks in those territories, § 229.43 is no longer necessary. Accordingly, the Board is proposing to delete § 229.43 and its corresponding commentary from subpart C of Regulation CC.

The EGRRCPA also amended the EFA Act's definition of ''receiving depository institution'' by adding ''located in the United States'' after ''proprietary ATM.'' [20] Regulation CC uses the term ''depositary bank'' instead of ''receiving depository institution,'' contains a separate definition of ''ATM,'' and establishes rules for determining when deposits at ATMs are received by the depositary bank.[21] To implement the EGRRCPA provision, the Board and the Bureau are proposing to insert ''located in the United States'' in the definition of ''ATM'' in § 229.2(c) and its corresponding commentary.

F. Technical Amendments to the Bureau's Regulation DD

The Bureau is proposing a technical, non-substantive amendment to its Regulation DD, 12 CFR part 1030, to add a new paragraph (e) to § 1030.1 that would cross-reference the Bureau's joint authority with the Board to issue regulations under certain provisions of the EFA Act that are codified within Regulation CC. The Bureau is also proposing related technical, non-substantive amendments to § 1030.7(c), and the commentary thereto, which states that interest shall begin to accrue not later than the business day specified for interest-bearing accounts in the EFA Act and Regulation CC. In addition, the Bureau is proposing to fix technical errors in Appendix A to Regulation DD within the formulas that demonstrate how to calculate annual percentage yield (APY) and annual percentage yield earned (APYE). Specifically, certain terms within the formulas should be shown as exponents but currently are erroneously not shown as exponents. These typographical errors were inadvertently introduced into the APY and APYE formulas in Appendix A when the Bureau issued its restatement of Regulation DD in December 2011.[22] As the preamble to the restated Regulation DD explained, it was intended to substantially duplicate the prior Regulation DD. The Bureau considers these typographical errors in the restated Regulation DD to be scrivener's errors that should be read as exponents. In now proposing to correct these typographical errors, the Bureau intends no change to how institutions should comply with Regulation DD. These technical, non-substantive amendments to Regulation DD would be effective thirty days after publication of a final rule.

G. Bureau's Dodd-Frank Act Section 1022(b)(2)(A) Analysis

1. Overview

Section 1022(b)(2)(A) of the Dodd-Frank Act provides that in prescribing a rule under the Federal consumer financial laws, the Bureau shall consider the potential benefits and costs to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products or services resulting from such rule; the impact on depository institutions and credit unions with $10 billion or less in total assets as described in section 1026 of the Dodd-Frank Act; and the impact on consumers in rural areas.[23]

This analysis focuses on the benefits, costs, and impacts of the 2018 Proposal. The Bureau is using a pre-statutory baseline to assess the impact of the 2018 Proposal. That is, the Bureau's analysis below considers the benefits, costs, and impacts of the relevant provisions of the EGRRCPA combined with the 2018 Proposal relative to the regulatory regime that pre-dates the EGRRCPA.[24]

2. Potential Benefits and Costs to Consumers and Covered Persons

This proposed rule, if implemented, adjusts for inflation the funds that must be available as required by the EFA Act and Regulation CC. Moreover, depository institutions located in American Samoa, the Northern Mariana Islands, and Guam will now be required to comply with the provisions in the EFA Act and subpart B of Regulation CC related to funds availability, payment of interest, and disclosures to their

[18] Public Law 115–174, section 208 (2018).

[19] *See* 62 FR 13808, 13807 (March 24, 1997).

[20] The definition of ''receiving depository institution'' in the EFA Act now reads ''the branch of a depository institution or the proprietary ATM located in the United States in which a check is first deposited.'' 12 U.S.C. 4001(20).

[21] *See* 12 CFR 229.2(o), 229.2(b), and 229.19(a), respectively, and associated commentary.

[22] 76 FR 79276 (Dec. 21, 2011).

[23] 12 U.S.C. 5512(b)(2)(A). Although the manner and extent to which section 1022(b)(2)(A) applies to a rulemaking of this kind is unclear, in order to inform this rulemaking more fully the Bureau performed the described analysis.

[24] The Bureau has discretion in future rulemakings to choose the most appropriate baseline for that particular rulemaking. Also note that the Bureau's analysis excludes the Board's proposed amendments to subpart C of Regulation CC.

customers. The Board and the Bureau are proposing to hold the real expected losses to depository institutions fixed by adjusting for inflation the funds that must be available. Thus, the Bureau does not expect any potential benefits, costs, or impacts to consumers or covered persons as a result of the adjustment methodology, other than the paperwork costs discussed below. The adjustments and methodology in this proposed rule are technical, and they merely apply the statutory method for adjusting amounts that must be available to consumers.

The Bureau estimates that covered persons will face an average paperwork cost of $398.04 every five years to update notices already sent to consumers. The Bureau believes that the average depository institution will use 12 hours of compliance officer time at a mean hourly rate of $33.17.[25]

Additionally, the EGRRCPA made amendments to the EFA Act to extend its application to American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam.[26] The 2018 Proposal implements the EGRRCPA by extending the application of Regulation CC's requirements related to funds availability, payment of interest, and disclosures to institutions in American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam. Consumers of depository institutions in American Samoa, Guam, and the Northern Mariana Islands will generally receive the same benefits of consumers of institutions already complying with subpart B of Regulation CC. This includes policy and other disclosures regarding funds availability and timely access to their funds. Consumers will generally not experience any costs associated with receiving these disclosures.

The Bureau has identified five institutions located in American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam that are newly subject to Regulation CC as a result of the amendments made to the EFA Act by the EGRRCPA, and that will therefore face compliance costs associated with the 2018 Proposal should it be finalized. Although these institutions will incur costs to comply with the requirements of Regulation CC, the Bureau does not have data on the impact of the requirements of the 2018 Proposal on these institutions. The Bureau specifically requests information from commenters on the costs of complying with Regulation CC for institutions in American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam and on those institutions' pre-statutory practices regarding funds availability.

The Bureau requests comment on the analysis above and requests any relevant data.

3. Impact on Depository Institutions With No More Than $10 Billion in Assets

The proposed rule will impact all depository institutions, including those with no more than $10 billion in assets. The Bureau expects that all depository institutions will experience an average cost of $398.04 to update quinquennial notices.

The EGRRCPA amended the EFA Act to extend its application to institutions in American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam. The Bureau identified five institutions that are now required to comply with Regulation CC, and all have no more than $10 billion in assets. The Bureau requests information from commenters on the total cost experienced by these depository institutions to comply with Regulation CC.

4. Impact on Access to Credit

The Bureau does not expect this proposed rule, if implemented, to affect consumers' access to credit. The scope of this rulemaking is limited to funds available in depository accounts and is not directly related to credit access.

5. Impact on Rural Areas

The Bureau does not believe that this proposed rule, if implemented, will have a unique impact on consumers in rural areas.

H. Interagency Consultations

The Board and the Bureau have performed interagency consultations regarding this proposed rule consistent with section 609(e) of the EFA Act and section 1022(b)(2)(B) of the Dodd-Frank Act. Section 609(e) of the EFA Act provides that in prescribing regulations under section 609(a), the Board and the Director of the Bureau shall consult with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board.[27] Section 1022(b)(2)(B) of the Dodd-Frank Act provides that in prescribing a rule under the Federal consumer financial laws, the Bureau shall consult with the appropriate prudential regulators or other Federal agencies prior to proposing a rule and during the comment process regarding consistency with prudential, market, or systemic objectives administered by such agencies.[28]

I. Regulatory Flexibility Act

Board: The Regulatory Flexibility Act (RFA) requires an agency to publish an initial regulatory flexibility analysis with a proposed rule or certify that the proposed rule will not have a significant economic impact on a substantial number of small entities. Based on its analysis, and for the reasons stated below, the Board believes that the proposed rule will not have a significant economic impact on a substantial number of small entities. Nevertheless, the Board is publishing an initial regulatory flexibility analysis and requests comment on all aspects of its analysis. The Board will, if necessary, conduct a final regulatory flexibility analysis after considering the comments received during the public comment period.

1. *Statement of the need for, and objectives of, the proposed rule.* The proposed rule would memorialize the calculation method used to adjust the EFA Act dollar amounts every five years in accordance with section 607(f) of the EFA Act, as amended by section 1086(f) of the Dodd-Frank Act. The proposed rule would also implement statutory amendments to the EFA Act to extend its application to American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam.

2. *Small entities affected by the proposed rule.* The proposed rule would apply to all depository institutions regardless of their size. Pursuant to regulations issued by the Small Business Administration (13 CFR 121.201), a ''small banking organization'' includes a depository institution with $550 million or less in total assets. Based on call report data, there are approximately 9,631 depository institutions that have total domestic assets of $550 million or less and thus are considered small entities for purposes of the RFA. All institutions will be required to update existing disclosures to their customers with any adjustments in the dollar amounts and update their software to adjust the availability amounts where necessary. The Board does not believe the proposed rule will have a significant

[25] Bureau of Labor Statistics, *National Occupational Employment and Wage Estimates* (May 2016), *available at https://www.bls.gov/oes/current/oes_nat.htm.*

[26] Public Law 115–174, section 208 (2018).

[27] 12 U.S.C. 4008(a).

[28] 12 U.S.C. 5512(b)(2)(B). Although the manner and extent to which section 1022(b)(2)(B) applies to a rulemaking of this kind is unclear, in order to inform this rulemaking more fully the Bureau performed the described consultations.

economic impact on the entities that it affects. Nevertheless, the Board invites comment on the effect of the proposed rule on small entities. Specifically, the extent of impact on small entities may depend on the contents of the institution's funds availability policy and the frequency of the institution's regularly scheduled re-prints of its availability policy disclosures. Small depository institutions that already make funds available the next day and do not utilize the exceptions for new accounts, large deposits, or repeated overdrafts may be less affected by the proposed rule. The economic impact on small entities from the proposed rule may include technology, labor, and other associated costs incurred to update their disclosures with the adjusted dollar amounts, if those cannot be accomplished within the institution's regular cycle. Moreover, depository institutions located in American Samoa, the Northern Mariana Islands, and Guam will now be required to comply with the provisions in the EFA Act and Regulation CC related to funds availability, payment of interest, and disclosures to their customers.

3. *Recordkeeping, reporting, and compliance requirements.* The proposed rule would require institutions to update their existing EFA Act disclosures to their customers with the adjusted dollar amount as well as update software that determines availability, as applicable. No other additional recordkeeping, reporting, or compliance requirements would be required by the proposed rule.

4. *Other Federal rules.* The Board has not identified any likely duplication, overlap and/or potential conflict between the proposed rule and any Federal rule.

5. *Significant alternatives to the proposed revisions.* The Board solicits comment on any significant alternatives that would reduce the regulatory burden of this proposed rule on small entities.

Bureau: The Regulatory Flexibility Act (RFA) generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements.[29] These analyses must ''describe the impact of the proposed rule on small entities.'' [30] Neither an IRFA nor FRFA is required if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.[31] The Bureau also is subject to certain additional procedures under the RFA involving the convening of a panel to consult with small business representatives prior to proposing a rule for which an IRFA is required.

An IRFA is not required for this proposal because, if adopted, it would not have a significant economic impact on a substantial number of small entities. As discussed in the Bureau's section 1022(b)(2) Analysis above, the Bureau believes the proposed rule's inflation adjustments hold real expected losses fixed by adjusting for inflation the amount of funds that must be made available for withdrawal in accordance with the EFA Act and Regulation CC. Accordingly, these adjustments for inflation do not introduce costs for entities, including small entities. In addition, the proposed rule would implement in Regulation CC the EGRRCPA extension of the EFA Act's requirements to institutions in American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam. The Bureau identified five institutions that will be required to comply with Regulation CC due to the EGRRCPA amendments to the EFA Act. Thus, the Bureau concludes that a substantial number of small entities is not impacted by the proposal to implement in Regulation CC the EGRRCPA amendments to the EFA Act.

The Bureau recognizes that the proposed rule will have some impact on some entities, including those that are small. The Small Business Administration (SBA) defines small depository institutions as those with less than $550 million in assets.[32] Following guidance from the Small Business Administration, the Bureau averaged the total assets reported in quarterly call reports during quarters 1 through 4 of 2017. The Bureau identified 9,631 entities that had average total assets less than $550 million. These are considered small for the purposes of the RFA. Using the methodology outlined in the Board's Paperwork Reduction Act analysis, the Bureau estimates that the quinquennial adjustments will have an average quinquennial cost of $398.04 for depository institutions. The Bureau estimates that about 1% of small entities face a significant economic impact from the quinquennial proposed information collection.

In addition, the Bureau estimates the impact of all subpart B provisions for those covered persons required to comply with subpart B of Regulation CC as a result of the amendments the EGRRCPA made to the EFA Act. The EGRRCPA amended the EFA Act to extend its application to institutions in American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam. The Bureau identified five institutions that will be required to comply with Regulation CC due to the EGRRCPA amendments to the EFA Act. Thus, the Bureau concludes that a substantial number of small entities is not impacted by the proposal to implement the EGRRCPA amendments to the EFA Act in Regulation CC.

Accordingly, the Bureau Director, by signing below, certifies that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

The Bureau requests comment on the analysis above and requests any relevant data.

J. Paperwork Reduction Act

Board: Certain provisions of the proposed rule contain ''collection of information'' requirements within the meaning of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521). In accordance with the requirements of the PRA, the Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently-valid Office of Management and Budget (OMB) control number. The OMB control number for the Board is 7100–0235 and will be extended, with revision. The Board reviewed the proposed rule under the authority delegated to the Board by OMB. Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the Board's functions, including whether the information has practical utility; (b) The accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; (d) Ways to

[29] 5 U.S.C. 601 *et seq.*

[30] Id. at 603(a). For purposes of assessing the impacts of the proposed rule on small entities, ''small entities'' is defined in the RFA to include small businesses, small not-for-profit organizations, and small government jurisdictions. Id. at 601(6). A ''small business'' is determined by application of Small Business Administration regulations and reference to the North American Industry Classification System (NAICS) classifications and size standards. Id. at 601(3). A ''small organization'' is any ''not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Id. at 601(4). A ''small governmental jurisdiction'' is the government of a city, county, town, township, village, school district, or special district with a population of less than 50,000. Id. at 601(5).

[31] Id. at 605(b).

[32] Small Business Administration, *Table of Small Business Standards* (2016), *available at https://www.sba.gov/contracting/getting-started-contractor/make-sure-you-meet-sba-size-standards/table-small-business-size-standards.*

minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. All comments will become a matter of public record. Comments on aspects of this notice that may affect reporting, recordkeeping, or disclosure requirements and burden estimates should be sent to the addresses listed in the **ADDRESSES** section of this document. A copy of the comments may also be submitted to the OMB desk officer for the Board by mail to U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503; by facsimile to (202) 395–5806; or by email to: *oira_submission@omb.eop.gov,* Attention, Federal Banking Agency Desk Officer.

Proposed Information Collection

Title of Information Collection: Disclosure Requirements Associated with Availability of Funds and Collection of Checks (Regulation CC).

Frequency of Response: Quinquennial.

Affected Public: Businesses or other for-profit.

Respondents: State member banks and uninsured state branches and agencies of foreign banks.

Abstract: Regulation CC (12 CFR part 229) implements the Expedited Funds Availability Act of 1987 (EFA Act) and the Check Clearing for the 21st Century Act of 2003 (Check 21 Act).

The EFA Act was enacted to provide depositors of checks with prompt funds availability and to foster improvements in the check collection and return processes. Subpart B of Regulation CC implements the EFA Act's funds-availability provisions and specifies availability schedules within which banks must make funds available for withdrawal. Subpart B also implements the EFA Act's rules regarding exceptions to the schedules, disclosure of funds-availability policies, and payment of interest.

Current Action: The Agencies are adding section 229.11 to provide the CPI–W calculation methodology, which includes an explanation of how annual and cumulative changes (positive or negative) in the CPI–W will be taken into account, for the dollar amounts in section 229.10(c)(1)(vii) regarding the minimum amount, section 229.12(d) for the cash withdrawal amount, section 229.13(a) for the new-account amount, section 229.13(b) for the large-deposit threshold, section 229.13(d) for repeatedly overdrawn threshold, and section 229.21(a) for the civil liability amounts.

PRA Burden Estimates

Number of respondents: 959 respondents (100 respondents for changes in policy).

Estimated average hours per response: Specific availability policy disclosure and initial disclosures, .02 hours; Notice in specific policy disclosure, .05 hours; Notice of exceptions, .05 hours; Locations where employees accept consumer deposits, .25 hours; Quinquennial inflation adjustments for disclosures (annualized), 8 hours; Annual notice of new ATMs, 5 hours; Changes in policy, 20 hours; Notification of quinquennial inflation adjustments, 4 hours; Notice of nonpayment on paying bank, .02 hours; Notification to customer, .02 hours; Expedited recredit for consumers, .25 hours; Expedited recredit for banks, .25 hours; Consumer awareness, .02 hours; and Expedited recredit claim notice, .25 hours.

Estimated annual burden hours: Specific availability policy disclosure and initial disclosures, 9,590 hours; Notice in specific policy disclosure, 33,565 hours; Notice of exceptions, 95,900 hours; Locations where employees accept consumer deposits, 240 hours; Quinquennial inflation adjustments for disclosures (annualized), 7,672 hours; Annual notice of new ATMs, 4,795 hours; Changes in policy, 4,000 hours; Notification of quinquennial inflation adjustments, 3,836 hours; Notice of nonpayment on paying bank, 671 hours; Notification to customer, 7,097 hours; Expedited recredit for consumers, 8,391 hours; Expedited recredit for banks, 3,596 hours; Consumer awareness, 5,754 hours; and Expedited recredit claim notice, 5,994 hours.

Current Total Estimated Annual Burden: 179,593 hours.

Proposed Total Estimated Annual Burden: 191,101 hours.

Bureau: The Bureau is not seeking OMB approval for the information collection requirements already accounted for by the Board above, or for which other agencies are responsible. Moreover, the Bureau's technical, non-substantive amendments to Regulation DD do not impose any new or additional information collection requirements that would require OMB approval.

K. Solicitation of Comments on Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act (Pub. L. 106–102, 113 Stat. 1338, 1471, 12 U.S.C. 4809) requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The Board has sought to present the proposed rule in a simple and straightforward manner, and invites comment on the use of plain language and whether any part of the proposed rule could be more clearly stated.

II. Reopening of the Comment Period for the 2011 Funds Availability Proposal

On March 25, 2011, the Board proposed amendments to Regulation CC (76 FR 16862). Pursuant to sections 1086 and 1100H of the Dodd-Frank Act, effective July 21, 2011, the Board and the Bureau assumed joint rulemaking authority with respect to some of those proposed amendments, including the proposed amendments to the funds availability provisions of subpart B of Regulation CC and the definitions and appendices applicable to subpart B.[33] This **Federal Register** document refers to the portion of the proposed amendments published on March 25, 2011, that are now subject to the joint rulemaking authority of the Board and the Bureau as the 2011 Funds Availability Proposal. The Board has conducted a separate rulemaking process to address other proposed amendments published on that date that remain within its sole rulemaking authority, principally the proposed amendments to the check collection provisions of subpart C of Regulation CC.[34]

The Agencies recognize there may have been important changes in markets, technology, or industry practice since the public submitted comments seven years ago in response to the Board's 2011 Funds Availability Proposal. The Board and the Bureau therefore are now reopening the comment period in order to provide an opportunity for the public to provide comments with new, additional, or different views on the 2011 Funds Availability Proposal. In taking this step, the Agencies have not made any decision on whether to pursue any particular course with regard to the 2011 Funds Availability Proposal, including whether to make it or any aspects of it final. Instead, reopening the comment period will provide the Agencies with up-to-date public input to consider in deciding on a future

[33] Public Law 111–203, 124 Stat. 2085–86, 2113 (2010); 75 FR 57252 (Sep. 20, 2010).

[34] The Board requested comment a second time on the subpart C amendments (79 FR 6673 (Feb. 4, 2014)) and adopted final amendments in June 2017 (82 FR 27552 (June 15, 2017)). The Board also requested comment on additional amendments to subpart C in June 2017 (82 FR 25539 (June 2, 2017)).

course with regard to the 2011 Funds Availability Proposal. Comments on the 2011 Funds Availability Proposal that were previously submitted during the initial comment period, which ended on June 3, 2011, remain part of the rulemaking docket. To assist with reconciling comments from parties who submitted comments in 2011 and who again submit comments in 2018 that reflect changes to their previous viewpoints, the Agencies request that such commenters clarify the relationship between their two comments. Specifically, the Agencies request that the commenters clarify whether their 2018 comments in part or in whole supersede their previously submitted comments.

The Board and the Bureau are aware of various issues that were not raised by the 2011 Funds Availability Proposal. For example, some members of the public have suggested that the Agencies clarify how the funds availability provisions in subpart B of Regulation CC apply to prepaid accounts and to checks deposited electronically through a process known as ''remote deposit capture.'' In addition, the Agencies have received requests to clarify the relationship between Regulation CC availability requirements and banks' responsibilities related to deposit reconciliation. At this time, the Agencies are requesting comment only on the issues raised by the 2011 Funds Availability Proposal and the 2018 Proposal. The Agencies will consider whether further action is appropriate with respect to new topics in the future.

List of Subjects

12 CFR Part 229

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

12 CFR Part 1030

Advertising, Banks, Banking, Consumer protection, National banks, Reporting and recordkeeping requirements, Savings associations.

Board of Governors of the Federal Reserve System

Authority and Issuance

For the reasons set forth in the preamble, the Board of Governors of the Federal Reserve System proposes to amend Regulation CC, 12 CFR part 229, as set forth below:

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

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

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

Subpart A—General

* * * * *

■ 2. Section 229.1 paragraph (a) is revised to read as follows:

§ 229.1 Authority and purpose; organization

(a) *Authority and purpose.* (1) *In general.* This part is issued by the Board of Governors of the Federal Reserve System (Board) to implement the Expedited Funds Availability Act (12 U.S.C. 4001–4010) (EFA Act) and the Check Clearing for the 21st Century Act (12 U.S.C. 5001–5018) (Check 21 Act).

(2) *Joint authority of the Bureau.* The Board issues regulations under Sections 603(d)(1), 604, 605, and 609(a) of the EFA Act (12 U.S.C. 4002(d)(1), 4003, 4004, 4008(a)) jointly with the Director of the Bureau of Consumer Financial Protection (Bureau).

* * * * *

■ 3. In § 229.2, revise paragraphs (c), (ff), and (jj) to read as follows:

§ 229.2 Definitions

* * * * *

(c) *Automated teller machine* or *ATM* means an electronic device located in the United States at which a natural person may make deposits to an account by cash or check and perform other account transactions.

* * * * *

(ff) *State* means a state, the District of Columbia, Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the U.S. Virgin Islands. For purposes of subpart D of this part and, in connection therewith, this subpart A, *state* also means the Trust Territory of the Pacific Islands and any other territory of the United States.

* * * * *

(jj) *United States* means the states, including the District of Columbia, the U.S. Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and Puerto Rico.

* * * * *

Subpart B—Availability of Funds and Disclosure of Funds Availability Policies

§§ 229.10, 229.12, 229.13, and 229.21 [Amended]

■ 4. In § 229.10, 229.12, 229.13, remove the following dollar amount ''$100'' wherever it appears and replace with the following dollar amount ''$225.''

■ 5. In Appendix E to Part 229, remove the following dollar amounts wherever they appear in the appendix, and replace them as indicated in the table below:

Section	Remove	Add
229.10(d)	$5,000	$5,525
229.12(d)	400	450
229.13(a)	5,000	5,525
229.13(b)	5,000	5,525
229.13(d)	5,000	5,525
229.21(a)	1,000	1,100
	500,000	552,500

* * * * *

■ 6. Section 229.11 is added to read as follows:

§ 229.11 Adjustment of dollar amounts

(a) *Dollar amounts indexed.* The dollar amounts specified in §§ 229.10(c)(1)(vii), 229.12(d), 229.13(a), 229.13(b), 229. 13(d), and 229.21(a) shall be adjusted effective on April 1, 2020, on April 1, 2025, and on April 1 of every fifth year after 2025, in accordance with the procedure set forth in § 229.11(b) using the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W), as published by the Bureau of Labor Statistics.

(b) *Indexing procedure.*

1. Inflation measurement periods. For dollar amount adjustments that are effective on April 1, 2020, the inflation measurement period begins in July 2011 and ends in July 2018. For dollar amount adjustments that are effective on April 1, 2025, the inflation measurement period begins in July 2018 and ends in July 2023. For dollar amount adjustments that are effective on April 1 of every fifth year after 2025, the

inflation measurement period begins in July of every fifth year after 2018 and ends in July of every fifth year after 2023.

2. Percentage change. Any dollar amount adjustment under this section shall be calculated across an inflation measurement period by the aggregate percentage change in the CPI–W, including both positive and negative percentage changes. The aggregate percentage change over the inflation measurement period will be rounded to one decimal place, using the CPI–W value for July (which is generally released by the Bureau of Labor Statistics in August).

3. Adjustment amount. The adjustment amount for each dollar amount listed in § 229.11(a) shall be equal to the aggregate percentage change multiplied by the existing dollar amount listed in § 229.11(c) and rounded to the nearest multiple of $25. The adjusted dollar amount will be equal to the sum of the existing dollar amount and the adjustment amount. No dollar adjustment will be made when the aggregate percentage change is zero or a negative percentage change, or when the aggregate percentage change multiplied by the existing dollar amount listed in § 229.11(c) and rounded to the nearest multiple of $25 results in no change.

4. Carry-forward. When there is an aggregate negative percentage change over an inflation measurement period, or when an aggregate positive percentage change over an inflation measurement period multiplied by the existing dollar amount listed in § 229.11(c) and rounded to the nearest multiple of $25 results in no change, the aggregate percentage change over the inflation measurement period will be included in the calculation to determine the percentage change at the end of the subsequent inflation measurement period. That is, the cumulative change in the CPI–W over the two (or more) inflation measurement periods will be used in the calculation until the cumulative change results in publication of an adjusted dollar amount in the regulation.

(c) *Amounts.*

1. For purposes of § 229.10(c)(1)(vii), the dollar amount in effect during a particular period is the amount stated below for that period.

i. Prior to July 21, 2011, the amount is $100.

ii. From July 21, 2011, through March 31, 2020, by operation of section 603(a)(2)(D) of the EFA Act (12 U.S.C. 4002(a)(2)(D)) the amount is $200.

iii. Effective April 1, 2020, the amount is $225.

2. For purposes of § 229.12(d), the dollar amount in effect during a particular period is the amount stated below for that period.

i. Prior to April 1, 2020, the amount is $400.

ii. Effective April 1, 2020, the amount is $450.

3. For purposes of §§ 229.13(a), 229.13(b), and 229.13(d), the dollar amount in effect during a particular period is the amount stated below for that period.

i. Prior to April 1, 2020, the amount is $5,000.

ii. Effective April 1, 2020, the amount is $5,525.

4. For purposes of § 229.21(a), the dollar amounts in effect during a particular period are the amounts stated below for the period.

i. Prior to April 1, 2020, the amounts are $100, $1,000, and $500,000 respectively.

ii. Effective April 1, 2020, the amounts are $100, $1,100, and $552,500 respectively.

■ 7. Amend § 229.12 by:

■ a. Removing the following dollar amount ''$100'' wherever it appears and replace with the following dollar amount ''$225'' and

■ b. Revising paragraphs (e) and (e)(1) to read as follows:

§ 229.12 Availability Schedule

* * * * *

(e) *Extension of schedule for certain deposits in Alaska, Hawaii, Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands.* The depositary bank may extend the time periods set forth in this section by one business day in the case of any deposit, other than a deposit described in § 229.10, that is—

(1) Deposited in an account at a branch of a depositary bank if the branch is located in Alaska, Hawaii, Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the U.S. Virgin Islands; and

* * * * *

§ 229.21 Civil Liability [Amended]

■ 8. In § 229.21, remove the following dollar amount '' $100'' wherever it appears and replace with the following dollar amount ''$225.''

Appendix E to Part 229—Commentary

* * * * *

■ 9. Amend Appendix E to Part 229 to read as follows:

■ A. In Section II.D, revise paragraph 1.

■ B. In Section IV.D, revise paragraph 5 and add paragraph 7.

■ C. Section V is revised.

■ D. In Section VI.B, paragraph 4 is added.

■ E In Section VI.E paragraphs 1 and 2 are revised.

■ F. Section VII.C, paragraph 2 is revised and paragraph 4 is added.

■ G. In Section VII.E, paragraph 5 is added.

■ H. In Section VII.H, paragraph 2(b) is revised.

■ I. In Section XIV.C, paragraph 2 is revised.

■ J. In Section XV.A, paragraph 2 is added.

■ K. Section XXIX is removed and reserved.

The additions and revisions read as follows:

Appendix E to Part 229—Commentary

II. Section 229.2 Definitions

* * * * *

D. 229.2(c) Automated Teller Machine (ATM)

1. ATM is not defined in the EFA Act. The regulation defines an ATM as an electronic device located in the United States at which a natural person may make deposits to an account by cash or check and perform other account transactions. Point-of-sale terminals, machines that only dispense cash, night depositories, and lobby deposit boxes are not ATMs within the meaning of the definition, either because they do not accept deposits of cash or checks (*e.g.,* point-of-sale terminals and cash dispensers) or because they only accept deposits (*e.g.,* night depositories and lobby boxes) and cannot perform other transactions. A lobby deposit box or similar receptacle in which written payment orders or deposits may be placed is not an ATM.

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IV. Section 229.10 Next-Day Availability

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D. 229.10(c) Certain Check Deposits [Amended]

* * * * *

5. First $225

a. The EFA Act and regulation also require that up to $225 of the aggregate deposit by check or checks not subject to next-day availability on any one banking day be made available on the next business day. For example, if $70 were deposited in an account by check(s) on a Monday, the entire $70 must be available for withdrawal at the start of business on Tuesday. If $400 were deposited by check(s) on a Monday, this section requires that $225 of the funds be available for withdrawal at the start of business on Tuesday. The portion of the customer's deposit to which the $225 must be applied is at the discretion of the depositary bank, as long as it is not applied to any checks subject to next-day availability. The $225 next-day availability rule does not apply to deposits at nonproprietary ATMs.

b. The $225 that must be made available under this rule is in addition to the amount that must be made available for withdrawal

on the business day after deposit under other provisions of this section. For example, if a customer deposits a $1,000 Treasury check and a $1,000 local check in its account on Monday, $1,225 must be made available for withdrawal on Tuesday—the proceeds of the $1,000 Treasury check, as well as the first $225 of the local check.

c. A depositary bank may aggregate all local and nonlocal check deposits made by a customer on a given banking day for the purposes of the $225 next-day availability rule. Thus, if a customer has two accounts at the depositary bank, and on a particular banking day makes deposits to each account, $225 of the total deposited to the two accounts must be made available on the business day after deposit. Banks may aggregate deposits to individual and joint accounts for the purposes of this provision.

d. If the customer deposits a $500 local check and gets $225 cash back at the time of deposit, the bank need not make an additional $225 available for withdrawal on the following day. Similarly, if the customer depositing the local check has a negative book balance, or negative available balance in its account at the time of deposit, the $225 that must be available on the next business day may be made available by applying the $225 to the negative balance, rather than making the $225 available for withdrawal by cash or check on the following day.

* * * * *

7. Dollar Amount Adjustment—See section 229.11 for the rules regarding adjustments for inflation every five years to the dollar amounts used in this section.

* * * * *

V. Section 229.11 Adjustment of Dollar Amounts

1. Example of a positive adjustment. If the CPI–W for July (and released in August) of the base year and the adjustment year were 100 and 114.7, respectively, the aggregate percentage change for the period would be 14.7%. If the applicable dollar amount was $200 for the prior period, then the adjusted figure would become $225, as the change of $29.40 results in rounding to $25.

2. Example of no adjustment. If the CPI–W for July (and released in August) of the base year and the adjustment year were 100 and 104, respectively, the aggregate percentage change would be 4.0%. If the applicable dollar amount was $200 for the prior period, then the adjusted figure would remain $200, as the change of $8.00 does not result in rounding to $25.

3. Example of accounting for aggregate decrease in subsequent period. If the CPI–W for July (and released in August) of the base year and the adjustment year were 100 and 95, respectively, the aggregate percentage change would be −5%, and no adjustment to the dollar amounts would occur. The CPI–W for July (and released in August) of the base year would be the starting point for calculating any CPI–W increase across subsequent five-year periods. Therefore, if the CPI–W in July (and released in August) of the base year and the CPI–W in July (and released in August) of the years at the end of the next two five-year periods were 100, 95, and 109, respectively, the aggregate percentage change for the entire period would be 9.0%. If the applicable dollar amount was $5,000 for the prior period, then the adjusted figure would become $5,450 as the change of $450 does not require rounding because it is a multiple of $25.

4. Example of accounting for aggregate lack of dollar amount change in subsequent period. If the CPI–W for July (and released in August) of the base year and the year at the end of the subsequent five-year period were 100 and 105, respectively, the aggregate change over the five-year period would be 5%, and no adjustment to the $200 amount would occur, as the change of $10 does not result in rounding to $225. Nonetheless, the CPI–W for July (and released in August) of the base year would be the starting point for calculating any CPI–W percentage increase across the subsequent five-year period. Therefore, if the CPI–W in July (and released in August) of the base year and the CPI–W in July (and released in August) of the years at the end of the next two five-year periods were 100, 105, and 112.6, respectively, the aggregate percentage change for the entire period would be 12.6%. If the applicable dollar amount was $200 for the prior period, then the adjusted figure would become $225 as the change of $25.20 results in rounding to $225, the nearest multiple of $25.

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VI. Section 229.12 Availability Schedule

A. 229.12(a) Effective Date

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B. 229.12(d) Time Period Adjustment for Withdrawal by Cash or Similar Means

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4. Dollar Amount Adjustment—See section 229.11 for the rules regarding adjustments for inflation every five years to the dollar amounts in this section.

* * * * *

E. 229.12(e) Extension of Schedule for Certain Deposits in Alaska, Hawaii, Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands

1. The EFA Act and regulation provide an extension of the availability schedules for check deposits at a branch of a bank if the branch is located in Alaska, Hawaii, Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the U.S. Virgin Islands.

The schedules for local checks, nonlocal checks (including nonlocal checks subject to the reduced schedules of appendix B), and deposits at nonproprietary ATMs are extended by one business day for checks deposited to accounts in banks located in these jurisdictions that are drawn on or payable at or through a paying bank not located in the same jurisdiction as the depositary bank. For example, a check deposited in a bank in Hawaii and drawn on a San Francisco paying bank must be made available for withdrawal not later than the third business day following deposit. This extension does not apply to deposits that must be made available for withdrawal on the next business day.

2. The Congress did not provide this extension of the schedules to checks drawn on a paying bank located in Alaska, Hawaii, Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the U.S. Virgin Islands and deposited in an account at a depositary bank in the 48 contiguous states. Therefore, a check deposited in a San Francisco bank drawn on a Hawaii paying bank must be made available for withdrawal not later than the second rather than the third business day following deposit.

VII. Section 229.13 Exceptions

B. 229.13(a) New Accounts

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4. Dollar Amount Adjustment—See section 229.11 for the rules regarding adjustments for inflation every five years to the dollar amounts in this section.

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C. 229.13(b) Large Deposits

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2. The following example illustrates the operation of the large-deposit exception. If a customer deposits $2,000 in cash and a $9,000 local check on a Monday, $2,225 (the proceeds of the cash deposit and $225 from the local-check deposit) must be made available for withdrawal on Tuesday. An additional $5,300 of the proceeds of the local check must be available for withdrawal on Wednesday in accordance with the local schedule, and the remaining $3,475 may be held for an additional period of time under the large-deposit exception.

* * * * *

4. Dollar Amount Adjustment—See section 229.11 for the rules regarding adjustments for inflation every five years to the dollar amounts in this section.

* * * * *

E. 229.13(d) Repeated Overdrafts

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5. Dollar Amount Adjustment—See section 229.11 for the calculation method used to adjust the dollar amounts in this section every five years.

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H. 229.13(g) Notice of Exception

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2. One-Time Exception Notice

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b. In the case of a deposit of multiple checks, the depositary bank has the discretion to place an exception hold on any combination of checks in excess of $5,525. The notice should enable a customer to determine the availability of the deposit in the case of a deposit of multiple checks. For example, if a customer deposits a $5,525 local check and a $5,525 nonlocal check, under the large-deposit exception, the depositary bank may make funds available in the amount of (1) $225 on the first business day after deposit, $5,300 on the second business day after deposit (local check), and $5,525 on the eleventh business day after deposit (nonlocal check with six-day exception hold), or (2) $225 on the first

business day after deposit, $5,300 on the fifth business day after deposit (nonlocal check), and $5,525 on the seventh business day after deposit (local check with five-day exception hold). The notice should reflect the bank's priorities in placing exception holds on next-day (or second-day), local, and nonlocal checks.

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XIV. Section 229.20 Relation to State Law

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C. 229.20(c) Standards for Preemption

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2. Under a state law, some categories of deposits could be available for withdrawal sooner or later than the time required by this subpart, depending on the composition of the deposit. For example, the EFA Act and this regulation (§ 229.10(c)(1)(vii)) require next-day availability for the first $225 of the aggregate deposit of local or nonlocal checks on any day, and a state law could require next-day availability for any check of $200 or less that is deposited. Under the EFA Act and this regulation, if either one $300 check or three $100 checks are deposited on a given day, $225 must be made available for withdrawal on the next business day, and $75 must be made available in accordance with the local or nonlocal schedule. Under the state law, however, the two deposits would be subject to different availability rules. In the first case, none of the proceeds of the deposit would be subject to next-day availability; in the second case, the entire proceeds of the deposit would be subject to next-day availability. In this example, because the state law would, in some situations, permit a hold longer than the maximum permitted by the EFA Act, this provision of state law is inconsistent and preempted in its entirety.

* * * * *

XV. Section 229.21 Civil Liability

A. 229.21(a) Civil Liability

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2. Dollar Amount Adjustment—See section 229.11 for the rules regarding adjustments for inflation every five years to the dollar amounts in this section.

* * * * *

XXIX. Section 229.43 Checks Payable in Guam, American Samoa, and the Northern Mariana Islands [Removed and Reserved]

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Bureau of Consumer Financial Protection

Authority and Issuance

For the reasons set forth in the preamble, the Bureau of Consumer Financial Protection proposes to amend Regulation DD, 12 CFR part 1030, as follows:

PART 1030—TRUTH IN SAVINGS (REGULATION DD)

■ 10. The authority citation for part 1030 continues to read as follows:

Authority: 12 U.S.C. 4302–4304, 4308, 5512, 5581.

■ 11. Section 1030.1 is amended by adding paragraph (e) to read as follows:

§ 1030.1 Authority, purpose, coverage, and effect on state laws.

* * * * *

(e) *Relationship to Regulation CC.* The Director of the Bureau and the Board of Governors of the Federal Reserve System jointly issue regulations under sections 603(d)(1), 604, 605, and 609(a) of the Expedited Funds Availability Act (12 U.S.C. 4002(d)(1), 4003, 4004, 4008(a)) that are codified within Regulation CC (12 CFR part 229).

■ 12. Section 1030.7 is amended by revising paragraph (c) to read as follows:

§ 1030.7 Payment of interest.

* * * * *

(c) *Date interest begins to accrue.* Interest shall begin to accrue not later than the business day specified for interest-bearing accounts in section 606 of the Expedited Funds Availability Act (12 U.S.C. 4005) and in § 229.14 of that act's implementing Regulation CC (12 CFR part 229). Interest shall accrue until the day funds are withdrawn.

■ 13. Appendix A to part 1030 is revised to read as follows:

Appendix A to Part 1030—Annual Percentage Yield Calculation

The annual percentage yield measures the total amount of interest paid on an account based on the interest rate and the frequency of compounding. The annual percentage yield reflects only interest and does not include the value of any bonus (or other consideration worth $10 or less) that may be provided to the consumer to open, maintain, increase or renew an account. Interest or other earnings are not to be included in the annual percentage yield if such amounts are determined by circumstances that may or may not occur in the future. The annual percentage yield is expressed as an annualized rate, based on a 365-day year. Institutions may calculate the annual percentage yield based on a 365-day or a 366-day year in a leap year. Part I of this appendix discusses the annual percentage yield calculations for account disclosures and advertisements, while Part II discusses annual percentage yield earned calculations for periodic statements.

Part I. Annual Percentage Yield for Account Disclosures and Advertising Purposes

In general, the annual percentage yield for account disclosures under §§ 1030.4 and 1030.5 and for advertising under § 1030.8 is an annualized rate that reflects the relationship between the amount of interest that would be earned by the consumer for the term of the account and the amount of principal used to calculate that interest. Special rules apply to accounts with tiered and stepped interest rates, and to certain time accounts with a stated maturity greater than one year.

A. General Rules

Except as provided in Part I.E. of this appendix, the annual percentage yield shall be calculated by the formula shown below. Institutions shall calculate the annual percentage yield based on the actual number of days in the term of the account. For accounts without a stated maturity date (such as a typical savings or transaction account), the calculation shall be based on an assumed term of 365 days. In determining the total interest figure to be used in the formula, institutions shall assume that all principal and interest remain on deposit for the entire term and that no other transactions (deposits or withdrawals) occur during the term. This assumption shall not be used if an institution requires, as a condition of the account, that consumers withdraw interest during the term. In such a case, the interest (and annual percentage yield calculation) shall reflect that requirement. For time accounts that are offered in multiples of months, institutions may base the number of days on either the actual number of days during the applicable period, or the number of days that would occur for any actual sequence of that many calendar months. If institutions choose to use the latter rule, they must use the same number of days to calculate the dollar amount of interest earned on the account that is used in the annual percentage yield formula (where ''Interest'' is divided by ''Principal'').

The annual percentage yield is calculated by use of the following general formula (''APY'' is used for convenience in the formulas):

$$APY=100\ [(1+Interest/Principal)^{(365/Days\ in\ term)}-1],$$

''Principal'' is the amount of funds assumed to have been deposited at the beginning of the account.

''Interest'' is the total dollar amount of interest earned on the Principal for the term of the account.

''Days in term'' is the actual number of days in the term of the account. When the ''days in term'' is 365 (that is, where the stated maturity is 365 days or where the account does not have a stated maturity), the annual percentage yield can be calculated by use of the following simple formula:

$$APY=100\ (Interest/Principal)$$

Examples

(1) If an institution pays $61.68 in interest for a 365-day year on $1,000 deposited into a NOW account, using the general formula above, the annual percentage yield is 6.17%:

$$APY=100[(1+61.68/1,000)^{(365/365)}-1]$$

APY=6.17%

Or, using the simple formula above (since, as an account without a stated term, the term is deemed to be 365 days):

APY=100(61.68/1,000)

APY=6.17%

(2) If an institution pays $30.37 in interest on a $1,000 six-month certificate of deposit (where the six-month period used by the institution contains 182 days), using the general formula above, the annual percentage yield is 6.18%:

$$APY=100[(1+30.37/1,000)^{(365/182)}-1]$$

APY=6.18%

B. Stepped-Rate Accounts (Different Rates Apply in Succeeding Periods)

For accounts with two or more interest rates applied in succeeding periods (where the rates are known at the time the account is opened), an institution shall assume each interest rate is in effect for the length of time provided for in the deposit contract.

Examples

(1) If an institution offers a $1,000 6-month certificate of deposit on which it pays a 5% interest rate, compounded daily, for the first three months (which contain 91 days), and a 5.5% interest rate, compounded daily, for the next three months (which contain 92 days), the total interest for six months is $26.68 and, using the general formula above, the annual percentage yield is 5.39%:

$APY=100[(1+26.68/1,000)^{(365/183)}-1]$

APY=5.39%

(2) If an institution offers a $1,000 two-year certificate of deposit on which it pays a 6% interest rate, compounded daily, for the first year, and a 6.5% interest rate, compounded daily, for the next year, the total interest for two years is $133.13, and, using the general formula above, the annual percentage yield is 6.45%:

$APY=100[(1+133.13/1,000)^{(365/730)}-1]$

APY=6.45%

C. Variable-Rate Accounts

For variable-rate accounts without an introductory premium or discounted rate, an institution must base the calculation only on the initial interest rate in effect when the account is opened (or advertised), and assume that this rate will not change during the year.

Variable-rate accounts with an introductory premium (or discount) rate must be calculated like a stepped-rate account. Thus, an institution shall assume that: (1) The introductory interest rate is in effect for the length of time provided for in the deposit contract; and (2) the variable interest rate that would have been in effect when the account is opened or advertised (but for the introductory rate) is in effect for the remainder of the year. If the variable rate is tied to an index, the index-based rate in effect at the time of disclosure must be used for the remainder of the year. If the rate is not tied to an index, the rate in effect for existing consumers holding the same account (who are not receiving the introductory interest rate) must be used for the remainder of the year.

For example, if an institution offers an account on which it pays a 7% interest rate, compounded daily, for the first three months (which, for example, contain 91 days), while the variable interest rate that would have been in effect when the account was opened was 5%, the total interest for a 365-day year for a $1,000 deposit is $56.52 (based on 91 days at 7% followed by 274 days at 5%). Using the simple formula, the annual percentage yield is 5.65%:

APY=100(56.52/1,000)

APY=5.65%

D. Tiered-Rate Accounts (Different Rates Apply to Specified Balance Levels)

For accounts in which two or more interest rates paid on the account are applicable to specified balance levels, the institution must calculate the annual percentage yield in accordance with the method described below that it uses to calculate interest. In all cases, an annual percentage yield (or a range of annual percentage yields, if appropriate) must be disclosed for each balance tier.

For purposes of the examples discussed below, assume the following:

Interest rate (percent)	Deposit balance required to earn rate
5.25	Up to but not exceeding $2,500.
5.50	Above $2,500 but not exceeding $15,000.
5.75	Above $15,000.

Tiering Method A. Under this method, an institution pays on the full balance in the account the stated interest rate that corresponds to the applicable deposit tier. For example, if a consumer deposits $8,000, the institution pays the 5.50% interest rate on the entire $8,000.

When this method is used to determine interest, only one annual percentage yield will apply to each tier. Within each tier, the annual percentage yield will not vary with the amount of principal assumed to have been deposited.

For the interest rates and deposit balances assumed above, the institution will state three annual percentage yields—one corresponding to each balance tier. Calculation of each annual percentage yield is similar for this type of account as for accounts with a single interest rate. Thus, the calculation is based on the total amount of interest that would be received by the consumer for each tier of the account for a year and the principal assumed to have been deposited to earn that amount of interest.

First tier. Assuming daily compounding, the institution will pay $53.90 in interest on a $1,000 deposit. Using the general formula, for the first tier, the annual percentage yield is 5.39%:

$APY=100[(1+53.90/1,000)^{(365/365)}-1]$

APY=5.39%

Using the simple formula:

APY=100(53.90/1,000)

APY=5.39%

Second tier. The institution will pay $452.29 in interest on an $8,000 deposit. Thus, using the simple formula, the annual percentage yield for the second tier is 5.65%:

APY=100(452.29/8,000)

APY=5.65%

Third tier. The institution will pay $1,183.61 in interest on a $20,000 deposit. Thus, using the simple formula, the annual percentage yield for the third tier is 5.92%:

APY=100(1,183.61/20,000)

APY=5.92%

Tiering Method B. Under this method, an institution pays the stated interest rate only on that portion of the balance within the specified tier. For example, if a consumer deposits $8,000, the institution pays 5.25% on $2,500 and 5.50% on $5,500 (the difference between $8,000 and the first tier cut-off of $2,500).

The institution that computes interest in this manner must provide a range that shows the lowest and the highest annual percentage yields for each tier (other than for the first tier, which, like the tiers in Method A, has the same annual percentage yield throughout). The low figure for an annual percentage yield range is calculated based on the total amount of interest earned for a year assuming the minimum principal required to earn the interest rate for that tier. The high figure for an annual percentage yield range is based on the amount of interest the institution would pay on the highest principal that could be deposited to earn that same interest rate. If the account does not have a limit on the maximum amount that can be deposited, the institution may assume any amount.

For the tiering structure assumed above, the institution would state a total of five annual percentage yields—one figure for the first tier and two figures stated as a range for the other two tiers.

First tier. Assuming daily compounding, the institution would pay $53.90 in interest on a $1,000 deposit. For this first tier, using the simple formula, the annual percentage yield is 5.39%:

APY=100(53.90/1,000)

APY=5.39%

Second tier. For the second tier, the institution would pay between $134.75 and $841.45 in interest, based on assumed balances of $2,500.01 and $15,000, respectively. For $2,500.01, interest would be figured on $2,500 at 5.25% interest rate plus interest on $.01 at 5.50%. For the low end of the second tier, therefore, the annual percentage yield is 5.39%, using the simple formula:

APY=100(134.75/2,500)

APY=5.39%

For $15,000, interest is figured on $2,500 at 5.25% interest rate plus interest on $12,500 at 5.50% interest rate. For the high end of the second tier, the annual percentage yield, using the simple formula, is 5.61%:

APY=100(841.45/15,000)

APY=5.61%

Thus, the annual percentage yield range for the second tier is 5.39% to 5.61%.

Third tier. For the third tier, the institution would pay $841.45 in interest on the low end of the third tier (a balance of $15,000.01). For $15,000.01, interest would be figured on $2,500 at 5.25% interest rate, plus interest on $12,500 at 5.50% interest rate, plus interest on $.01 at 5.75% interest rate. For the low end of the third tier, therefore, the annual percentage yield (using the simple formula) is 5.61%:

APY=100 (841.45/15,000)

APY=5.61%

Since the institution does not limit the account balance, it may assume any maximum amount for the purposes of computing the annual percentage yield for the high end of the third tier. For an assumed maximum balance amount of $100,000, interest would be figured on $2,500 at 5.25%

interest rate, plus interest on $12,500 at 5.50% interest rate, plus interest on $85,000 at 5.75% interest rate. For the high end of the third tier, therefore, the annual percentage yield, using the simple formula, is 5.87%.

APY=100 (5,871.79/100,000)
APY=5.87%

Thus, the annual percentage yield range that would be stated for the third tier is 5.61% to 5.87%.

If the assumed maximum balance amount is $1,000,000 instead of $100,000, the institution would use $985,000 rather than $85,000 in the last calculation. In that case, for the high end of the third tier the annual percentage yield, using the simple formula, is 5.91%:

APY = 100 (59134.22/1,000,000)
APY = 5.91%

Thus, the annual percentage yield range that would be stated for the third tier is 5.61% to 5.91%.

E. Time Accounts With a Stated Maturity Greater Than One Year That Pay Interest at Least Annually

1. For time accounts with a stated maturity greater than one year that do not compound interest on an annual or more frequent basis, and that require the consumer to withdraw interest at least annually, the annual percentage yield may be disclosed as equal to the interest rate.

Example

(1) If an institution offers a $1,000 two-year certificate of deposit that does not compound and that pays out interest semi-annually by check or transfer at a 6.00% interest rate, the annual percentage yield may be disclosed as 6.00%.

(2) For time accounts covered by this paragraph that are also stepped-rate accounts, the annual percentage yield may be disclosed as equal to the composite interest rate.

Example

(1) If an institution offers a $1,000 three-year certificate of deposit that does not compound and that pays out interest annually by check or transfer at a 5.00% interest rate for the first year, 6.00% interest rate for the second year, and 7.00% interest rate for the third year, the institution may compute the composite interest rate and APY as follows:

(a) Multiply each interest rate by the number of days it will be in effect;

(b) Add these figures together; and

(c) Divide by the total number of days in the term.

(2) Applied to the example, the products of the interest rates and days the rates are in effect are (5.00% × 365 days) 1825, (6.00% × 365 days) 2190, and (7.00% × 365 days) 2555, respectively. The sum of these products, 6570, is divided by 1095, the total number of days in the term. The composite interest rate and APY are both 6.00%.

Part II. Annual Percentage Yield Earned for Periodic Statements

The annual percentage yield earned for periodic statements under § 1030.6(a) is an annualized rate that reflects the relationship between the amount of interest actually earned on the consumer's account during the statement period and the average daily balance in the account for the statement period. Pursuant to § 1030.6(b), however, if an institution uses the average daily balance method and calculates interest for a period other than the statement period, the annual percentage yield earned shall reflect the relationship between the amount of interest earned and the average daily balance in the account for that other period.

The annual percentage yield earned shall be calculated by using the following formulas (''APY Earned'' is used for convenience in the formulas):

A. General Formula

$$\text{APY Earned} = 100\left[\left(1 + \text{Interest earned}/\text{Balance}\right)^{(365/\text{Days in period})} - 1\right]$$

''Balance'' is the average daily balance in the account for the period.

''Interest earned'' is the actual amount of interest earned on the account for the period.

''Days in period'' is the actual number of days for the period.

Examples

(1) Assume an institution calculates interest for the statement period (and uses either the daily balance or the average daily balance method), and the account has a balance of $1,500 for 15 days and a balance of $500 for the remaining 15 days of a 30-day statement period. The average daily balance for the period is $1,000. The interest earned (under either balance computation method) is $5.25 during the period. The annual percentage yield earned (using the formula above) is 6.58%:

APY Earned = 100 [(1 + 5.25/1,000)$^{(365/30)}$ − 1]
APY Earned = 6.58%

(2) Assume an institution calculates interest on the average daily balance for the calendar month and provides periodic statements that cover the period from the 16th of one month to the 15th of the next month. The account has a balance of $2,000 September 1 through September 15 and a balance of $1,000 for the remaining 15 days of September. The average daily balance for the month of September is $1,500, which results in $6.50 in interest earned for the month. The annual percentage yield earned for the month of September would be shown on the periodic statement covering September 16 through October 15. The annual percentage yield earned (using the formula above) is 5.40%:

APY Earned = 100 [(6.50/1,500)$^{(365/30)}$ − 1]
APY Earned = 5.40%

(3) Assume an institution calculates interest on the average daily balance for a quarter (for example, the calendar months of September through November), and provides monthly periodic statements covering calendar months. The account has a balance of $1,000 throughout the 30 days of September, a balance of $2,000 throughout the 31 days of October, and a balance of $3,000 throughout the 30 days of November. The average daily balance for the quarter is $2,000, which results in $21 in interest earned for the quarter. The annual percentage yield earned would be shown on the periodic statement for November. The annual percentage yield earned (using the formula above) is 4.28%:

APY Earned = 100 [(1 + 21/2,000)$^{(365/91)}$ − 1]
APY Earned = 4.28%

B. Special Formula for Use Where Periodic Statement Is Sent More Often Than the Period for Which Interest Is Compounded

Institutions that use the daily balance method to accrue interest and that issue periodic statements more often than the period for which interest is compounded shall use the following special formula:

$$APY\ Earned = 100\left\{\left[1 + \frac{(Interest\ earned/Balance)}{Days\ in\ period}(Compounding)\right]^{(365/Compounding)} - 1\right\}$$

The following definition applies for use in this formula (all other terms are defined under Part II):

''Compounding'' is the number of days in each compounding period.

Assume an institution calculates interest for the statement period using the daily balance method, pays a 5.00% interest rate, compounded annually, and provides periodic statements for each monthly cycle. The account has a daily balance of $1,000 for a 30-day statement period. The interest earned is $4.11 for the period, and the annual percentage yield earned (using the special formula above) is 5.00%:

$$APY\ Earned = 100\left\{\left[1 + \frac{(4.11/1{,}000)}{30}(365)\right]^{(365/365)} - 1\right\}$$

APY Earned=5.00%

■ 14. In Supplement I to part 1030, under Section 1030.7—*Payment of Interest,* paragraph *7(c)—Date interest begins to accrue* is revised to read as follows:

Supplement I to Part 1030—Official Interpretations

* * * * *

Section 1030.7—Payment of Interest

* * * * *

(c) Date interest begins to accrue.

1. *Relation to Regulation CC.* Institutions may rely on the Expedited Funds Availability Act (EFAA) and Regulation CC (12 CFR part 229) to determine, for example, when a deposit is considered made for purposes of interest accrual, or when interest need not be paid on funds because a deposited check is later returned unpaid.

2. *Ledger and collected balances.* Institutions may calculate interest by using a ''ledger'' or ''collected'' balance method, as long as the crediting requirements of the EFAA are met (12 CFR 229.14).

3. *Withdrawal of principal.* Institutions must accrue interest on funds until the funds are withdrawn from the account. For example, if a check is debited to an account on a Tuesday, the institution must accrue interest on those funds through Monday.

By order of the Board of Governors of the Federal Reserve System, November 19, 2018.

Ann E. Misback,

Secretary of the Board.

Dated: September 20, 2018.

Mick Mulvaney,

Acting Director, Bureau of Consumer Financial Protection.

[FR Doc. 2018–25746 Filed 12–7–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–1005; Product Identifier 2018–NM–109–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2016–16–01, which applies to certain Airbus SAS Model A330–200 Freighter, –200, and –300 series airplanes. AD 2016–16–01 requires an inspection of affected structural parts in the cargo and cabin compartments to determine if proper heat treatment has been done, and replacement or repair if necessary. Since we issued AD 2016–16–01, we have determined that additional affected parts in the cabin compartment structure must also be inspected. This proposed AD would retain the requirements of AD 2016–16–01 and require inspection of additional locations of the cabin compartment structure. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by January 24, 2019.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; 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 referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–1005; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–1005; Product Identifier 2018–NM–109–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We issued AD 2016–16–01, Amendment 39–18599 (81 FR 51325, August 4, 2016) (corrected September 1, 2016 (81 FR 60246)) (''AD 2016–16–01''), for certain Airbus SAS Model A330–200 Freighter, –200, and –300 series airplanes. AD 2016–16–01 requires an inspection of affected structural parts in the cargo and cabin compartments to determine if proper heat treatment has been done, and replacement or repair if necessary. AD 2016–16–01 was prompted by a report of a manufacturing defect that affects the durability of affected parts in the cargo and cabin compartment. We issued AD 2016–16–01 to address crack initiation and propagation in structural parts of the cargo and cabin compartments, which could result in reduced structural integrity of the fuselage.

Actions Since AD 2016–16–01 Was Issued

Since we issued AD 2016–16–01, we have determined that additional affected parts in the cabin compartment structure must also be inspected.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0147, dated July 13, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Model A330–200 Freighter, –200, and –300 series airplanes. The MCAI states:

It was determined that several structural parts, intended for cargo or cabin compartment installation, were manufactured from improperly heat-treated materials. A subsequent review identified that some of those parts were installed on aeroplanes manufactured between November 2011 and February 2013. Consequently, Airbus implemented measures into manufacturing processes to ensure detection and to prevent further installation of such non-conforming parts. A detailed safety assessment was accomplished to identify the possible impact of these parts on the aeroplane structure. The result of this structural analysis demonstrated the capability of the affected structure to sustain static limit loads, but failed to confirm that the affected structures meet the certified fatigue life.

This condition, if not detected and corrected, could lead to crack initiation and propagation, possibly resulting in reduced structural integrity of the fuselage.

To address this unsafe condition, Airbus published the applicable SBs [service bulletins] to provide inspection instructions for affected structural cargo and cabin parts, respectively. Consequently, EASA issued AD 2015–0212 [which corresponds to FAA AD 2016–16–01] to require a one-time special detailed inspection (SDI) [eddy current inspection] to measure the electrical conductivity of affected parts, to identify the presence or absence of heat treatment, and, depending on findings, applicable corrective action(s) [replacement or repair].

Since that AD was issued, Airbus identified that some additional affected parts, located in the cabin compartment structure, have been missed and need to be inspected. Consequently, Airbus issued SB A330–53–3228 Revision 01 to introduce the locations of those missed structural parts to be inspected.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2015–0212, which is superseded, and expands the number and locations of structural parts to be inspected.

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–2018–1005.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A330–53–3227, Revision 02, dated July 25, 2018, which describes procedures for inspecting affected structural parts in the cargo compartment to determine if proper heat treatment has been done, and replacing discrepant parts.

Airbus has also issued Service Bulletin A330–53–3228, Revision 01, dated April 11, 2018, which describes procedures for inspecting affected structural parts in the cabin compartment to determine if proper heat treatment has been done, doing additional work (inspecting additional locations of the cabin compartment structure), and doing related investigative and corrective actions. Related investigative actions include an eddy current inspection to verify the measurement from the inspection to determine if proper heat treatment has been done. Corrective actions include replacing discrepant parts.

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

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would retain all of the requirements of AD 2016–16–01. This proposed AD would also require accomplishing the additional work specified in Airbus Service Bulletin A330–53–3228, Revision 01, dated April 11, 2018, described previously.

Costs of Compliance

We estimate that this proposed AD affects 20 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Actions	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2016–16–01.	11 work-hours × $85 per hour = $935	$0	$935	$18,700
New proposed additional work	5 work-hours × $85 per hour = $425	0	425	8,500

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

ESTIMATED COSTS OF ON-CONDITION ACTION

Labor cost	Parts cost	Cost per product
45 work-hours × $85 per hour = $3,825	$0 *	$3,825

* We have received no definitive data on the parts cost for the on-condition action.

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all known costs in our cost estimate.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII,

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016–16–01, Amendment 39–18599 (81 FR 51325, August 4, 2016) (corrected September 1, 2016 (81 FR 60246)), and adding the following new AD:

Airbus SAS: Docket No. FAA–2018–1005; Product Identifier 2018–NM–109–AD.

(a) Comments Due Date

We must receive comments by January 24, 2019.

(b) Affected ADs

This AD replaces AD 2016–16–01, Amendment 39–18599 (81 FR 51325, August 4, 2016) (corrected September 1, 2016 (81 FR 60246)) (''AD 2016–16–01'').

(c) Applicability

This AD applies to the Airbus SAS airplanes, certificated in any category, identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, manufacturer serial numbers 1175, 1180, 1287 through 1475 inclusive, 1478, 1480, 1483, and 1506.

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

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

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

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by a report of a manufacturing defect (*i.e.,* improperly heat-treated materials) that affects the durability of affected parts in the cargo and cabin compartments. We are issuing this AD to address crack initiation and propagation in affected parts in the cargo and cabin compartments, which could result in reduced structural integrity of the fuselage.

(f) Compliance

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

(g) Retained Inspection of Affected Structure in the Cargo Compartment, With Revised Service Information

This paragraph restates the requirements of paragraph (g) of AD 2016–16–01, with revised service information. Within 72 months since first flight of the airplane, do an eddy current inspection (*i.e.,* conductivity measurement) of affected structural parts in the cargo compartment to determine if proper heat treatment has been done as identified in, and in accordance with, the Accomplishment Instructions of Airbus Service Bulletin A330–53–3227, dated August 18, 2015; or Airbus Service Bulletin A330–53–3227, Revision 02, dated July 25, 2018. As of the effective date of this AD, only Airbus Service Bulletin A330–53–3227, Revision 02, dated July 25, 2018, may be used.

(h) Retained Replacement of Non-Conforming Parts in the Cargo Compartment, With Revised Service Information

This paragraph restates the requirements of paragraph (h) of AD 2016–16–01, with revised service information. If, during the inspection required by paragraph (g) of this AD, an affected structural part in the cargo compartment is identified to have a measured value greater than 26 megasiemens per meter (MS/m), or greater than 44.8% International Annealed Copper Standard (IACS), before further flight, replace the affected structural part with a serviceable part, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3227, dated August 18, 2015; or Airbus Service Bulletin A330–53–3227, Revision 02, dated July 25, 2018. As of the effective date of this AD, only Airbus Service Bulletin A330–53–3227, Revision 02, dated July 25, 2018, may be used.

(i) Retained Repair of Non-Conforming Parts in the Cargo Compartment, With Revised Service Information

This paragraph restates the requirements of paragraph (i) of AD 2016–16–01, with revised service information. If, during the inspection required by paragraph (g) of this AD, an affected structural part in the cargo compartment is identified to have a measured value other than those specified in Figure A–GFAAA, Sheet 01, ''Inspection Flowchart,'' of Airbus Service Bulletin A330–53–3227, dated August 18, 2015; or Airbus Service Bulletin A330–53–3227, Revision 02, dated July 25, 2018; before further flight, repair using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature. As of the effective date of this AD, only Airbus Service Bulletin A330–53–3227, Revision 02, dated July 25, 2018, may be used to identify the measured value.

(j) Retained Inspection of Affected Structure in the Cabin Compartment, With Revised Service Information

This paragraph restates the requirements of paragraph (j) of AD 2016–16–01, with revised service information. Within 72 months since first flight of the airplane, do an eddy current inspection of affected structural parts in the cabin compartment to determine if proper heat treatment has been done as identified in, and in accordance with, the Accomplishment Instructions of Airbus Service Bulletin A330–53–3228, dated August 18, 2015; or Airbus Service Bulletin A330–53–3228, Revision 01, dated April 11, 2018. As of the effective date of this AD, only Airbus Service Bulletin A330–53–3228, Revision 01, dated April 11, 2018, may be used.

(k) Retained Replacement of Non-Conforming Parts in the Cabin Compartment, With Revised Service Information

This paragraph restates the requirements of paragraph (k) of AD 2016–16–01, with

revised service information. If, during the inspection required by paragraph (j) of this AD, an affected structural part in the cabin compartment is identified to have a measured value greater than 26 MS/m or greater than 44.8% IACS, before further flight, replace the affected structural part with a serviceable part, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3228, dated August 18, 2015; or Airbus Service Bulletin A330–53–3228, Revision 01, dated April 11, 2018. As of the effective date of this AD, only Airbus Service Bulletin A330–53–3228, Revision 01, dated April 11, 2018, may be used.

(l) Retained Repair of Non-Conforming Parts in the Cabin Compartment, With Revised Service Information and New Alternative Actions

This paragraph restates the requirements of paragraph (l) of AD 2016–16–01, with revised service information and new alternative actions. If, during the inspection required by paragraph (j) of this AD, an affected structural part in the cabin compartment is identified to have a measured value other than those specified in Figure A–GFAAA, Sheet 01, ''Inspection Flowchart,'' of Airbus Service Bulletin A330–53–3228, dated August 18, 2015; or to have to a measured value between 22 MS/m and 26 MS/m or between 37.9 and 44.8% IACS, as specified in Airbus Service Bulletin A330–53–3228, Revision 01, dated April 11, 2018, before further flight, do the actions specified in paragraph (l)(1) or (l)(2) of this AD. As of the effective date of this AD, only Airbus Service Bulletin A330–53–3228, Revision 01, dated April 11, 2018, may be used to identify the measured value.

(1) Repair 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.

(2) Do an eddy current inspection to verify the measurement, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3228, Revision 01, dated April 11, 2018.

(i) If an affected structural part in the cabin compartment is identified to have a measured value between 22 MS/m and 26 MS/m or between 37.9 and 44.8% IACS, before further flight, repair 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.

(ii) If an affected structural part in the cabin compartment is identified to have a measured value greater than 26 MS/m or greater than 44.8% IACS, before further flight, do the replacement specified in paragraph (k) of this AD.

(m) New Requirement of This AD: Inspection of Additional Cabin Locations

For an airplane on which the cabin compartment structure was inspected and corrective actions were done before the effective date of this AD as specified in the Accomplishment Instructions of Airbus Service Bulletin A330–53–3228, dated August 18, 2015: Before exceeding 108 months since the airplane's first flight, do an eddy current conductivity test of the forward cabin overhead compartment, and do all applicable related investigative and corrective actions, in accordance with the applicable ''additional work'' task in the Accomplishment Instructions of Airbus Service Bulletin A330–53–3228, Revision 01, dated April 11, 2018. Do all applicable related investigative and corrective actions before further flight. Where Airbus Service Bulletin A330–53–3228, Revision 01, dated April 11, 2018, specifies to contact Airbus for appropriate action: Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (p)(2) of this AD.

(n) No Reporting

Although Airbus Service Bulletin A330–53–3227, Revision 02, dated July 25, 2018, and Airbus Service Bulletin A330–53–3228, Revision 01, dated April 11, 2018, specify to submit certain information to the manufacturer, and specify that action as ''RC'' (required for compliance), this AD does not include that requirement.

(o) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraphs (g), (h), and (i) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A330–53–3227, Revision 01, dated July 5, 2016.

(p) Other FAA AD Provisions

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

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

(ii) AMOC letters ANM–116–17–118, dated February 2, 2017, and AIR–676–18–369, dated September 17, 2018, approved previously for AD 2016–16–01, are approved as AMOCs for the corresponding provisions of this AD.

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

(3) *Required for Compliance (RC):* Except as required by paragraphs (i), (l), (m), and (o) of this AD: 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.

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2018–0147, dated July 13, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–1005.

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

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 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.

Issued in Des Moines, Washington, on November 23, 2018.

John P. Piccola,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–26462 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0987; Airspace Docket No. 18–ASO–19]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Auburn, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending

upward from 700 feet above the surface at Auburn University Regional Airport, Auburn, AL, to accommodate new area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures serving this airport. Also, this action would recognize the airport's name change and update the airport's geographic coordinates. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Comments must be received on or before January 24, 2019.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Bldg. Ground Floor, Rm. W12–140, Washington, DC 20590; Telephone: 1–800–647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2018–0987; Airspace Docket No. 18–ASO–19, at the beginning of your comments. You may also submit and review received comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class E airspace extending upward from 700 feet above the surface at Auburn University Regional Airport, Auburn, AL, to support standard instrument approach procedures for IFR operations at this airport.

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2018–0987 and Airspace Docket No. 18–ASO–19) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number). You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2018–0987; Airspace Docket No. 18–ASO–19.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to amend Class E airspace extending upward from 700 feet above the surface within a 6.9-mile radius (increased from a 6.5 mile radius) and adding an extension of 11-miles southwest of Auburn University Regional Airport, Auburn, AL, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for IFR operations at this airport.

Also, this action would recognize the airport's name change to Auburn University Regional Airport, (from Auburn-Opelika Robert G. Pitts Airport),

and the geographic coordinates of the airport would be adjusted to be in concert with the FAA's aeronautical database.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal would be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO AL E5 Auburn, AL [Amended]

Auburn University Regional Airport, AL
(Lat. 32°36′54″ N, long. 85°26′02″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Auburn University Regional Airport, and within 1.6-miles each side of the 237° bearing from the airport, extending from the 6.9-mile radius to 11 miles southwest of the airport.

Issued in College Park, Georgia, on November 29, 2018.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2018–26560 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0998; Airspace Docket No. 18–AEA–19]

RIN 2120–AA66

Proposed Amendment of Class E Airspace, Corry, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface at Corry-Lawrence Airport, Corry, PA, to accommodate airspace reconfiguration due to the decommissioning of the Corry non-directional radio beacon and cancellation of the NDB approach. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport. This action also would update the geographic coordinates of this airport.

DATES: Comments must be received on or before January 24, 2019.

ADDRESSES: Send comments on this proposal to: The U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2018–0998; Airspace Docket No. 18–AEA–19, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class E airspace at Corry-Lawrence Airport, Corry, PA, to support IFR operations at this airport.

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments

are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2018–0998 and Airspace Docket No. 18–AEA–19) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number). You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2018–0998; Airspace Docket No. 18–AEA–19.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA proposes an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to modify Class E airspace extending upward from 700 feet or more above the surface within a 7.4-mile radius (increased from a 6.3-mile radius), with a southeast extension from the 7.4-mile radius to 11-miles of Corry-Lawrence Airport, Corry, PA, due to the decommissioning of the Corry NDB, and cancellation of the NDB approach. The airspace redesign would enhance the safety and management of IFR operations at the airport. The geographic coordinates of the airport also would be adjusted to coincide with the FAA's aeronautical database.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AEA PA E5 Corry, PA [Amended]

Corry-Lawrence Airport, PA
(Lat. 41°54′27″ N, long. 79°38′28″ W)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Corry-Lawrence Airport, and within 4-miles each side of the 140° bearing from the airport, extending from the 7.4-mile radius to 11 miles southeast of the airport.

Issued in College Park, Georgia, on November 29, 2018.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2018–26569 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 160

RIN 3038–AE80

Privacy of Consumer Financial Information—Amendment To Conform Regulations to the Fixing America's Surface Transportation Act

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or

''Commission'') is proposing to revise its regulations requiring covered persons to provide annual privacy notices to customers. The proposed revisions implement the Fixing America's Surface Transportation Act's (''FAST Act'') December 2015 statutory amendment to the Gramm-Leach-Bliley Act (''GLB Act'') by providing an exception to the annual notice requirement under certain conditions.

DATES: Comments must be received on or before February 8, 2019.

ADDRESSES: You may submit comments, identified by RIN 3038–AE80, by any of the following methods:

- *CFTC Comments Portal: https://comments.cftc.gov*. Select the ''Submit Comments'' link for this rulemaking and follow the instructions on the Public Comment Form.
- *Mail:* Send to Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Follow the same instructions as for Mail, above. Please submit your comments using only one of these methods. Submissions through the CFTC Comments Portal are encouraged.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://comments.cftc.gov*. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (''FOIA''), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://comments.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the FOIA.

FOR FURTHER INFORMATION CONTACT: Matthew Kulkin, Director, (202) 418–5213, *mkulkin@cftc.gov;* Frank Fisanich, Chief Counsel, (202) 418–5949, *ffisanich@cftc.gov;* or Jacob Chachkin, Special Counsel, (202) 418–5496, *jchachkin@cftc.gov,* Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background

Title V, Subtitle A of the GLB Act[2] (''Title V'') mandates that financial institutions provide their consumers with whom they have customer relationships (''customers'') with annual notices regarding those institutions' privacy policies and practices.[3] Further, subject to certain exceptions, if financial institutions share nonpublic personal information with particular types of third parties, the financial institutions must also provide their consumers with an opportunity to opt out of the sharing.[4] The Commission and entities subject to its jurisdiction were originally excluded from Title V's coverage.[5] However, section 124 of the Commodity Futures Modernization Act of 2000[6] amended the Commodity Exchange Act (''CEA'') to add section 5g,[7] providing that futures commission merchants (''FCMs''), commodity trading advisors (''CTAs''), commodity pool operators (''CPOs''), and introducing brokers (''IBs'')[8] fall under the requirements of Title V and requiring the Commission to prescribe regulations in furtherance of Title V. Thus, in 2001, the Commission promulgated part 160 of its regulations to establish standards relating to Title V.[9]

Consistent with Title V, part 160 requires that, generally, all FCMs, RFEDs, CTAs, CPOs, IBs, MSPs, and SDs that are subject to the jurisdiction of the Commission, regardless of whether they are required to register with the Commission (''Covered Persons''), provide a clear and conspicuous notice to customers that accurately reflects their privacy policies and practices not less than annually during the life of the customer relationship.[10]

On December 4, 2015, Congress amended Title V as part of the FAST Act.[11] This amendment, titled ''Eliminate Privacy Notice Confusion,'' added section 503(f) to the GLB Act to limit the circumstances under which a financial institution must provide a privacy notice to its customers on an annual basis.[12] In particular, under section 503(f), a financial institution is excepted from the requirement to send privacy notices on an annual basis if that financial institution (1) does not share nonpublic personal information except as described in certain specified exceptions; and (2) has not changed its policies and practices with regard to disclosing nonpublic personal information from those policies and practices that the institution disclosed in the most recent disclosure it sent to consumers in accordance with section 503.[13] This amendment to the GLB Act became effective upon enactment of the FAST Act in December 2015. The Commission is now proposing to amend § 160.5 of the Commission's regulations (the ''Proposal'') to implement the FAST Act amendments to the GLB Act with respect to Covered Persons, as described below.[14]

[1] 17 CFR 145.9. Commission regulations referred to herein are found at 17 CFR Chapter I.

[2] Title V, Subtitle A, Public Law 106–102, 113 Stat. 1338 (1999), as codified at 15 U.S.C. 6801–6809.

[3] *See* 15 U.S.C. 6803.

[4] *See* 15 U.S.C. 6802(b). *See also* 15 U.S.C. 6809(4)(A) (defining ''nonpublic personal information'').

[5] 15 U.S.C. 6809(3)(B).

[6] Section 124, Appendix E of Public Law 106–554, 114 Stat. 2763 (2000).

[7] 7 U.S.C. 7b–2.

[8] For the definitions of these intermediary categories, *see* section 1a of the CEA and § 1.3 of the Commission's regulations. 7 U.S.C. 1a and 17 CFR 1.3.

[9] Privacy of Customer Information, 66 FR 21235 (April 27, 2001). The Commission later modified its part 160 regulations to apply them to retail foreign exchange dealers (''RFEDs''), swap dealers (''SDs''), and major swap participants (''MSPs''). Regulation of Off-Exchange Retail Foreign Exchange Transactions and Intermediaries, 75 FR 55409 (Sept. 10, 2010) for RFEDs, and Privacy of Consumer Financial Information; Conforming Amendments Under Dodd-Frank Act, 76 FR 43874 (July 22, 2011) for SDs and MSPs. For the definition of RFED, *see* § 5.1(h). 17 CFR 5.1(h). For the definitions of SD and MSP, *see* section 1a of the CEA and § 1.3 of the Commission's regulations. 7 U.S.C. 1a and 17 CFR 1.3.

[10] 17 CFR 160.1 and 160.5. Part 160 does not apply to foreign (non-resident) FCMs, RFEDs, CTAs, CPOs, IBs, MSPs, and SDs that are not registered with the Commission. 17 CFR 160.1. Therefore, they are not ''Covered Persons'' as defined in this release.

[11] Section 75001, Public Law 114–94, 129 Stat. 1312 (2015), available at *http://transportation.house.gov/uploadedfiles/fastact_xml.pdf* (last visited Nov. 30, 2018).

[12] *Id.*

[13] *See* 15 U.S.C. 6803(f).

[14] In developing the Proposal, pursuant to Section 6804(a)(2) of the GLB Act, the Commission consulted and coordinated with the Bureau of Consumer Financial Protection (''BCFP''), the Securities and Exchange Commission, the Federal Trade Commission, and the National Association of Insurance Commissioners, including regarding consistency and comparability with the regulations prescribed by such agencies. *See* 15 U.S.C. 6804(a)(2). In addition, the Proposal is consistent with rules recently finalized by the BCFP (''BCFP Final Rule''). *See* Amendment to the Annual Privacy Notice Requirement Under the Gramm-

Continued

II. Proposal

The Proposal would amend § 160.5 to modify the first sentence of paragraph (a) and add a new paragraph (d). The modification to § 160.5(a) would add a reference to the exception, contained in new paragraph (d), to the requirement that a Covered Person annually provide a clear and conspicuous notice to customers that reflects the Covered Person's privacy policies and practices (''annual privacy notice'') during the life of the customer relationship. Section 160.5(d)(1) would describe that exception by stating that a Covered Person is not required to deliver an annual privacy notice to customers pursuant to § 160.5(a) if it: (1) Provides nonpublic personal information to nonaffiliated third parties only in accordance with the provisions of §§ 160.13, 160.14, 160.15 and any other exceptions adopted by the Commission pursuant to section 504(b) of the GLB Act;[15] and (2) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed to the customer under § 160.6(a)(2) through (5) and § 160.6(a)(9) in the most recent privacy notice provided to such customer pursuant to part 160 of the Commission's regulations.

Paragraphs (1) through (9) of § 160.6(a) set forth the specific types of information that a Covered Person must include in its privacy notices.[16] The information required by § 160.6(a)(2) through (5) and § 160.6(a)(9), which § 160.5(d)(1)(ii) references, specifically relate to the policies and practices connected to disclosing nonpublic personal information. The Commission believes that other types of information required by § 160.6(a), such as the information under § 160.6(a)(1) (information collection) and § 160.6(a)(8) (confidentiality and security), do not relate to disclosure of nonpublic personal information.[17] Thus, since new GLB Act section 503(f)(2) states that a condition for the annual privacy notice exception is that a financial institution must not have changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent notice sent to consumers, the Commission is proposing to frame the scope of the exception to reference only the types of information listed in § 160.6(a)(2) through (5) and § 160.6(a)(9).

GLB Act section 503(f) states that a financial institution that meets the requirements for the annual notice exception will not be required to provide annual notices ''until such time'' as that financial institution fails to comply with the criteria described in section 503(f)(1) and 503(f)(2), which would be implemented in proposed § 160.5(d)(1).[18] Covered Persons that no longer meet the conditions for the exception must provide customers with annual privacy notices. However, because the GLB Act is silent as to when a financial institution that has relied on and no longer meets the requirements of the exception must next provide an annual privacy notice, the Commission is proposing a framework for these circumstances. Specifically, § 160.5(d)(2) states that a Covered Person who has been excepted from delivering an annual privacy notice pursuant to § 160.5(d)(1) and who changes its policies or practices in such a way that it no longer meets the requirements for that exception, would, if such a change required a revised privacy notice pursuant to § 160.8,[19] be required to provide an annual privacy notice in accordance with the timing requirements in § 160.5(a), treating the revised privacy notice as an initial privacy notice. Further, if the change in policies or practices did not require a revised privacy notice pursuant to § 160.8 to be sent, a Covered Person who has been previously excepted from delivering an annual privacy notice would be required to provide an annual privacy notice to customers within 100 days of the change in their policies or practices.[20]

The Commission is proposing a 100-day period for providing the annual privacy notice under these circumstances because, as affected customers would not receive a revised notice from the Covered Person prior to the Covered Person's change in policies or practices, the Commission believes the annual privacy notice should be delivered within a relatively short time so that customers are informed of the change in a timely manner. Further, the Commission preliminarily believes that 100 days would allow a Covered Person to meet the notice requirement without imposing additional costs on Covered Persons. Particularly, a 100-day delivery period would accommodate the inclusion of the notice with their quarterly statements.[21] In addition, this

Leach-Bliley Act (Regulation P), 83 FR 40945 (Aug. 2018).

[15] Section 503(f)(1) of the GLB Act permits a financial institution to share nonpublic personal information in accordance with the provisions of sections 502(b)(2) or (e) of the GLB Act or regulations prescribed under section 504(b) of the GLB Act. *See* 15 U.S.C. 6802 and 6803. Sharing by a financial institution, as described in sections 502(b)(2) or (e), does not trigger the consumer's statutory right to opt out of such sharing. These exceptions are incorporated into existing Commission regulations at 17 CFR 160.13 (Exception to opt out requirements for service providers and joint marketing), 160.14 (Exceptions to notice and opt out requirements for processing and servicing transactions), and 160.15 (Other exceptions to notice and opt out requirements). Section 504(b) of the GLB Act gives the Commission and other relevant agencies authority to include additional exceptions to certain regulations promulgated under Title V as are deemed consistent with Title V's purposes. *See* 15 U.S.C. 6804(b).

[16] 17 CFR 160.6 (a)(1)–(9). Section 160.6(a) provides that a Covered Person must include the following information in annual privacy notices sent to customers: (1) The categories of nonpublic personal information it collects; (2) the categories of nonpublic personal information it discloses; (3) subject to limited exception, the categories of affiliates and nonaffiliated third parties to whom it discloses nonpublic personal information; (4) subject to limited exception, the categories of nonpublic personal information about its former customers that it discloses and the categories of affiliates and nonaffiliated third parties to whom it discloses nonpublic personal information about its former customers; (5) if it discloses nonpublic personal information to a nonaffiliated third party under § 160.13 (and no other exception applies to that disclosure), a separate statement of the categories of information it discloses and the categories of third parties with whom it has contracted; (6) an explanation of the customer's rights under § 160.10(a) to opt out of the disclosure of nonpublic personal information to nonaffiliated third parties, including the method(s) by which the customer may exercise that right at that time; (7) any disclosures that it makes under section 603(d)(2)(A)(iii) of the Fair Credit Reporting Act (''FCRA'') (15 U.S.C. 1681a(d)(2)(A)(iii)) (that is, notices regarding the ability to opt out of disclosures of information among affiliates); (8) its policies and practices with respect to protecting the confidentiality and security of nonpublic personal information; and (9) any disclosure that it makes under § 160.6(b).

[17] *Id.* The Commission notes that § 160.6(a)(7) requires that annual privacy notices incorporate opt-out disclosures provided under FCRA section 603(d)(2)(A)(iii) (that is, notices regarding the ability to opt out of disclosures of information among affiliates). GLB Act section 503(f)(1) does not mention these FCRA affiliate opt-out disclosures. The Commission believes that changes to these FCRA disclosures do not affect whether GLB Act section 503(f)(1) is satisfied and therefore should not affect whether a Covered Person satisfies proposed § 160.5(d)(1). The proposed rule is also consistent in this respect with the BCFP Final Rule.

[18] 15 U.S.C. 6803(f).

[19] 17 CFR 160.8 (Revised privacy notices).

[20] In developing this framework, the Commission looked to § 160.8 because that provision already addresses circumstances in which a Covered Person might change its privacy policies or practices in a way that affects the content of the notices. Specifically, § 160.8 requires that a Covered Person provide a revised notice to consumers before implementing certain types of changes. In other cases, part 160 currently contemplates that a change in policy or practice that affects the content of the notices would simply be reflected on the next regular annual notice provided to customers pursuant to § 160.5. The Commission is therefore proposing different timing requirements for resumption of delivery of annual notices, depending on whether the change at issue would trigger the requirement for a revised notice under § 160.8 prior to the change taking effect.

[21] The Commission also notes that a delivery requirement resulting from a change in policies and

100-day delivery period is required under the BCFP Final Rule and proposing the same delivery requirement as the BCFP furthers the Commission's goal of having its regulations be consistent with those of other regulators, where appropriate.

To ensure that the Proposal, if adopted, achieves its stated purpose, the Commission requests comment generally on all aspects of the Proposal and this release.

III. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act [22] (''RFA'') requires federal agencies to consider whether the rules they propose will have a significant economic impact on a substantial number of small entities and, if so, to provide a regulatory flexibility analysis regarding the economic impact on those entities. The Proposal would add an exception to § 160.5's requirement that Covered Persons deliver annual privacy notices, as discussed above.

The Proposal would affect Covered Persons (*i.e.,* certain FCMs, RFEDs, CTAs, CPOs, IBs, MSPs, and SDs). To the extent that the Proposal would impact Covered Persons that may be small entities for purposes of the RFA,[23] the Commission considered whether the Proposal would have a significant economic impact on such Covered Persons.

As a Covered Person may continue to provide annual privacy notices and not avail itself of the proposed exception to the annual privacy notice requirement in § 160.5, the Proposal would not impose any new regulatory obligations on Covered Persons, including Covered Persons that may be small entities for purposes of the RFA. Rather, to the extent that a Covered person relies on the proposed exception, it would simply avoid providing a privacy notice annually until such time as it is no longer eligible for the exception. The Proposal's clarification that, once it is no longer eligible for the exception, the Covered Person would need to provide a privacy notice either in accordance with existing § 160.8 or within 100 days would also not result in any new burdens. Sections 160.5 and 160.8 are existing requirements to deliver annual privacy notices and revised privacy notices under certain circumstances. Further, the Commission endeavored to reduce any burdens for those Covered Persons utilizing the exception by allowing the proposed 100-day period following loss of the exception to resume delivery of an annual privacy notice where a notice is not already required pursuant to § 160.8, as discussed above. The Commission does not, therefore, expect that any small entities that may be impacted by the rule to incur any additional costs as a result of the Proposal.

Therefore, the Commission believes that the Proposal will not have a significant economic impact on a substantial number of small entities, as defined in the RFA.

Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that the Proposal will not have a significant economic impact on a substantial number of small entities. The Commission invites comment on the impact of the Proposal on small entities.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (''PRA'') [24] imposes certain requirements on Federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information, as defined by the PRA. The Commission may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (''OMB'') control number.

The Commission believes that the Proposal would not impose any new recordkeeping or information collection requirements, or other collections of information that require approval of OMB under the PRA. However, by providing the exception to the requirement to provide annual privacy notices to customers discussed above, the Proposal would modify a collection of information for which the Commission has previously received a control number from OMB. The title for this collection of information is ''Privacy of Consumer Financial Information, OMB control number 3038–0055''.[25] Collection 3038–0055 is currently in force with its control number having been provided by OMB. Accordingly, the Commission will submit to OMB revisions to OMB control number 3038–0055 to reflect the proposed addition of this exception and the resulting reduction of burden. In particular, the Commission estimates that the availability of the exception in Commission regulation 160.5(d) will reduce the current number of annual privacy notices by approximately 30%. Accordingly, in accordance with its previous estimates, the Commission estimates that the Proposal would reduce the total number of responses by 113,620 responses annually and reduce the time burden by approximately 1,136 hours annually. The Commission believes that the one-time cost of adopting the annual privacy notice exception for Covered Persons that adopt it is de minimis.

The Commission invites the public and other Federal agencies to comment on any aspect of the proposed information collection requirements discussed above. Pursuant to 44 U.S.C. 3506(c)(2)(B), the Commission solicits comments in order to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information; (3) determine whether there are ways to enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

Comments may be submitted directly to the Office of Information and Regulatory Affairs, by fax at (202) 395–6566, or by email at *OIRAsubmissions@omb.eop.gov*. Please provide the Commission with a copy of submitted

practices described under proposed Commission regulation 160.5(d)(1)(ii) is effectively a one-time burden for a Covered Person absent additional changes to its policies and practices. Specifically, after providing the one annual privacy notice, the Covered Person would once again meet both of the conditions for the exception—it would not be sharing other than as described under Commission regulation 160.5(d)(1)(i) and its policies and practices would not have changed since it provided the annual privacy notice. Because the Covered Person would once again meet the conditions for the exception, it would not be required to provide future annual privacy notices.

[22] 5 U.S.C. 601 *et seq.*

[23] The Commission has previously determined that certain entities are not ''small entities'' for purposes of the RFA. *See, e.g.,* 47 FR 18618, 18619 (Apr. 30, 1982) (registered FCMs); 75 FR 55410, 55416 (Sept. 10, 2010) (RFEDs); 77 FR 2613, 2620 (Jan. 19, 2012) (SDs and MSPs). However, the Commission has determined that CPOs exempt pursuant to 17 CFR 4.13(a) are small entities. *See* 46 FR 26004 (May 8, 1981); 47 FR at 18619. The definitions of IB and CTA are also broad enough to potentially encompass ''small entities.'' *See* 48 FR 35248, 35276 (Aug. 3, 1983) (recognizing that the IB definition ''undoubtedly encompasses many business enterprises of variable size''); 47 FR at 18620 (the category of CTAs is ''too broad'' for a general determination regarding their small entity status).

[24] 44 U.S.C. 3501 *et seq.*

[25] *See* OMB Control No. 3038–0055, *http://www.reginfo.gov/public/do/PRAOMBHistory?omb ControlNumber=3038-0055#* (last visited Nov. 30, 2018).

comments so that all comments can be summarized and addressed in the final rule preamble. Refer to the **ADDRESSES** section of this document for comment submission instructions to the Commission. A copy of the supporting statements for the collection of information discussed above may be obtained by visiting *RegInfo.gov.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

C. Cost-Benefit Considerations

Section 15(a) of the CEA requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA. Section 15(a) further specifies that the costs and benefits shall be evaluated in light of the following five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the section 15(a) considerations.

As discussed above, the Commission is proposing to implement the FAST Act's amendments to the GLB Act by amending § 160.5 to incorporate an exception to a Covered Person's obligation to provide an annual privacy notice under certain specified circumstances, consistent with section 503(f) of the GLB Act and address when a Covered Person that has relied on and no longer meets the requirements of that exception must next provide an annual privacy notice.

Below, the Commission discusses the costs and benefits of the Proposal.[26] The baseline against which the costs and benefits are considered is the current status quo for Covered Persons with respect to their obligation to provide annual privacy notices. The Commission recognizes that there are inherent costs and benefits to Covered Persons and their customers associated with providing an exception to the annual privacy notice requirement, which Congress took into account in amending the GLB Act under the FAST Act. The Commission further recognizes that there are costs and benefits due to discretionary actions taken by the Commission in implementing the exception. In formulating the Proposal, the Commission was mindful of the policy goals that drove Congress to create this exception and endeavored not to impose unnecessary burdens on Covered Persons in proposing when a Covered Person would next need to provide an annual privacy notice after loss of the exception.[27]

The Commission anticipates that some Covered Persons may avail themselves of the exception in the Proposal and not provide annual privacy notices. The Proposal would benefit these Covered Persons that are opting out of providing annual privacy notices by reducing their costs associated with sending such notices. Further, because no Covered Person is required to avail themselves of the exception in the Proposal, as discussed above, the Commission believes that it is reasonable to conclude that only those Covered Persons that expect a net benefit from the Proposal will stop providing annual privacy notices under the proposed exception.

The Commission recognizes that, as a result of the Proposal, certain customers of Covered Persons may no longer receive privacy notices annually and therefore would not be made aware of the Covered Persons' policies and procedures as frequently. However, the scope of the exception is tailored such that customers of Covered Persons could only not receive an annual privacy notice to the extent that the Covered Person: (1) Provides nonpublic personal information to nonaffiliated third parties only in accordance with the provisions of §§ 160.13, 160.14, 160.15 and any other exceptions adopted by the Commission pursuant to section 504(b) of the GLB Act; and (2) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed to the customer under § 160.6(a)(2) through (5) and § 160.6(a)(9) in the most recent privacy notice provided to such customer pursuant to part 160 of the Commission's regulations. Thus, the Proposal may reduce confusion among customers by providing them with disclosures when they would be most relevant, *i.e.,* when disclosure policies change after the customer relationship begins and to the extent an institution shares sensitive personal information with third parties for marketing purposes.

In proposing when to require the resumption of annual privacy notices following the loss of the proposed exception, the Commission endeavored to propose requirements consistent with existing timing requirements for privacy notices under current regulations, as discussed above, and to provide clarity to Covered Persons.[28] Specifically, in proposing to require the resumption of annual privacy notices within 100 days of the loss of the exception where a revised privacy notice is not required under § 160.8, the Commission has tried not to impose unnecessary burdens on Covered Persons while taking into account the potential impact on a Covered Person's customers of not receiving such notices in a timely manner. The Commission considered different requirements for the resumption of annual privacy notices in these circumstances (*e.g.,* requiring a notice before the change in the policy or practice causing the loss of the availability of the exception or immediately following such change, or within 60 or 90 days of such change). The Commission is proposing the 100 day period because it believes the proposal to be consistent with the revisions of the GLB Act in the FAST Act and current regulations while allowing Covered Persons some flexibility in resuming annual privacy notices. This flexibility would allow, for example, these notices to be included with quarterly statements to reduce any costs from resuming providing such notices. In proposing timing requirements for the resumption of annual privacy notices where a revised

[26] The Commission endeavors to assess the expected costs and benefits of its proposed rule in quantitative terms where possible. Where estimation or quantification is not feasible, the Commission provides its discussion in qualitative terms. Given a general lack of relevant data, the Commission's assessment is generally provided in qualitative terms.

[27] The Commission notes that the consideration of costs and benefits below is based on the understanding that the markets function internationally, with many transactions involving United States firms taking place across international boundaries; with some commission registrants being organized outside of the United States; with some leading industry members typically conducting operations both within and outside the United States; and with industry members commonly following substantially similar business practices wherever located. Where the Commission does not specifically refer to matters of location, the discussion of costs and benefits below refers to the effects of this proposal on all activity subject to the proposed and amended regulations, whether by virtue of the activity's physical location in the United States or by virtue of the activity's connection with or effect on United States commerce under CEA section 2(i). In particular, the Commission notes that some Covered Persons are located outside of the United States.

[28] In addition, as discussed above, the Commission notes that a Covered Person's obligation to resume providing annual privacy notices may be effectively a one-time burden absent additional changes to their policies and practices.

notice is required under § 160.8, the Commission is proposing to clarify the effect of such a revised notice on the requirement that a Covered Person provide an annual privacy notice and on the eligibility for the proposed exception to this requirement. Specifically, the Commission is clarifying that a Covered Person should provide the notice currently required by § 160.8 and treat such notice as an initial privacy notice.

3. Section 15(a) Considerations

In light of the foregoing, the CFTC has evaluated the costs and benefits of the Proposal pursuant to the five considerations identified in section 15(a) of the CEA as follows:

(1) Protection of Market Participants and the Public

The requirements of § 160.5 protect market participants by ensuring that customers of Covered Persons are informed about such Covered Persons' practices and policies with respect to nonpublic personal information and certain other information described in § 160.6. As discussed above, the Commission recognizes that, as a result of the Proposal, some customers of Covered Persons may no longer receive privacy notices annually and therefore would not be made aware of the Covered Persons' policies and procedures as frequently. However, the scope of the exception is tailored such that customers of Covered Persons could only not receive an annual privacy notice to the extent that the Covered Person: (1) Provides nonpublic personal information to nonaffiliated third parties only in accordance with the provisions of §§ 160.13, 160.14, 160.15 and any other exceptions adopted by the Commission pursuant to section 504(b) of the GLB Act; and (2) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed to the customer under § 160.6(a)(2) through (5) and § 160.6(a)(9) in the most recent privacy notice provided to such customer pursuant to part 160 of the Commission's regulations. Further, as discussed above, the Proposal may reduce confusion among customers by providing them with disclosures when they would be most relevant. In addition, the Commission preliminarily believes that the proposed requirements for the resumption of annual privacy notices following the loss of the exception in the Proposal will allow customers of Covered Persons to receive annual privacy notices in a timely manner while not causing Covered Persons to incur any additional costs.

(2) Efficiency, Competitiveness, and Financial Integrity of Markets

The Commission believes that the Proposal may improve competition by reducing costs for Covered Persons that meet the requirements of the exception in proposed § 160.5(d) to not deliver an annual privacy notice and elect to not deliver such notices. Specifically, the Commission expects that the Proposal would likely result in fewer substantially similar annual privacy notices being delivered, which would reduce costs associated with producing and delivering such privacy notices. Further, to the extent that a Covered Person is no longer able to take advantage of the exception to providing annual privacy notices and is required to resume providing them, the Commission preliminary believes that a Covered Person will not incur any additional costs in doing so, as the Covered Person would simply need to resume sending annual privacy notices as currently required.

(3) Price Discovery

The Commission has not identified an impact on price discovery as a result of the Proposal.

(4) Sound Risk Management

The Commission has not identified an impact on sound risk management as a result of the Proposal.

(5) Other Public Interest Considerations

The Commission has not identified an impact on other public interest considerations as a result of the Proposal.

4. Request for Comments on Cost-Benefit Considerations

The Commission invites public comment on its cost-benefit considerations, including the section 15(a) factors described above. Commenters are also invited to submit any data or other information that they may have quantifying or qualifying the costs and benefits of the Proposal with their comment letters.

D. Antitrust Considerations

Section 15(b) of the CEA requires the Commission to take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the purposes of the CEA, in issuing any order or adopting any Commission rule or regulation (including any exemption under section 4(c) or 4c(b)), or in requiring or approving any bylaw, rule, or regulation of a contract market or registered futures association established pursuant to section 17 of the CEA.[29]

The Commission believes that the public interest to be protected by the antitrust laws is generally to protect competition. The Commission requests comment on whether the Proposal implicates any other specific public interest to be protected by the antitrust laws.

The Commission has considered the Proposal to determine whether it is anticompetitive and has preliminarily identified no anticompetitive effects. The Commission requests comment on whether the Proposal is anticompetitive and, if it is, what the anticompetitive effects are.

Because the Commission has preliminarily determined that the Proposal is not anticompetitive and has no anticompetitive effects, the Commission has not identified any less anticompetitive means of achieving the purposes of the CEA. The Commission requests comment on whether there are less anticompetitive means of achieving the relevant purposes of the CEA that would otherwise be served by adopting the Proposal.

List of Subjects in 17 CFR Part 160

Brokers, Consumer protection, Privacy, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Commodity Futures Trading Commission proposes to amend 17 CFR chapter I as follows:

PART 160—PRIVACY OF CONSUMER FINANCIAL INFORMATION UNDER TITLE V OF THE GRAMM-LEACH-BLILEY ACT

■ 1. The authority citation for part 160 continues to read as follows:

Authority: 7 U.S.C. 7b–2 and 12a(5); 15 U.S.C. 6801, *et seq.,* and sec. 1093, Pub. L. 111–203, 124 Stat. 1376.

■ 2. In § 160.5, revise the first sentence of paragraph (a)(1) and add paragraph (d) to read as follows:

§ 160.5 Annual privacy notice to customers required.

(a)(1) * * * Except as provided by paragraph (d) of this section, you must provide a clear and conspicuous notice to customers that accurately reflects your privacy policies and practices not less than annually during the life of the customer relationship. * * *

* * * * *

[29] 7 U.S.C. 19(b).

(d) *Exception to annual privacy notice requirement.* (1) You are not required to deliver an annual privacy notice if you:

(i) Provide nonpublic personal information to nonaffiliated third parties only in accordance with the provisions of §§ 160.13 through 160.15 and any other exceptions adopted by the Commission pursuant to section 504(b) of the GLB Act; and

(ii) Have not changed your policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed to the customer under § 160.6(a)(2) through (5) and § 160.6(a)(9) in the most recent privacy notice sent to the customer pursuant to this part.

(2) *Delivery of annual privacy notice after you no longer meet requirements for exception.* If you have been excepted from delivering an annual privacy notice pursuant to paragraph (d)(1) of this section and change your policies or practices in such a way that you no longer meet the requirements for that exception, you must comply with paragraph (d)(2)(i) or (ii) of this section, as applicable.

(i) *Changes preceded by a revised privacy notice.* If you no longer meet the requirements of paragraph (d)(1) of this section because you change your policies or practices in such a way that § 160.8 requires you to provide a revised privacy notice, you must provide an annual privacy notice in accordance with the timing requirements in paragraph (a) of this section, treating the revised privacy notice as an initial privacy notice.

(ii) *Changes not preceded by a revised privacy notice.* If you no longer meet the requirements of paragraph (d)(1) of this section because you change your policies or practices in such a way that § 160.8 does not require you to provide a revised privacy notice, you must provide an annual privacy notice within 100 days of the change in your policies or practices that causes you to no longer meet the requirements of paragraph (d)(1) of this section.

Issued in Washington, DC, on November 30, 2018, by the Commission.

Christopher Kirkpatrick,

Secretary of the Commission.

Note: The following appendices will not appear in the Code of Federal Regulations.

Appendices to Privacy of Consumer Financial Information—Amendment To Conform Regulations to the Fixing America's Surface Transportation Act—Commission Voting Summary and Chairman's Statement

Appendix 1—Commission Voting Summary

On this matter, Chairman Giancarlo and Commissioners Quintenz, Behnam, Stump, and Berkovitz voted in the affirmative. No Commissioner voted in the negative.

Appendix 2—Statement of Chairman J. Christopher Giancarlo

This proposal will revise Commission regulation 160.5's privacy notice requirements to implement the Fixing America's Surface Transportation (FAST) Act's December 2015 statutory amendment to the Gramm-Leach-Bliley Act (GLBA). In proposing to implement what is now almost a three-year-old statutory requirement, this proposal is a good demonstration of this Commission's commitment to supporting good governance.

[FR Doc. 2018–26523 Filed 12–7–18; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

RIN 1205–AB90

Modernizing Recruitment Requirements for the Temporary Employment of H–2A Foreign Workers in the United States; Extension of Comment Period

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: This document extends the period for submitting written comments on the Notice of Proposed Rulemaking (NPRM) entitled *Modernizing Recruitment Requirements for the Temporary Employment of H–2A Foreign Workers in the United States.* The comment period ends on December 10, 2018. The Department of Labor (Department) is taking this action to provide interested parties additional time to submit comments in response to requests for an extension of the commenting period.

DATES: The comment period for the proposed rule published on November 9, 2018, at 83 FR 55985, is extended. Comments should be received on or before December 28, 2018.

ADDRESSES: You may send comments, identified by Docket No. ETA–2018–0002 or Regulatory Information Number (RIN) 1205–AB90, by any of the following methods:

—*Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the website instructions for submitting comments (under ''Help'' > ''How to use Regulations.gov'').

—*Mail and Hand Delivery/Courier:* Submit written comments and any additional material to Adele Gagliardi, Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210.

Instructions: Label all submissions with DOL RIN 1205–AB90. Please submit your comments by only one method. Please be advised that the Department will post all comments received that relate to this notice of proposed rulemaking (NPRM) on *http://www.regulations.gov* without making any change to the comments or redacting any information.

The *http://www.regulations.gov* website is the Federal e-rulemaking portal, and all comments posted there are available and accessible to the public. Therefore, the Department recommends that commenters remove personal information (either about themselves or others) such as Social Security Numbers, personal addresses, telephone numbers, and email addresses included in their comments, as such information may become easily available to the public via the *http://www.regulations.gov* website. It is the responsibility of the commenter to safeguard personal information.

Also, please note that, due to security concerns, postal mail delivery in Washington, DC may be delayed. Therefore, the Department encourages the public to submit comments on *http://www.regulations.gov.* Docket: To read or download comments or other material in the electronic docket, go to *http://www.regulations.gov* website (search using RIN 1205–AB90 or Docket No. ETA–2018–0002). The Department also will make all the comments it receives available for public inspection by appointment during normal business hours at the above address. If you need assistance to review the comments, the Department will provide appropriate aids, such as readers or print magnifiers. The Department will make copies of this proposed rule available, upon request, in large print and electronic file on computer disk. To schedule an appointment to review the comments and/or obtain the proposed rule in an alternative format, contact the Office of Policy Development and Research at

(202) 693–3700 (this is not a toll-free number). You may also contact Adele Gagliardi, Administrator, Office of Policy Development and Research, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210.

Comments under the Paperwork Reduction Act (PRA): In addition to filing comments with ETA, persons wishing to comment on the information collection (IC) aspects of this rule may send comments to: Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503, Fax: (202) 395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov. See* Paperwork Reduction Act section of this proposal for particular areas of interest.

FOR FURTHER INFORMATION CONTACT: Thomas M. Dowd, Deputy Assistant Secretary, Employment and Training Administration, Department of Labor, Box #12–200, 200 Constitution Ave. NW, Washington, DC 20210, telephone (202) 513–7350 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION: On November 9, 2018, the Department published an NPRM in the **Federal Register** at 83 FR 55985, proposing regulatory revisions that would modernize the recruitment an employer seeking H–2A nonimmigrant agricultural workers must conduct when applying for a temporary labor certification. In particular, the Department is proposing to replace the print newspaper advertisements that its regulations currently require with electronic advertisements posted on the internet, which the Department believes will be a more effective and efficient means of disseminating information about job openings to U.S. workers.

The NPRM requested public comments on the NPRM on or before December 10, 2018. The Department has received a request to extend the comment period to allow the public to provide input on the proposed changes. In light of the request, the Department has extended the period for submitting public comment to December 28, 2018.

Molly E. Conway,

Acting Assistant Secretary for Employment and Training Administration, Department of Labor.

[FR Doc. 2018–26766 Filed 12–6–18; 4:15 pm]

BILLING CODE 4510–FP–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 51

[Docket No: FR–6054–P–01]

RIN 2506–AC45

Conforming the Acceptable Separation Distance (ASD) Standards for Residential Propane Tanks to Industry Standards

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would modernize an existing regulation to reduce regulatory and cost burden on communities that may be restricted in their ability to site HUD-assisted projects, including those for low- and moderate-income housing, because of the presence of stationary aboveground liquefied petroleum gas (propane) storage tanks that may be nearby. Specifically, this proposed rule would allow the siting of HUD-assisted projects near stationary aboveground propane storage tanks with a capacity of 250 gallons or less if the storage tank complies with National Fire Protection Association (NFPA) Code 58 (Liquefied Petroleum Gas Code) (2017). HUD proposes to incorporate, by reference, NFPA 58, a voluntary consensus standard for public safety that establishes standards used by the propane industry and operators regarding storage, handling, transportation, and use of propane. To ensure the continued safety of residents in HUD-assisted projects and communities, HUD would rely upon NFPA codes and standards, with which many states already comply.

DATES: *Comment Due Date:* February 8, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule. All communications must refer to the above docket number and title. There are two methods for submitting public comments.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov*. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically through the *www.regulations.gov* website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

No Facsimiled Comments. Facsimiled (faxed) comments are not acceptable.

Public Inspection of Public Comments. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov*. In addition, all properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m., weekdays, at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

FOR FURTHER INFORMATION CONTACT: Danielle Schopp, Director, Office of Environment and Energy, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone number 202–402–5226 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

On February 10, 1984 (49 FR 5100), HUD published a final rule to minimize the possibility of loss of life and substantial property loss by establishing for HUD-assisted projects safety standards to calculate acceptable separation distances (ASD) from specific, stationary, hazardous operations that store, handle, or process hazardous substances, including

petrochemical products. HUD's standards, currently codified at 24 CFR part 51, subpart C, are based on the findings of studies conducted by the Department, one in 1975 and one in 1982.[1] The effect of these standards is to withhold HUD approval of an application for assistance for projects located at less than a prescribed ASD from specific hazardous operations, unless appropriate mitigating measures are implemented. Substances deemed hazardous include petrochemical products, such as propane. HUD-assisted projects include the development, construction, rehabilitation, modernization, or conversion with HUD subsidy, grant assistance, loan, loan guarantee, or mortgage insurance of any project that is intended for residential, institutional, recreational, commercial, or industrial use.

Mitigation measures can be costly and limit choices for siting a HUD-assisted project. Acceptable mitigation measures, as described in § 51.205 and HUD guidance, include tank burial or building a blast wall.[2] Tank burial is an involved process requiring costly construction procedures, and permit and design fees, especially in an urban environment. Similarly, constructing a blast wall or a barrier to surround the tank or a building structure on a HUD-assisted property's site to shield a proposed project from the hazard may be cost-prohibitive and burdensome, because most of the propane tanks that affect HUD-assisted projects are located offsite on adjacent properties.

HUD's experience has been that there are significant practical and economic difficulties in mitigating off-site residential propane tanks located on adjacent properties. For example, in the wake of Hurricane Katrina in 2008, HUD waived § 51.202(a) to permit applications to be considered for the State of Mississippi's Small Rental Assistance and Long-Term Workforce Housing Programs, because the HUD-assisted projects would be less than the ASD to residential propane tanks as established by regulation. More recently, HUD was advised that 22.7 percent of Vermont households are served by propane gas [3] and that projects using HUD Community Development Block Grant and HOME Investment Partnerships assistance would require mitigation measures to comply with HUD's ASD regulation. To address this issue, HUD waived § 51.202. In both waivers, HUD stated that propane tank compliance with National Fire Protection Association Code 58 (NFPA 58) mitigated any danger to HUD-assisted projects sited adjacent to the hazard.

Based on HUD's experience, HUD recognizes the need to streamline and update its current rule to allow the siting of HUD-assisted projects near stationary propane tanks that hold up to 250 gallons. HUD's determination that there exists a need to update this rule is also based on the advent of modern propane tank designs; updated fire safety codes, including NFPA 58; and the often cost-prohibitive nature of mitigation measures. This proposed rule would strike a more appropriate balance between safety and cost-effective measures to reduce regulatory burden across communities that need HUD-assisted projects.

II. This Proposed Rule

Current HUD regulations at § 51.202 provide that HUD will not approve an application for assistance for a proposed project located less than the ASD from a hazard unless appropriate mitigation measures (defined in § 51.205) are implemented or in place. With two exceptions, a hazard is defined in § 51.201 as ''any stationary container which stores, handles or processes hazardous substances of an explosive or fire prone nature.'' Propane is included in the definition of a ''hazardous gas.'' An ASD assessment is required for both blast overpressure (explosion) and thermal radiation (fire) for propane tanks near HUD-assisted projects. Where projects are less than the ASD from a propane tank, mitigation measures are required to protect outdoor areas, buildings, and their inhabitants from potential explosions and fires.

This rule proposes to update the existing regulation concerning aboveground propane storage tanks by creating a new exception to the definition of ''hazard'' as set out in 24 CFR 51.201. While the current codified definition of ''hazard'' at § 51.201 will remain unchanged for the most part, this proposed rule would except from the definition propane tanks of up to 250 gallons if the handling and storage of such tanks is compliant with NFPA 58 (2017). The rule proposes an exception for propane tanks up to 250 gallons. Typically, propane tanks up to 250 gallons are used for residential purposes, including heating and cooking.

NFPA 58 is a voluntary consensus standard and most states have adopted an edition of NFPA 58 into their state and local codes and regulations for propane tanks. HUD proposes to incorporate the 2017 edition of NFPA 58 because this edition has documentation requirements for the addition of odorant and verification of its presence, which is a safety measure that older editions of NFPA 58 do not contain. While HUD proposes to incorporate NFPA 58 (2017), HUD welcomes comments from states that have adopted editions of NFPA 58 other than the 2017 edition on how this proposed rule will affect them.

Additionally, this proposed rule would explicitly codify HUD's longstanding policy that there is no need for an ASD between HUD-assisted projects and underground containers. HUD has interpreted existing regulations to exempt belowground storage tanks, as the burial of hazardous materials is subject to state laws that ensure tanks are buried deeply enough so that the risk of fire or blast overpressure is sufficiently mitigated. As a result, belowground storage tanks fall within the existing exclusion for facilities shielded from proposed projects by the topography. Therefore, HUD wishes to explicitly clarify that all underground containers are similarly exempt from the definition of ''hazard.''

HUD is proposing this rule to update its current regulation that was published in 1984 and which does not account for updated standards and technology. As discussed, the awareness of safety standards and tank designs have contributed to reducing the hazard of fire and explosion. HUD has determined, therefore, the risk posed by any stationary propane tank of up to 250 gallons is adequately addressed by NFPA 58 (2017), a widely used standard. When the current regulation was originally drafted, most of the new and updated safety features incorporated into industrial propane gas tanks did not exist. For a propane tank to comply with NFPA 58 (2017), specific safety precautions must be met. For example, the tank must be equipped with certain features, including a spring-loaded pressure relief valve, a cylinder foot ring, cylinder collar, and valve cover; the contents of the tank must be identified, including note of the date it was manufactured or recertified; and the tank must be in good condition and free of signs of specific wear and defects. HUD's proposed exception to the term ''hazard'' will minimize the imposition of unjustified costs, saving HUD grantees the cost of constructing mitigation measures to address

[1] Safety Consideration in Siting Housing Projects, prepared by Arthur D. Little Inc., 1975; and Urban Development Siting with Respect to Hazardous Commercial/Industrial Facilities, by Rolf Jensen and Associates Inc., 1982.

[2] *https://www.hud.gov/sites/documents/BARRIER_DESIGN_GUIDANCE.PDF.*

[3] This information was provided by the Vermont Department of Forests, Parks & Recreation.

residential propane tanks located on properties that do not meet the ASD.

Overall, HUD proposes this action to reduce regulatory burden and cost and, at the same time, ensure the safety and health of residents.

III. Incorporation by Reference

Before HUD issues a final rule, the reference standards proposed for incorporation will be approved by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This rule proposes to incorporate the following voluntary consensus standard for siting of HUD-assisted projects near aboveground propane storage tanks that hold up to 250 gallons:

• NFPA 58 Liquefied Petroleum Gas Code (2017). The NFPA develops building, fire, and electrical safety codes and standards. Federal agencies frequently use these codes and standards as the basis for developing Federal regulations concerning safety. NFPA 58 provides industry benchmark and operational information and standards for safe propane storage, handling, transportation, and use. NFPA 58 mitigates risks and ensures safe installations, to prevent failures, leaks, and tampering that could lead to fires and explosions.

This proposed rule would only incorporate the 2017 version of NFPA 58. The rule cannot account for future editions of NFPA that do not yet exist. Therefore, if HUD wishes to revise the standard in the future to incorporate newer editions of NFPA 58, further rulemaking would be required.

NFPA 58 (2017) is available online for review and comment during this rule's comment period, via read-only access, at NFPA link *https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=58*. Members of the public may visit the link and create a user name and password to view the free-access edition. The standard may also be obtained from the National Fire Protection Association at 1 Batterymarch Park, Quincy, Massachusetts 02269, telephone number 617–770–3000, fax number 617–770–0700.

IV. Findings and Certifications

Regulatory Review—Executive Orders 12866 and 13563

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

HUD has examined the economic, budgetary, legal, and policy implications of this action and has determined that this proposed rule is a significant regulatory action under section 3(f) of Executive Order 12866 (but not an economically significant action). HUD has prepared a cost benefit analysis that addresses the costs and benefits of the proposed rule. The cost analysis is part of the docket file for this rule.

The docket file is available for public inspection at either *www.regulation.gov* or in the Regulations Division, Office of the General Counsel, Room 10276, 451 7th Street SW, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the docket file by calling the Regulations Division at 202–402–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at toll-free 800–877–8339.

Executive Order 13771

Executive Order 13771, entitled ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017. This proposed rule is expected to be an Executive Order 13771 deregulatory action. Details on the estimated cost savings of this proposed rule can be found in the rule's economic analysis.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit organizations, and small governmental jurisdictions.

The purpose of this proposed rule is to update a codified regulation to reduce regulatory and cost burden on communities that may be restricted in their ability to site HUD-assisted projects because of the presence of stationary aboveground propane storage tanks that may be nearby. Specifically, the rule proposes to allow the siting of HUD-assisted projects near stationary aboveground propane storage tanks with a capacity of 250 gallons or less if the storage tank complies with the National Fire Protection Association (NFPA) Code 58 (Liquefied Petroleum Gas Code) (2017). HUD has determined that the rule, if implemented as proposed, would result in the reduction of costly mitigation measures. Savings are estimated to be from $100,000 to $4 million per year and involve approximately 20 projects per year. Accordingly, the undersigned certifies that this rule would not have a significant economic impact on a substantial number of small entities.

Environmental Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for public inspection on *www.regulations.gov*.

Federalism Impact

Executive Order 13132 (entitled ''Federalism'') prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on State and local governments and is not required by statute, or preempts State law, unless the relevant requirements of section 6 of the Executive order are met. This 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.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and on the private sector. This proposed rule would not impose any Federal mandates on any State, local, or tribal

governments, or on the private sector, within the meaning of UMRA.

List of Subjects in 24 CFR Part 51

Airports, Hazardous substances, Housing standards, Incorporation by reference, Noise control.

Accordingly, for the reasons stated in the foregoing preamble, HUD proposes to amend 24 CFR part 51 as follows:

PART 51—ENVIRONMENTAL CRITERIA AND STANDARDS

■ 1. The authority citation for 24 CFR part 51 continues to read as follows:

Authority: 42 U.S.C. 3535(d), unless otherwise noted.

■ 2. In § 51.200, revise the heading, designate the introductory text as paragraph (a), redesignate paragraphs(a) through (e) as paragraphs (a)(1) through (a)(5), and add new paragraph (b) to read as follows:

§ 51.200 Purpose and Incorporation by Reference.

(a) The purpose of this subpart C is to:

* * * * *

(b) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at HUD's Office of Environment and Energy, 202–402–5226, and from the sources indicated below. 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 visit *www.archives.gov/federal-register/cfr/ibr-locations.html.* Persons with hearing or speech impairments may access the numbers above through TTY by calling the Federal Relay Service, toll-free, at 800–877–8339.

(1) National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269, telephone number 617–770–3000, fax number 617–770–0700, *www.nfpa.org.*

(i) NFPA 58: Liquefied Petroleum Gas Code (2017), IBR approved for § 51.201.

(ii) [Reserved]

(2) [Reserved]

■ 3. In § 51.201, revise the definition of ''Hazard'' to read as follows:

§ 51.201 Definitions.

* * * * *

Hazard—means any stationary container which stores, handles, or processes hazardous substances of an explosive or fire prone nature. The term ''hazard'' does not include:

(1) Pipelines for the transmission of hazardous substances, if such pipelines are located underground, or comply with applicable Federal, State and local safety standards;

(2) Containers with a capacity of 100 gallons or less when they contain common liquid industrial fuels, such as gasoline, fuel oil, kerosene and crude oil, since they generally would pose no danger in terms of thermal radiation or blast overpressure to a project;

(3) Facilities that are shielded from a proposed HUD-assisted project by the topography, because these topographic features effectively provide a mitigating measure already in place;

(4) All underground containers; and

(5) Containers designed to hold liquefied propane gas with a volumetric capacity not to exceed 250 gallons, if they comply with the NFPA 58 (incorporated by reference, see § 51.200(b)).

* * * * *

Dated: October 18, 2018.

Neal J. Rackleff,

Assistant Secretary for Community Planning and Development.

[FR Doc. 2018–26493 Filed 12–7–18; 8:45 am]

BILLING CODE 4210–67–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2018–0567; FRL–9986–34]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: EPA issued a proposed significant new use rule (SNUR) in the **Federal Register** of September 17, 2018 (FRL–9983–14) for 28 chemical substances. EPA is reopening the comment period because it received a request to extend the comment period but the request was received too late to publish an extension of the comment period before the comment period expired.

DATES: Comments, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0567 must be received on or before January 9, 2019. This **Federal Register** document published the issue of September 17, 2018 reopens the comment period for the proposed rule until January 9, 2019.

ADDRESSES: Follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of September 17, 2018 (83 FR 47004) (FRL–9983–14).

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION: This document reopens the public comment period established in the **Federal Register** document of September 17, 2018. In that document, EPA proposed SNURs for 28 chemical substances. EPA received a request to extend the comment period for 30 days but the request was received too late to publish an extension of the comment period before the comment period expired. EPA is hereby reopening the comment period for 30 days.

Note that in the September 17, 2018 issue of the **Federal Register** including the proposed SNURs for 28 chemical substances, the Agency also issued direct final SNURs for these chemical substances (83 FR 47004) (FRL–9983–14). As of the date of signature of this action to reopen the comment period on the proposed rule, that direct final rule was in the process of being withdrawn because of the receipt of adverse comments and a request to extend the comment period. EPA will address all adverse public comments in a subsequent final rule, based on the proposed rule.

To submit comments, or access the docket, please follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of September 17, 2018. If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: November 16, 2018.

Jeffrey T. Morris,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2018–26685 Filed 12–7–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R04–RCRA–2018–0529; FRL–9987–36–Region 4]

Alabama: Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Alabama has applied to the Environmental Protection Agency (EPA) for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. EPA has reviewed Alabama's application and is proposing to determine that these changes satisfy all requirements needed to qualify for final authorization. Therefore, we are proposing to authorize the State's changes. EPA seeks public comment prior to taking final action.

DATES: Comments must be received on or before January 9, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–RCRA–2018–0529, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Audrey Baker, Materials and Waste Management Branch, RCR Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960; telephone number: (404) 562–8483; fax number: (404) 562–9964; email address: *baker.audrey@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. Why are revisions to state programs necessary?

States that have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal program. As the federal program changes, states must change their programs and ask EPA to authorize the changes. Changes to state programs may be necessary when federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, states must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 268, 270, 273, and 279.

New federal requirements and prohibitions imposed by federal regulations that EPA promulgates pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) take effect in authorized states at the same time that they take effect in unauthorized states. Thus, EPA implements those requirements and prohibitions in the states, including the issuance of new permits implementing those requirements, until the states are granted authorization to do so.

B. What decision is EPA proposing to make in this rule?

Alabama submitted final complete program revision applications, dated November 2, 2016 and May 11, 2018, seeking authorization of changes to its hazardous waste program that correspond to certain federal rules promulgated between July 1, 2004 and June 30, 2015 (including RCRA Clusters [1] XV, XVI, XIX through XXI, XXIII, and XXIV). EPA concludes that Alabama's applications to revise its authorized program meet all of the statutory and regulatory requirements established by RCRA, as set forth in RCRA section 3006(b), 42 U.S.C. 6926(b), and 40 CFR part 271. Therefore, EPA proposes to grant Alabama final authorization to operate its hazardous waste program with the changes described in the authorization applications, and as outlined below in Section F of this document.

Alabama has responsibility for permitting treatment, storage, and disposal facilities within its borders (except in Indian country) and for carrying out the aspects of the RCRA program described in its revised program applications, subject to the limitations of HSWA, as discussed above.

C. What is the effect of this proposed authorization decision?

If Alabama is authorized for the changes described in Alabama's authorization applications, these changes will become part of the authorized State hazardous waste program, and therefore will be federally enforceable. Alabama will continue to have primary enforcement authority and responsibility for its State hazardous waste program. EPA would retain its authorities under RCRA sections 3007, 3008, 3013, and 7003, including its authority to:

- Conduct inspections, and require monitoring, tests, analyses or reports;
- Enforce RCRA requirements, including authorized State program requirements, and suspend or revoke permits; and
- Take enforcement actions regardless of whether the State has taken its own actions.

This action will not impose additional requirements on the regulated community because the regulations for which EPA is proposing to authorize Alabama are already effective, and are not changed by today's proposed action.

D. What happens if EPA receives comments that oppose this action?

EPA will evaluate any comments received on this proposed action and will make a final decision on approval or disapproval of Alabama's proposed authorization. Our decision will be published in the **Federal Register**. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

E. What has Alabama previously been authorized for?

Alabama initially received final authorization on December 8, 1987, effective December 22, 1987 (52 FR 46466), to implement the RCRA hazardous waste management program. EPA granted authorization for changes to Alabama's program on the following dates: November 29, 1991, effective January 28, 1992 (56 FR 60926); May 13,

[1] A ''cluster'' is a grouping of hazardous waste rules that EPA promulgates from July 1 of one year to June 30 of the following year.

1992, effective July 12, 1992 (57 FR 20422); October 21, 1992, effective December 21, 1992 (57 FR 47996); March 17, 1993, effective May 17, 1993 (58 FR 20422); September 24, 1993, effective November 23, 1993 (58 FR 49932); February 1, 1994, effective April 4, 1994 (59 FR 4594); November 14, 1994, effective January 13, 1995 (59 FR 56407); August 14, 1995, effective October 13, 1995 (60 FR 41818); February 14, 1996, effective April 15, 1996 (61 FR 5718); April 25, 1996, effective June 24, 1996 (61 FR 5718); November 21, 1997, effective February 10, 1998 (62 FR 62262); December 20, 2000, effective February 20, 2001 (65 FR 79769); March 15, 2005, effective May 16, 2005 (70 FR 12593); June 2, 2005, effective August 1, 2005 (70 FR 32247); September 13, 2006, effective November 13, 2006 (71 FR 53989); April 2, 2008, effective June 2, 2008 (73 FR 17924); and March 20, 2017, effective May 19, 2017 (82 FR 14327).

F. What changes are we proposing with today's action?

Alabama submitted two separate final complete program revision applications seeking authorization of changes to its hazardous waste management program in accordance with 40 CFR 271.21. Its application dated November 2, 2016, included changes associated with 71 FR 16862; [2] 208 and 220, and its application dated May 11, 2018, included changes associated with Checklists 206.1, 207, 209, 211, 213, 222, 223, 225–227, 232, and 234. EPA proposes to determine, subject to receipt of written comments that oppose this action, that Alabama's hazardous waste program revisions are equivalent to, consistent with, and no less stringent than the federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. Therefore, EPA is proposing to authorize Alabama for the following program changes:

TABLE 1

Description of federal requirement	**Federal Register** date and page	Analogous State authority [3]
Checklist 206.1, Nonwastewaters from Dyes and Pigments (Correction).	70 FR 35032 6/16/05	335–14–2–.04(3)(d)2. and (3)(d)3.(iv)(II).
Checklist 207, Uniform Hazardous Waste Manifest Rule.	70 FR 10776 3/4/05, 70 FR 35034 6/16/05.	335–14–1.–02(1)(a)70., (1)(a)164.–165.; 335–14–2.01(7), (7)(b)(iii)(II); 335–14–3–.02(1)(a), (2)(a)–(b), (2)(b)1.–2., (8); 335–14–3–.03(3)(b), (4), (5)(k); 335–14–3–.05(5)(c), (5)(e); 335–14–3–.06(1)(c)–(e); 335–14–3 Appendix I—Uniform Hazardous Waste Manifest and Instructions; 335–14–4–.02(1)(a)1.–3., (1)(g), (2)(b); 335–14–5–.05(1), (2)(a)1.(i)–(v), (2)(a)2., (2)(b)4., (2)(e), (3)(a)–(e), (3)(f)1.–7., (3)(g), (7)(a); 335–14–6–.05(1)(a), (2)(a)1.(i)–(iv), (2)(b)4., (2)(e), (3)(a)–(g), and (7)(a).
Checklist 208, Methods Innovation Rule and SW–846 Update IIIB.	70 FR 34538 6/14/05, 70 FR 44150 8/1/05.	335–14–1–.02(2); 335–14–1–.03(1)(d); 335–14–2–.01(3)(a)2.(v); 335–14–2–.03(2)(a)1.–2.; 335–14–2–.04(6)(b)2.(iii)(I)–(II); 335–14–2 Appendix I—Representative Sampling Methods; 335–14–2 Appendix II—III [Reserved]; 335–14–5–.10(1)(a); 335–14–5–.14(15)(c); 335–14–5–.27(c)(5); 335–14–5–.28(c)(14); 335–14–5 Appendix IX—Groundwater Monitoring List; 335–14–6–.10(1)(a); 335–14–6–.14(15)(d); 335–14–6–.27(5); 335–14–6–.28(14); 335–14–6–.29(2), (5); 335–14–7–.08(1), (3), (7), (13); 335–14–7 Appendix IX—Methods Manual for Compliance with the BIF Regulations; 335–14–8–.02(2)(b)2.(i)(III)–(IV), (10)(c)1.(iii)–(iv), (13)(a)2.(ii)(II); 335–14–8–.06(5)(c)2.(i)–(ii); 335–14–9–.04(1), (8); 335–14–9 Appendix IX—Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test (SW–846, Method 1310); 335–14–17–.02(1)(b)1.(ii); 335–14–17–.05(6)(c); 335–14–17–.06(4)(c); and 335–14–17–.07(4)(c).
Checklist 209, Universal Waste Rule: Specific Provisions for Mercury Containing Equipment.	70 FR 45508 8/5/05	335–14–1–.02(1)(a)12., (1)(a)154., (1)(a)166., (1)(a)254., (1)(a)295.; 335–14–2–.01(9)(c); 335–14–5–.01(1)(g)12.(iii); 335–14–6–.01(1)(c)14.(iii); 335–14–8–.01(1)(c)2.(ix)(III); 335–14–9–.01(1); 335–14–11–.01(1)(a)3., (4)(a)–(c); 335–14–11–.02(4)(c), (5)(d); 335–14–11–.03(3)(b)4.–5.; 335–14–11–.03(4)(c) and (5)(d).
Checklist 211, Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures (''Headworks exemptions'').	70 FR 57769 10/4/05	335–14–2–.01(3)(a)2.(iv)(I)–(II), (IV), and (VII)–(VIII).
Checklist 213,[4] Burden Reduction Initiative.	71 FR 16862 4/4/06	335–14–1–.03(11)(b)1.–7.; 335–14–2–.01(4)(a)9.(iii)(v), (4)(f)9.; 335–14–5–.02(6)(b)4., (7)(a)4.; 335–14–5–.04(3)(b), (7)(i); 335–14–5–.05(4)(b)1.–2., (4)(b)6., (4)(b)8., (4)(b)10., (4)(b)18.–19.; 335–14–5–.06(9)(d), (9)(g)2.–3.; 335–14–5–.06(10)(f)–(g), (11)(g); 335–14–5–.07(4)(e)5., (6), (11); 335–14–5–.08(4)(i), (6)(i), (8)(e); 335–14–5–.09(5); 335–14–5–.10(2)(a), (2)(b)5.(ii), (3)(a)–(b), (4)(a), (4)(i)2., (6)(b)–(g), (7)(f); 335–14–5–.12(2)(c); 335–14–5–.13(11)(b); 335–14–5–.14(15)(f); 335–14–5–.15(4)(a)2., (8)(d); 335–14–5–.19(5)(c)2.; 335–14–5–.23(2)(a)–(c); 335–14–5–.23(4)(a)4.(ii), (4)(g), (5)(a); 335–14–5–.28(12)–(13); 335–14–5–.30(1), (2)(c)2., (2)(c)4.; 335–14–6–.02(6)(b)4., (7)(a)4.; 335–14–6–.04(3)(b), (7)(j); 335–14–6–.05(4)(b); 335–14–6–.06(1)(d)1., (1)(d)3., (4)(d)2., (4)(d)5.; 335–14–6–.07(4)(e)5., (6), (11); 335–14–6–.08(4)(h), (6)(h), (8)(e); 335–14–6–.09(5); 335–14–6–.10(2)(a), (2)(b)5.(ii), (3)(a)–(b), (4)(a), (4)(i)2., (6)(a)–(f), (7)(f), (12)(c)–(g); 335–14–6–.11(2)(a), (5); 335–14–6–.12(10)(a); 335–14–6–.13(11)(e); 335–14–6–.14(2)(a), (4)(a); 335–14–6–.14(15)(b)–(g); 335–14–6–.23(2)(a)–(c), (4)(a)4.(ii), (4)(g), (5)(a); 335–14–6–.28(12)–(13); 335–14–6–.30(1), (2)(c)2., (2)(c)4.; 335–14–7–.08(3)–(4); 335–14–8–.02(5)(a), (7)(a), (17)(c)15.; 335–14–9–.01(7) and (9).
Checklist 220, Academic Laboratories Generator Standards.	73 FR 72912 12/1/08	335–14–2–.01(5)(c)6.–7.; 335–14–3–.01(j), (j)1.–2.; 335–14–1–.02(1)(a)30., (1)(a)38., (1)(a)84., (1)(a)111., (1)(a)140.–142., (1)(a)181., (1)(a)222., (1)(a)277., (1)(a)298., (1)(a)322.; 335–14–1–.12; and 335–14–3–.12(2)–(17).

[2] A ''checklist'' is developed by EPA for each federal rule amending the RCRA regulations. The checklists document the changes made by each federal rule and are presented and numbered in chronological order by date of promulgation.

[3] The Alabama regulatory citations are from the Alabama Hazardous Waste Management Rules, effective March 31, 2011 (Checklist 223); April 8, 2016 (Checklists 208 and 220); and March 31, 2017, (Checklists 206.1, 207, 209, 211, 213, 222, 225, 226, 227, 232, and 234).

[4] The National Environmental Performance Track Program referenced in the Burden Reduction Initiative Rule has been discontinued.

TABLE 1—Continued

Description of federal requirement	**Federal Register** date and page	Analogous State authority [3]
Checklist 222, OECD Requirements; Export Shipments of Spent Lead-Acid Batteries.	75 FR 1236 1/8/10	335–14–3–.01(1)(d); 335–14–3–.05(6), (9)(a)–(b); 335–14–3–.09(1)(a)–(b), (3)(a)–(g), (4)(a)–(e), (5)(a)–(e), (6)(a)–(g), (7)(a)–(b), (8)(a)–(c), (9), (10)(a)–(d); 335–14–1–.02(1)(a)44., (1)(a)58.–61., (1)(a)99., (1)(a)121., (1)(a)177.–178., (1)(a)218.–219., (1)(a)220.(viii) and (xiii), and (1)(a)268.; 335–14–4–.01(1)(d); 335–14–5–.02(3)(a)2.; 335–14–5–.05(2)(a)2., (2)(d); 335–14–6–.02(3)(a)2.; 335–14–6–.05(2)(a)2., (2)(d); and 335–14–7–.07(1)(a).
Checklist 223, Hazardous Waste Technical Corrections and Clarifications.	75 FR 12989 3/18/10, 75 FR 31716 6/4/10.	335–14–1–.02(1)(a)173., (1)(a)208.; 335–14–2–.01(2)(c) Table 1, (4)(a)17.(vi), (5)(b), (5)(e), (5)(f)2., (5)(g), (6)(a)2.–3., (6)(c)1., (6)(d), (7)(a)1.(ii), (7)(a)2.(ii), (7)(b)1., (7)(b)3.; 335–14–2–.03(4)(a)8.; 335–14–2–.04(1)(c)–(d), (2)(a), (3)(a) Table, (4)(f) Table; 335–14–2 Appendix VII—Basis for Listing Hazardous Waste; 335–14–3–.01(1)(f), (2)(d); 335–14–3–.02(4)(f); 335–14–3–.03(5)(a)–(c), (5)(d)5., (5)(g), (5)(j); 335–14–3–.04(2)(b), (3)(a), (3)(d); 335–14–3–.06(1)(b); 335–14–5–.04(3), (7)(d)2.; 335–14–5–.05(3)(e)6., (3)(f)1. 7.–8.; 335–14–5–.14(15)(e), (17)(b); 335–14–5–.19(3)(a)3.(ii)–(iv), (3)(e)4.(iv)(VI); 335–14–6–.04(3)(b), (7)(d)2.; 335–14–6–.05(3)(e)6., (3)(f)1., (3)(f)7.–8;[5] 335–14–6–.14(15)(f), (17)(b); 335–14–7–.03(1)(b), (3); 335–14–7–.06(1)(d); 335–14–7–.07(1)(b); 335–14–7–.08(2); 335–14–9–.04(1), (8); and 335–14–8–.01(4)(a).
Checklist 225, Removal of Saccharin and its Salts from the Lists of Hazardous Wastes.	75 FR 78918 12/17/10	335–14–2–.04(4) Table after subparagraph (e); 335–14–2 Appendix VIII—Hazardous Constituents; 335–14–9–.00; and 335–14–9 Appendix VII—Effective Dates of Surface Disposed Prohibited Hazardous Wastes.
Checklist 226, Academic Laboratories Generator Standards Technical Corrections.	75 FR 79304 12/20/10	335–14–1–.02(1)(a)30.; 335–14–3–.12(7)(b)3.(i), (13)(e)1., (15)(a)1., and (15)(b)1.
Checklist 227, Revision of the Land Disposal Treatment Standards for Carbamate Wastes.	76 FR 34147 6/13/11	335–14–9–.00.
Checklist 232, Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule.	79 FR 36220 6/26/14	335–14–1–.02(1)(a)61.; 335–14–2–.05(1)(a)5.(i)(VI), (1)(a)5.(x)–(xi), (3), and (3)(a)–(b).
Checklist 234, Response to Vacaturs of the Comparable Fuels Rule and the Gasification Rule.	80 FR 18777 4/8/15	335–14–2–.01(4)(a)12.(i), (4)(a)16.; and 335–14–2–.04(9).

G. Where are the revised state rules different from the federal rules?

When revised state rules differ from the federal rules in the RCRA state authorization process, EPA determines whether the state rules are equivalent to, more stringent than, or broader in scope than the federal program. Pursuant to section 3009 of RCRA, 42 U.S.C. 6929, state programs may contain requirements that are more stringent than the federal regulations. Such more stringent requirements can be federally authorized and, once authorized, become federally enforceable. Although the statute does not prevent states from adopting regulations that are broader in scope than the federal program, such regulations cannot be authorized and are not federally enforceable.

In its review of the Alabama regulations submitted as part of the program revision applications that are the subject of this proposed rule, EPA did not find any State regulations to be broader in scope than the federal program. However, EPA has determined that certain regulations included in Alabama's program revision applications are more stringent than the federal program. All of these more stringent requirements will become part of the federally enforceable RCRA program in Alabama when authorized. These more stringent requirements are set forth in Table 2 below:

TABLE 2

Alabama more stringent provisions	Explanation
335–14–5–.05(7)(a) and 335–14–6–.05(7)(a)	Alabama is more stringent than the federal program at 40 CFR 264.76(a) and 265.76(a) by including the following additional recordkeeping requirement: ''The owner or operator must retain a copy of each un-manifested waste report for, at least, three (3) years from the due date of the report.''
335–14–11–.03(b)5	Alabama is more stringent than the federal program at 40 CFR 273.32(b)(5) by requiring a large quantity handler of universal waste to include certain information in its notice of universal waste management that is no longer required at the federal level.
335–14–5–.13(11)(b) and 335–14–6–.13(11)(e)	Alabama is more stringent than the federal program at 40 CFR 264.280(b) and 265.280(e) by requiring that the professional engineer be ''independent.''
335–14–6–.04(7)(j)	Alabama is more stringent than the federal program at 40 CFR 265.56(i) by requiring the owner or operator to notify before resuming operations.
335–14–6–.05(4)(b)6	Alabama is more stringent than the federal program at 40 CFR 265.73(b)(6) by requiring a facility to maintain in its operating record additional monitoring, testing, and analytical data not required by the federal regulation.
335–14–6–.10(12)(c)	Alabama is more stringent than the federal program at 40 CFR 265.201(c) by requiring that inspections be documented.

[5] The correct internal cross reference in 335–14–6–.05(3)(f)8. to the State analog for 40 CFR 262.42(a) should be: ''335–14–3–.04(3)(a)'' not ''335–14–3–.04(3).''

EPA cannot delegate certain federal requirements associated with the federal manifest registry system in the Uniform Hazardous Waste Manifest Rule (Checklists 207). Additionally, EPA cannot delegate the federal requirements associated with international shipments (*i.e.,* import and export provisions) associated with the OECD Requirements for Export Shipments of Spent Lead-Acid Batteries (Checklist 222) or the Revisions to the Export Provisions of the Cathode Ray Tube Rule (Checklist 232). Alabama has adopted these requirements and appropriately preserved EPA's authority to implement them.

H. Who handles permits after the final authorization takes effect?

Alabama will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which EPA issued prior to the effective date of this authorization until they expire or are terminated. EPA will not issue any new permits or new portions of permits for the provisions listed in Table 1 above after the effective date of the final authorization. EPA will continue to implement and issue permits for HSWA requirements for which Alabama is not yet authorized.

I. How does today's proposed action affect Indian country (18 U.S.C. 1151) in Alabama?

Alabama is not authorized to carry out its hazardous waste program in Indian country within the State, which includes the Poarch Band of Creek Indians. Therefore, this proposed action has no effect on Indian country. EPA will continue to implement and administer the RCRA program on these lands.

J. What is codification and will EPA codify Alabama's hazardous waste program as proposed in this rule?

Codification is the process of placing the state's statutes and regulations that comprise the state's authorized hazardous waste program into the Code of Federal Regulations. EPA does this by referencing the authorized state rules in 40 CFR part 272. EPA is not proposing to codify the authorization of Alabama's changes at this time. However, EPA reserves the amendment of 40 CFR part 272, subpart B, for the authorization of Alabama's program changes at a later date.

K. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action proposes to authorize State requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by State law. Therefore, this action is not subject to review by OMB. This action is not an Executive Order 13771 (82 FR 9339, February 3, 2017) regulatory action because actions such as today's proposed authorization of Alabama's revised hazardous waste program under RCRA are exempted under Executive Order 12866. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action proposes to authorize pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to authorize State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not economically significant and it does not make decisions based on environmental health or safety risks. This action is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), EPA grants a state's application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in proposing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of this action in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). ''Burden'' is defined at 5 CFR 1320.3(b). Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this action proposes authorization of pre-existing State rules which are at least equivalent to, and no less stringent than existing federal requirements, and imposes no additional requirements beyond those imposed by State law, and there are no anticipated significant adverse human health or environmental effects, this proposed rule is not subject to Executive Order 12898.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties,

Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: November 20, 2018.

Mary S. Walker,

Acting Regional Administrator, Region 4.

[FR Doc. 2018–26357 Filed 12–7–18; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 83, No. 236
Monday, December 10, 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

December 4, 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 January 9, 2019 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.

Animal and Plant Health Inspection Service

Title: Importation of Small Lots of Seeds Without Phytosanitary Certificates.

OMB Control Number: 0579–0285.

Summary of Collection: Under the Plant Protection Act (PPA) (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. The regulations contained in 7 CFR 319.37 prohibit or restrict the importation of living plants, plant parts, and seed for propagation. These regulations further allow small lots of seed to be imported into the United States under an import permit with specific conditions, including seed packet labeling, as an alternative to a phytosanitary certificate requirement.

Need and Use of the Information: The APHIS Plant Protection and Quarantine Program will collect information using applications for import permit submitted by persons wishing to import small lots of seed. The application provides contact information as well as specifics about the regulated article such as the country of origin, the quantity and names of articles, means of importation, and their port of entry arrival. Packets and containers must have labels and markings clearly describing the contents of seed packets; and sender, permit, and destination information. Importers are also required to notify the port of entry of pending shipment arrivals, and respond to emergency action notifications for shipments held at the port for further action. Without the information APHIS could not verify that imported items do not present significant risk of introducing plant pests and plant disease into the United States.

Description of Respondents: Individuals or households; Business or other for-profit.

Number of Respondents: 2,376.

Frequency of Responses: Reporting, Third Party Disclosure: On occasion.

Total Burden Hours: 18,732.

Animal and Plant Health Inspection Service

Title: Importation of Swine Hides, Bird Trophies, and Deer Hides.

OMB Control Number: 0579–0307.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The AHPA is contained in Title X, Subtitle E, Sections 10401–18 of Public Law 107–171, May 13, 2002, the Farm Security and Rural Investment Act of 2002. The Animal and Plant Health Inspection Service (APHIS) protects the health of the U.S. livestock and poultry population. Title 9 of the Code of Federal Regulations, parts 91 through 99, governs the importation of animals, birds, and poultry, certain animal and poultry products; and animal germplasm. These regulations place certain restrictions on the importation of hides and bird trophies to prevent an incursion of foreign animal diseases into the United States.

Need and Use of the Information: APHIS will collect information from forms, certificates, and written statements, to ensure that bird trophies and certain animal hides pose a negligible risk of introducing African Swine Fever, Bovine Babesiosis, Exotic Newcastle Disease, Foot-and Mouth Disease, Highly Pathogenic Avian Influenza, and Rinderpest into the United States. If this information is not collected, it would significantly hinder APHIS's ability to ensure that these commodities pose a minimal risk of introducing foreign animal diseases into the United States.

Description of Respondents: State, Local or Tribal Government; Business or other for-profit.

Number of Respondents: 264.

Frequency of Responses: Reporting; On occasion.

Total Burden Hours: 284.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–26610 Filed 12–7–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0083]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Fresh Peppers From Ecuador Into the United States

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

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

DATES: We will consider all comments that we receive on or before February 8, 2019.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0083.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0083, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0083* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations related to the importation of fresh peppers from Ecuador into the United States, contact Ms. Claudia Ferguson, Senior Regulatory Policy Coordinator, Plant Protection and Quarantine, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1236; (301) 851–2352. For more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Fresh Peppers From Ecuador Into the United States.

OMB Control Number: 0579–0437.

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

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. As authorized by the PPA, the Animal and Plant Health Inspection Service regulates the importation of fruits and vegetables into the United States from certain parts of the world as provided in 7 CFR 319.56, ''Subpart—Fruits and Vegetables''.

In accordance with the regulations, fresh peppers from Ecuador may be imported into the continental United States under certain conditions to prevent the introduction of plant pests into the United States. These conditions require the use of certain information collection activities, including development of an operational workplan and a quality control plan; production site and packinghouse registrations; production site and insect trap inspections and recordkeeping; box labeling; notices of arrival to ports; responses to emergency action notifications, and permit applications. Also, each consignment of peppers must be accompanied by a phytosanitary certificate issued by the national plant protection organization (NPPO) of Ecuador containing an additional declaration stating the peppers were produced and prepared for export in accordance with the regulations. These actions allow the importation of fresh peppers from Ecuador while continuing to protect the United States against the introduction of plant pests.

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

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

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

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

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

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

Estimate of burden: The public burden for this collection of information is estimated to average 0.01 hours per response.

Respondents: NPPO of Ecuador, import brokers, commercial producers, and packinghouses.

Estimated annual number of respondents: 803.

Estimated annual number of responses per respondent: 253.

Estimated annual number of responses: 202,928.

Estimated total annual burden on respondents: 2,117 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 3rd day of December 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–26638 Filed 12–7–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Nez Perce-Clearwater National Forests, Idaho; Moose Creek Project

AGENCY: Forest Service, USDA.

ACTION: Withdrawal of notice of intent to prepare environmental impact statement.

SUMMARY: The Nez Perce-Clearwater National Forests is withdrawing the Notice of Intent (NOI) to prepare an Environmental Impact Statement for the Moose Creek Project.

FOR FURTHER INFORMATION CONTACT: Questions concerning withdrawal of the NOI should be addressed to Stefani Spencer (District Ranger) at the following address: Palouse Ranger District, Nez Perce Clearwater National Forest, 1700 Highway 6, Potlatch, ID 83855, phone: 208–875–1133.

Individuals who use telecommunication devices for the deaf

(TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Nez Perce-Clearwater National Forests is withdrawing the Notice of Intent (NOI) to prepare an Environmental Impact Statement for the Moose Creek Project. The original NOI was published in the **Federal Register** on April 27, 2017 (82 FR 19350).

Dated: November 20, 2018.

Jennifer Eberlien,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2018–26695 Filed 12–7–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Cold Storage Survey. Revisions to burden hours will be needed due to changes in the size of the target population and the estimated average burden minutes to compete each questionnaire. The questionnaires have had some minor modifications to accommodate changes in the products stored by the industry, and to make the questionnaires easier to complete. The target population of cold storage operators (both mandatory and voluntary samples) will be contacted for this data on a monthly basis. The capacity survey is conducted once every other year of all operations with refrigerated storage capacity.

DATES: Comments on this notice must be received by February 8, 2019 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0001, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *E-fax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 202–720–4333. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at 202–690–2388 or at *ombofficer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Cold Storage Survey.

OMB Control Number: 0535–0001.

Expiration Date of Approval: April 30, 2019.

Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to collect, prepare, and issue State and national estimates of crop and livestock production, prices, and disposition; as well as economic statistics, environmental statistics related to agriculture and also to conduct the Census of Agriculture.

The monthly Cold Storage Survey provides information on national supplies of food commodities in refrigerated storage facilities. A biennial survey of refrigerated warehouse capacity is also conducted to provide a benchmark of the capacity available for refrigerated storage of the nation's food supply. Information on stocks of food commodities that are in refrigerated facilitates have a major impact on the price, marketing, processing, and distribution of agricultural products.

Authority: These data will be collected under authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This notice is submitted in accordance with the Paperwork Reduction Act of 1995, (Pub. L. 104–13) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Most of these surveys are voluntary; the one exception is for operations that store certain manufactured dairy products that are required by Public Law 106–532 and 107–171 to respond.

Estimate of Burden: Public reporting burden for this information collection is based on 2 individual surveys with expected responses of 15–30 minutes. The Refrigerated Capacity Survey is conducted once every 2 years, the Cold Storage survey is conducted monthly.

Respondents: Refrigerated storage facilities.

Estimated Number of Respondents: 1,600.

Estimated Total Annual Burden on Respondents: With an estimated response rate of approximately 85%, we estimate the burden to be 5,000 hours.

Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS Clearance Officer, at (202) 690–2388.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

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

Signed at Washington, DC, November 21, 2018.

Kevin L. Barnes,

Associate Administrator.

[FR Doc. 2018–26658 Filed 12–7–18; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request To Conduct a New Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 this notice announces the intention of the National Agricultural Statistics Service (NASS) to seek approval to conduct a new information collection for surveys funded by NASS's many cooperators (Federal agencies, State governments, land grant universities, and other organizations). Results from these surveys are important for the cooperators in carrying out their missions, as well as of general interest to the agricultural community. This generic clearance will allow NASS to conduct surveys in a timely manner for the cooperating institutions providing funding for the surveys.

DATES: Comments on this notice must be received by February 8, 2019 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–NEW, by any of the following methods:

- *Email: omboffi cer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *E-fax:* 855–838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 202–720–4333. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at 202–690–2388 or at *omboffi cer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Quick Response for Cooperator-Funded Surveys Generic Clearance.

OMB Control Number: 0535–NEW.

Type of Request: Intent to seek approval to conduct a new information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to collect, prepare, and issue state and national estimates of crop and livestock production, prices, and disposition; as well as economic statistics, environmental statistics related to agriculture; and also to conduct the Census of Agriculture. In addition, NASS has many cooperators from other Federal agencies, State governments, land grant universities, and other organizations that seek NASS's assistance in collecting agricultural data through surveys. Results from these surveys are important for the cooperators in carrying out their missions, as well as of general interest to the agricultural community. Results from these surveys will be made available to the public by NASS or the cooperators who fund them. This generic clearance seeks approval for NASS to conduct a variety of agricultural surveys which will be paid for entirely by cooperators. NASS anticipates the cooperator-funded surveys will cover topics such as: (1) Farm management practices, (2) food safety, (3) workplace safety, (4) conservation and land use practices, (5) chemical use management practices, (6) crop quality, (7) agri-tourism, (8) local foods, and (9) other agricultural-related topics. This generic clearance is subject to the regular clearance process at OMB with a 60-day notice and a 30-day notice as part of the 120-day review period. Each individual cooperator-funded survey is then subject to a clearance process with an abbreviated clearance package which justifies the particular content of the survey, describes the sample design, provides the timeline for the survey activities, and the questionnaire. The review period for each individual survey is approximately 45 days, including a 30-day **Federal Register** notice period.

Authority: These data will be collected under authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–113, 44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Public reporting burden for this information collection is estimated to average 30 minutes per response. Up to 15 individual surveys are included in this generic clearance to be conducted annually. The estimated sample size for each of the 15 surveys is approximately 5,000. Each of the 15 surveys are expected to be conducted once annually. The estimated number of responses per respondent is 1. Publicity materials and instruction sheets will account for approximately 5 minutes of additional burden per respondent. Respondents who refuse to complete a survey will be allotted 2 minutes of burden per attempt to collect the data. NASS will conduct the surveys initially by mail and/or internet with phone follow-up for non-response. Face-to-face interviews may also be used in limited situations.

Respondents: Farmers and ranchers, and others associated with the agricultural industry.

Estimated Number of Respondents: 225,000.

Frequency of Responses: Once annually for each individual survey.

Estimated Total Burden on Respondents: The total estimated burden is 112,000 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, through the use of appropriate automated, electronic, mechanical, technological, or other forms of information technology collection methods.

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

Signed at Washington, DC, November 26, 2018.

Kevin L. Barnes,

Associate Administrator.

[FR Doc. 2018–26657 Filed 12–7–18; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 181016954–8954–01]

Innovations for Public Opinion Research

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice and Request for Information (RFI).

SUMMARY: The Bureau of the Census (Census Bureau) is publishing this notice in the **Federal Register** to request comments from the public and other government agencies on innovations for measuring and tracking public opinion towards the Census Bureau and the 2020 Census. The Census Bureau is looking to encourage and promote statistical, research, and methodological collaborations that seek to measure perceptions, opinions, beliefs, and attitudes toward the Census Bureau and the 2020 Census. The Census Bureau is interested in ongoing research methodologies that would be able to assess how current events affect public perception toward the Census Bureau as they unfold with the goal of making informed decisions related to the Census Bureau operations before and during the 2020 Census.

DATES: Written comments on this notice must be submitted on or before February 8, 2019.

ADDRESSES: Please direct all comments electronically to the following email address: *ADRM.PCO.PM@census.gov.*

Response to this Request for Information (RFI) is voluntary. Any personal identifiers (*e.g.,* names, addresses, email addresses, etc.) will be available to the public when responses are compiled. Proprietary, classified, confidential, or sensitive information should not be included in your response.

This RFI is for information and planning purposes only. It should not be construed as a solicitation or as an obligation on the part of the Federal Government, the U.S. Department of Commerce (DOC), or the Census Bureau. Neither the DOC, nor the Census Bureau, intend to make any awards based on responses to this RFI or to otherwise pay for the preparation of any information submitted or for the government's use of such information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Jennifer Hunter Childs, Research Psychologist, Center for Survey Measurement, Research and Methodology Directorate, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233; telephone: (202) 603–4827, *Jennifer.Hunter.Childs@census.gov.*

SUPPLEMENTARY INFORMATION: The data collected by the decennial census determine the number of seats each state has in the U.S. House of Representatives—a process called apportionment—and the distribution of $675 billion in federal funds to local communities (Hotchkiss & Phelan, 2017). Even though responding to the census is required by law, the public's willingness to participate by completing the census questionnaire by self-response directly impacts the cost of the operation. If a household does not self-respond, a great deal of time and resources must be expended going door-to-door to personally enumerate non-responding units. Public opinions, behaviors, and attitudes toward the census can make a dramatic difference in both the public's willingness to self-respond and the quality of information collected. The Census Bureau needs to stay aware of public opinion as the 2020 Census approaches. The Census Bureau plans to use traditional methods to observe public opinion (via survey research and standard social media methods). This RFI is seeking information about certain information that may add value to those methods or identify innovative methods for further public opinion research.

This RFI seeks to identify published works and descriptions of best practices using innovative methods to make use of already available public opinion data or big data at the national, regional, and state levels as well as by demographic group. In particular, the Census Bureau is interested in the use of ''real-time'' data that might relate to decennial census participation, and the ability to research issues that may quickly arise and have potential to impact attitudes towards and knowledge of the Census Bureau. To support this effort, information is requested on:

(1) Innovations for measuring and tracking public opinion towards the Census Bureau and the 2020 Census across time at the national level, at regional or state levels, and by demographic groups using methods *other than* active data collection by survey research methods.

(2) Innovations to capture online information-sharing and information-seeking behaviors that have the potential for affecting:

a. decennial census participation, and/or

b. public attitudes towards and knowledge of the decennial census or the Census Bureau generally.

The Census Bureau needs to make informed decisions related to operations before and during the 2020 Census. We are interested in whether innovations in this area could yield novel information for the Census Bureau. For example, useful information may lead to a change in decennial census messaging or a series of advertising purchases targeted towards certain demographics or geographies. Useful information may also alert Census Bureau staff to potential issues related to the data collection process or the quality of census returns.

To support this effort, the Census Bureau is requesting information on published works involving innovative public opinion research into areas in which the Census Bureau does not already have expertise (such as innovative methods for measuring public opinion via online information-seeking and -sharing behaviors), but might be useful for consideration in the 2020 Census planning and management.

In particular, the Census Bureau seeks to know:

(1) Do you seek to measure public opinion or perception in a way other than surveys? If so, in what ways and with what level of accuracy?

(2) Do you have access to online information-seeking or -sharing behaviors, like social media, web scraping, google search data or other ''big data'' for research purposes? If so, provide some example of research you conduct using these data.

(3) The Census Bureau also is considering the possibility of entering into equitably apportioned joint projects of mutual interest with nonprofit organization and local, state, or federal government agencies to pursue collaboration or research into these areas. Would your organization be interested in this kind of agreement?

Submissions could identify or inform joint projects to assess how recent events and the information media environment affect attitudes toward, knowledge of, and participation in Census Bureau data collections as they unfold. A secondary desirable end-result would be to gather information that would enable the Census Bureau to make informed decisions related to Census Bureau planning for the 2030 Census. Finally, these potential projects must provide a mutual benefit to the Census Bureau and the partnering nonprofit organization or local, state, or federal government agency, such as forwarding the field of public opinion research.

Projects of interest might make use of dependent variables including actual census response, census data quality or proxies thereof. Projects might be interested in independent variables such as sociodemographic characteristics (*e.g.,* neighborhood, housing, and family characteristics), behaviors gathered using passive data collection tools, and self-reported attitudes or knowledge about the census. Data already available to the Census Bureau via public datasets or

datasets available for purchase is of less interest than information that is not necessarily public, like behaviors on internet search or social media networking sites.

Dated: December 3, 2018.

Ron S. Jarmin,

Deputy Director, Performing the Non-Exclusive Functions and Duties of the Director, Bureau of the Census.

[FR Doc. 2018–26631 Filed 12–7–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–978]

High Pressure Steel Cylinders From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2016

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

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers/exporters of high pressure steel cylinders from the People's Republic of China (China) for the period of review January 1, 2016, through December 31, 2016.

DATES: Applicable December 10, 2018.

FOR FURTHER INFORMATION CONTACT: Toby Vandall, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1664.

Background

Commerce published the preliminary results of the administrative review of the CVD order on steel cylinders from the PRC on July 10, 2018.[1] On November 6, 2018, we postponed the final results of this review until November 30, 2018.[2] In this review we examined Beijing Tianhai Industry Co., Ltd. (BTIC), the sole company for which a review was requested. Based on an analysis of the comments received, Commerce has made certain changes to the subsidy rate that was preliminarily determined for BTIC. The final subsidy rate is listed in the ''Final Results of Administrative Review'' section below.

Scope of the Order

The products covered by this order are seamless steel cylinders designed for storage or transport of compressed or liquefied gas (''high pressure steel cylinders''). High pressure steel cylinders are fabricated of chrome alloy steel including, but not limited to, chromium-molybdenum steel or chromium magnesium steel, and have permanently impressed into the steel, either before or after importation, the symbol of a U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (''DOT'')-approved high pressure steel cylinder manufacturer, as well as an approved DOT type marking of DOT 3A, 3AX, 3AA, 3AAX, 3B, 3E, 3HT, 3T, or DOT–E (followed by a specific exemption number) in accordance with the requirements of sections 178.36 through 178.68 of Title 49 of the Code of Federal Regulations, or any subsequent amendments thereof. High pressure steel cylinders covered by this order have a water capacity up to 450 liters, and a gas capacity ranging from 8 to 702 cubic feet, regardless of corresponding service pressure levels and regardless of physical dimensions, finish or coatings.

Excluded from the scope of the order are high pressure steel cylinders manufactured to U–ISO–9809–1 and 2 specifications and permanently impressed with ISO or UN symbols. Also excluded from the order are acetylene cylinders, with or without internal porous mass, and permanently impressed with 8A or 8AL in accordance with DOT regulations.

Merchandise covered by the order is classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') under subheading 7311.00.00.30. Subject merchandise may also enter under HTSUS subheadings 7311.00.00.60 or 7311.00.00.90. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the order is dispositive.

Analysis of Comments Received

The issues raised by the Government of China (GOC), BTIC, and Norris Cylinder Company (the petitioner) in their case and rebuttal briefs are addressed in the Issues and Decision Memorandum.[3] The issues are identified in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *https://enforcement.trade.gov/frn/*. The signed Issues and Decision Memorandum and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on comments received from interested parties, we have made revisions to some of our subsidy rate calculations for BTIC. For a discussion of these issues, *see* the Issues and Decision Memorandum.

Methodology

We conducted this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[4] For a full description of the methodology underlying our conclusions, *see* the Issues and Decision Memorandum.

Final Results of the Review

In accordance with section 777A(e) of the Act and 19 CFR 351.221(b)(5), we find that the following net countervailable subsidy rate exists for the mandatory respondent, BTIC, for the period January 1, 2016, through December 31, 2016:

Company	Subsidy rate ad valorem (percent)
Beijing Tianhai Industry Co., Ltd.[5]	25.57

[1] *See High Pressure Steel Cylinders from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2016,* 83 FR 31951 (July 10, 2018) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''High Pressure Steel Cylinders from the People's Republic of China: Extension of Deadline for Final Results of the Countervailing Duty Administrative Review; 2016,'' November 6, 2018.

[3] *See* Memorandum, ''Decision Memorandum for the Final Results of 2016 Countervailing Duty Administrative Review of High Pressure Steel Cylinders from the People's Republic of China,'' dated concurrently with and hereby adopted by this notice (Issues and Decision Memorandum).

[4] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

Assessment Rates

In accordance with 19 CFR 351.212(b)(2), we intend to issue appropriate instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of the final results of this review. We will instruct CBP to liquidate shipments of subject merchandise produced and/or exported by the company listed above, entered, or withdrawn from warehouse, for consumption, from January 1, 2016, through December 31, 2016, at the *ad valorem* rate listed above.

Cash Deposit Requirements

We intend also to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown above for BTIC, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, Commerce will instruct CBP to continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company, as appropriate. Accordingly, the cash deposit requirements that will be applied to companies covered by this order, but not examined in this administrative review, are those established in the most recently completed segment of the proceeding for each company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order

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

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

[5] As discussed in the Preliminary Decision Memorandum, we have found the following companies to be cross-owned with BTIC: Tianjin Tianhai High Pressure Container Co., Ltd.; Langfang Tianhai High Pressure Container Co., Ltd.; Beijing Jingcheng Machinery Electric Holding Co., Ltd.; and Beijing Jingcheng Machinery Electric Co., Ltd.

Dated: November 30, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–26651 Filed 12–7–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–819]

Steel Concrete Reinforcing Bar From the Republic of Turkey: Preliminary Results of Countervailing Duty Administrative Review and Intent To Rescind the Review in Part; 2016

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

SUMMARY: The Department of Commerce (Commerce) preliminary determines that producers/exporters of steel concrete reinforcing bar (rebar) from the Republic of Turkey (Turkey) received countervailable subsidies during the period of review (POR) January 1 through December 31, 2016. Interested parties are invited to comment on these preliminary results.

DATES: Applicable December 10, 2018.

FOR FURTHER INFORMATION CONTACT: Caitlin Monks, 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.

SUPPLEMENTARY INFORMATION:

Background

On January 11, 2018, Commerce published a notice of initiation of an administrative review of the CVD order on rebar from Turkey.[1] On July 10, 2018, Commerce extended the deadline for the preliminary results to December 3, 2018.[2] Commerce preliminarily determines that the mandatory respondents: Colakoglu Dis Ticaret A.S. (COTAS) and Colakoglu Metalurji A.S. (Colakoglu Metalurji) (collectively, Colakoglu), Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. (Icdas), and Kaptan Demir Celik Endustrisi ve Ticaret A.S. (Kaptan Demir) and Kaptan Metal Dis Ticaret Ve Nakliyat A.S. (Kaptan Metal) (collectively, Kaptan) each received countervailable subsidies during the POR. For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included at the Appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 1329, 1334 (January 11, 2018); *See also Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 8058, 8067 n.6 (February 23, 2018).

[2] *See* Memorandum, ''Steel Concrete Reinforcing Bar from the Republic of Turkey: Extension of Deadline for Preliminary Results in 2016 Countervailing Duty Administrative Review,'' dated July 10, 2018.

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Countervailing Duty Administrative Review of and the Preliminary Intent to Rescind, in Part: Steel Concrete Reinforcing Bar from the Republic of Turkey; 2016,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the order is steel concrete reinforcing bar (rebar) imported in either straight length or coil form regardless of metallurgy, length, diameter, or grade. For a complete description of the scope, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each subsidy program found countervailable, we preliminarily find that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[4] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Intent To Rescind Administrative Review, in Part

DufEnergy Trading SA (DufEnergy), Duferco Celik Ticaret Limited (Duferco), and Ekinciler Demir ve Celik Sanayi A.S. (Ekinciler) timely filed no-shipments certifications.[5] Because there is no evidence on the record to indicate that DufEnergy, Duferco, or Ekinciler had entries, exports, or sales of subject merchandise to the United States during the POR, pursuant to 19 CFR 351.213(d)(3), we intend to rescind the review with respect to these companies.

Entries of merchandise produced and exported by Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. (Habas) are not subject to countervailing duties under this *Order* because the Commerce's final determination with respect to this producer/exporter combination was negative.[6] However, any entries of merchandise produced by any other entity and exported by Habas or produced by Habas and exported by another entity are subject to this *Order.*

Because there is no evidence on the record of entries of merchandise produced by another entity and exported by Habas, or entries of merchandise produced by Habas and exported by another entity, we preliminarily determine that Habas is not subject to this administrative review. Therefore, pursuant to 19 CFR 351.213(d)(3), we intend to rescind the review with respect to Habas. A final decision on whether to rescind the review of DufEnergy, Duferco, Ekinciler, and Habas will be made in the final results of this administrative review.

Companies Not Selected for Individual Review

For these preliminary results, Icdas is the sole mandatory respondent with a calculated rate above *de minimis.* Therefore, we are assigning Icdas' net countervailable subsidy rate of 1.37 percent *ad valorem* to the 11 remaining non-selected companies, for which an individual rate was not calculated. This is consistent with our practice,[7] and in accordance with section 705(c)(5)(A) of the Act.

Preliminary Results of the Review

We preliminarily find that the net countervailable subsidy rates for the period January 1, 2016, through December 31, 2016, are as follows:

Company	Subsidy Rate *Ad Valorem* (percent)
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. and its cross-owned affiliates[8]	1.37
Kaptan Demir Celik Endustrisi ve Ticaret A.S. and Kaptan Metal Dis Ticaret ve Nakliyat A.S. and their cross-owned affiliates[9].	0.22 (*de minimis*)
Colakoglu Dis Ticaret A.S. and Colakoglu Metalurji A.S. and their cross-owned affiliates[10]	0.04 (*de minimis*)
Acemar International Limited	1.37
Agir Haddecilik A.S.	1.37
As Gaz Sinai ve Tibbi Gazlar A.S.	1.37
Asil Celik Sanayi ve Ticaret A.S.	1.37
Ege Celik Endustrisi Sanayi ve Ticaret A.S.	1.37
Izmir Demir Celik Sanayi A.S.	1.37
Kocaer Haddecilik Sanayi Ve Ticar L	1.37
Mettech Metalurji Madencilik Muhendislik Uretim Danismanlik ve Ticaret Limited Sirketi	1.37
MMZ Onur Boru Profil A.S.	1.37
Ozkan Demir Celik Sanayi A.S.	1.37
Wilmar Europe Trading BV	1.37

Assessment Rates

Consistent with section 751(a)(2)(C) of the Act, upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

[4] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[5] *See* DufEnergy's letter, ''*Steel Concrete Reinforcing Bar from Turkey;* No Shipments Letter for DufEnergyTrading SA (formerly known as Duferco Investment Services SA),'' dated January 29, 2018; Duferco's letter, ''*Steel Concrete Reinforcing Bar from Turkey;* No Shipments Letter for Duferco Celik Ticaret Limited,'' dated January 29, 2018; and Ekinciler's letter, ''Hot-Rolled Steel Products from Turkey (C–489–819): Countervailing Duty Administrative Review (01/01/16–12/31/16),'' dated January 24, 2018.

[6] *See Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination,* 79 FR 54963, 54964 (September 15, 2014).

[7] *See, e.g., Certain Pasta from Italy: Final Results of the 2008 Countervailable Review,* 75 FR 37386, 37387 (June 29, 2010).

[8] Commerce preliminarily finds the following companies to be cross-owned with Icdas: Mardas Marmara Deniz Isletmeciligi A.S., Oraysan Insaat Sanayi ve Ticaret A.S., Artmak Denizcilik Ticaret ve Sanayi A.S., and Icdas Elektrik Enerjisi Uretim ve Yatirim A.S.

[9] Commerce preliminarily finds the following companies to be cross-owned with Kaptan: Martas Marmara Ereglisi Liman Tesisleri A.S., Aset Madencilik A.S., and Kaptan Is Makinalari Hurda Alim Satim Ltd. Sti.

[10] Commerce preliminarily finds the following companies to be cross-owned with Colakoglu: Demirsan Haddecilik San. Ve Tic. A.S.

Cash Deposit Requirements

Pursuant to section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated above for the reviewed companies, with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to collect cash deposits at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We will disclose to the parties in this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of this notice.[11] Interested parties may submit written arguments (case briefs) on the preliminary results within 30 days of publication of the preliminary results, and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[12] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) Statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[13]

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request within 30 days after the date of publication of this notice.[14] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If Commerce receives a request for a hearing, we will inform parties of the scheduled date for the hearing, which will be held at the main Department of Commerce building at a time and location to be determined.[15] Parties should confirm by telephone the date, time, and location of the hearing.

Parties are reminded that briefs and hearing requests are to be filed electronically using ACCESS and received successfully in their entirety by 5:00 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by parties in their comments, within 120 days after publication of these preliminary results.

Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: December 3, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–26654 Filed 12–7–18; 8:45 am]

BILLING CODE 3510–DS–P

[11] *See* 19 CFR 351.224(b).

[12] *See* 19 CFR 351.309(c)(1)(ii); 351.309(d)(1); and 19 CFR 351.303 (for general filing requirements).

[13] *See* 19 CFR 351.309(c)(2) and 351.309(d)(2).

[14] *See* 19 CFR 351.310(c).

[15] *See* 19 CFR 351.310.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Results of the First Antidumping Duty Administrative Review and Notice of Amended Final Results of the First Antidumping Duty Administrative Review

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

SUMMARY: On October 5, 2018, the United States Court of International Trade (CIT or Court) entered final judgment in *The Stanley Works (Langfang) Fastening Systems Co., Ltd.* v. *United States,* sustaining the final results of remand redetermination pertaining to the first administrative review of the antidumping duty order on certain steel nails from the People's Republic of China (China), covering the period of review (POR) of January 23, 2008 through July 31, 2009. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with Commerce's final results of the first administrative review or the

amended final results of the first administrative review, and that, therefore, Commerce is amending the final results with respect to its partial rescission of review and liquidation of certain entries that received combination rates, the dumping margin assigned to the sole mandatory respondent, and the dumping margin assigned to the separate rate companies.

DATES: Applicable October 15, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Walker, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0413.

SUPPLEMENTARY INFORMATION:

Background

In the final results of the first administrative review [1] of the antidumping duty order on certain steel nails from China, Commerce calculated a weighted-average dumping margin of 13.90 percent for the sole cooperating mandatory respondent, The Stanley Works (Langfang) Fastening Systems Co., Ltd. (Stanley), and assigned that margin to the 22 companies who had demonstrated their eligibility for a separate rate (The Separate Rate Companies).[2] Commerce also rescinded the review with respect to certain companies that certified that they made no shipments of subject merchandise during the POR.[3] In the amended final results of the first administrative review,[4] after correcting two ministerial errors, Commerce revised Stanley's dumping margin to 10.63 percent, again assigning that rate to the Separate Rate Companies.

The *Final Results 2008–2009* and *Amended Final Results 2008–2009* were challenged in two separate cases before the CIT.[5] After certain claims were dismissed, eight distinct claims remained before the Court. Of those claims, the Court sustained several in two prior rulings; [6] other claims were subjected to voluntary [7] or court-ordered [8] remand redeterminations, before being sustained by the CIT on October 5, 2018.[9] Between the three total court decisions, and four cumulative remand redeterminations, two claims resulted ultimately in changes to *Final Results 2008–2009* and *Amended Final Results 2008–2009,* as explained below.

The court sustained Commerce on several issues in its two prior rulings. Briefly, those issues pertained to: Whether net U.S. prices and normal value were calculated on the same basis; the propriety of using certain data to value electricity; deciding not to apply facts otherwise available, despite missing factors of production; electing not to use intermediate input methodology to calculate normal value; and, limiting to two the number of mandatory respondents.[10] This left two issues unresolved, discussed below.

Treatment of Certain Entries Under Certified Products International Inc.'s Combination Rates

The first issue pertains to the treatment of entries of subject merchandise attributed to Certified Products International Inc. (CPI), a Taiwanese reseller that does not produce steel nails but, rather, purchases them from various unaffiliated producers in China and resells them to customers in the United States. In the first administrative review, CPI claimed that it had no shipments of subject merchandise during the POR; however, Commerce obtained data from U.S. Customs and Border Protection (CBP) that showed entries under 23 producer/exporter combination rates which identified CPI as the exporter. Therefore, Commerce considered whether CPI or its unaffiliated Chinese producers were the respondent(s), based on which party had knowledge that the merchandise was destined for the U.S. market. CPI asserted that it had not exported any subject merchandise during the review period and should not, therefore, be considered the exporter of the entries attributed to it. The company indicated, rather, that it had purchased nails for resale from 13 of the 23 unaffiliated producers that had entered subject merchandise into the United States during the POR using CPI's combination rates. Specifically, CPI acknowledged that it had sourced nails from these 13 companies and stated that these 13 suppliers had knowledge that the sales were ultimately destined for the United States. CPI did not acknowledge having used the remaining 10 combination rates during the review period.

In the *Final Results 2008–2009,* based on the information from CPI and its review of the record evidence, Commerce determined, for the entries under the combination rates associated with the 13 producers that had knowledge that goods sold to CPI were destined for the United States, to instruct CBP to assess antidumping duties at the applicable separate rate for the respective producers.[11] For the entries associated with the other 10 combinations that Commerce determined were misattributed to CPI, Commerce indicated that it would instruct CBP to assess antidumping duties at the rate in effect at the time of

[1] *See Certain Steel Nails from the People's Republic of China: Final Results of the First Antidumping Duty Administrative Review,* 76 FR 16379 (March 23, 2011) (*Final Results 2008–2009*), and accompanying Issues & Decision Memorandum (*Final Results IDM*).

[2] The Separate Rate Companies are: (1) Aironware (Shanghai) Co., Ltd.; (2) Chiieh Yung Metal Ind. Corp.; (3) China Staple Enterprise (Tianjin) Co., Ltd.; (4) Dezhou Hualude Hardware Products Co., Ltd.; (5) Faithful Engineering Products Co., Ltd.; (6) Hengshui Mingyao Hardware & Mesh Products Co., Ltd.; (7) Huanghua Jinhai Hardware Products Co., Ltd.; (8) Huanghua Xionghua Hardware Products Co., Ltd.; (9) Jisco Corporation (''Jisco''); (10) Koram Panagene Co., Ltd. (''Koram Panagene''); (11) Nanjing Yuechang Hardware Co., Ltd.; (12) Qidong Liang Chyuan Metal Industry Co., Ltd.; (13) Qingdao D & L Group Ltd.; (14) Romp (Tianjin) Hardware Co., Ltd.; (15) Shandong Dinglong Import & Export Co., Ltd.; (16) Shanghai Jade Shuttle Hardware Tools Co., Ltd.; (17) Shouguang Meiqing Nail Industry Co., Ltd.; (18) Tianjin Jinchi Metal Products Co., Ltd.; (19) Tianjin Jinghai County Hongli Industry & Business Co., Ltd.; (20) Tianjin Zhonglian Metals Ware Co., Ltd.; (21) Wintime Import & Export Corporation Limited of Zhongshan; and (22) Zhejiang Gem-Chun Hardware Accessory Co., Ltd.

[3] *See Final Results 2008–2009,* 76 FR at 16380. The no shipment companies are: (1) Besco Machinery Industry (Zhejiang) Co., Ltd.; (2) Certified Products International Inc.; (3) CYM (Nanjing) Nail Manufacture Co., Ltd.; (4) Dagang Zhitong Metal Products Co., Ltd.; (5) Hebei Super Star Pneumatic Nails Co., Ltd.; (6) Hong Kong Yu Xi Co., Ltd.; (7) Senco-Xingya Metal Products (Taicang) Co., Ltd.; (8) Shanghai Chengkai Hardware Product Co., Ltd.; (9) Shanghai March Import & Export Company Ltd.; (10) Shaoxing Chengye Metal Producting Co., Ltd.; (11) Suzhou Yaotian Metal Products Co., Ltd.; (12) Tianjin Chentai International Trading Co., Ltd.; (13) Tianjin Jurun Metal Products Co., Ltd.; (14) Tianjin Longxing (Group) Huanyu Imp. & Exp. Co., Ltd.; (15) Tianjin Port Free Trade Zone Xiangtong Intl. Industry & Trade Corp.; (16) Tianjin Shenyuan Steel Producting Group Co., Ltd.; (17) Wuhu Shijie Hardware Co., Ltd.; and (18) Wuxi Chengye Metal Products Co., Ltd.

[4] *See Certain Steel Nails from the People's Republic of China: Amended Final Results of the First Antidumping Duty Administrative Review,* 76 FR 23279 (April 26, 2011) (*Amended Final Results 2008–2009*).

[5] *See The Stanley Works (Langfang) Fastening Systems Co., Ltd.* v. *United States,* CIT Case No. 11–102; and *Mid Continent Nail Corp.* v. *United States,* CIT Case No. 11–119. The cases were partially consolidated into Case No. 11–102 in 2011, then fully consolidated prior to the Court's final ruling on October 5, 2018.

[6] *See The Stanley Works (Langfang) Fastening Systems Co., Ltd.* v. *United States,* 964 F.Supp.2d 1311, 1324 (Ct. Int'l Trade 2013) (*Stanley Works I*); and *Mid Continent Nail Corp.* v. *United States,* 949 F.Supp.2d 1247, 1263–1264 (Ct. Int'l Trade 2013) (*Mid Continent*).

[7] *See Stanley Works I* at 1317.

[8] *See Stanley Works I* at 1324; *Mid Continent* at 1279–1280.

[9] *See The Stanley Works (Langfang) Fastening Systems, Co., Ltd. et al* v. *United States,* Court No. 11–102, Slip Op. 18–134 (CIT Oct. 5, 2018) (*Stanley Works II*).

[10] *See Stanley Works I* at 1324; *Mid Continent* at 1279–1280.

[11] *See Final Results IDM* at Comment 9. Pursuant to the *Amended Final Results 2008–2009,* the applicable separate rate was 10.63 percent.

the entry.[12] Accordingly, Commerce rescinded the review with respect to CPI.[13] Commerce's determination was challenged in CIT Court No. 11–119.

In *Mid Continent,* the CIT held that Commerce's determination conflicted with the approach taken on the same issue in cases involving market economies, and remanded the issue for further consideration, particularly in light of a subsequent rule change [14] which was finalized after the *Final Results 2008–2009* were issued.[15]

In the Mid Continent First Remand Redetermination, Commerce found that the entries attributed to CPI's combination rates should be treated in a manner consistent with the *NME Reseller Policy Statement.* Therefore, Commerce determined to amend its previous rescission of the administrative review with respect to CPI, instead issuing final results of review with respect to CPI. Specifically, with regard to entries associated with the 10 combination rates that CPI did not acknowledge using, Commerce determined it appropriate to instruct CBP to liquidate those entries at the China-wide rate of 118.04 percent, because record evidence demonstrated that none of the companies associated with the 10 combination rates made the relevant export sales. Commerce continued to find the entries associated with the remaining 13 combination rates entitled to liquidation at the applicable separate rate for the respective producers, each of whom had knowledge of sales to the United States. Further, because of an intervening remand redetermination in the separate first administrative review litigation in CIT Court No. 11–102, Commerce determined to apply the revised separate rate of 15.43 percent to such entries.[16]

Several months later, before the Court issued a decision, Commerce requested a voluntary remand to address part of its first remand redetermination, which was granted.[17] In the Mid Continent Second Remand Redetermination, Commerce sought to clarify the rate or rates at which entries associated with three of the producers within the grouping of 13 combination rates should be liquidated, because the underlying administrative review had been rescinded for those three producers.[18] Consequently, Commerce found that the entries attributed to the three combination rates associated with producers for which the underlying administrative review had been rescinded should be liquidated at the rate in effect at the time of entry, not the separate rate calculated in the review.[19]

On October 5, 2018, the CIT sustained Commerce's remand redeterminations pertaining to the treatment of entries under CPI's combination rates. The CIT held that, because there was no further challenge as to which entries would receive the CPI combination rates, the Court would not address the issue further.[20] In addition, in response to challenges by certain companies, including CPI, the Court sustained Commerce's remand redetermination to apply the revised separate rate of 15.43 percent to entries under combination rates associated with the 10 producers that had knowledge that goods sold to CPI were destined for the United States, and that remained subject to review.[21] Thus, in all respects, Commerce's treatment of entries under CPI's combination rates was sustained.

Surrogate Financial Statements

The second issue pertains to Commerce's selection of financial statements for surrogate financial ratios. In the *Final Results 2008–2009,* Commerce selected the financial statements of three companies to use as the source of surrogate financial ratios in the underlying review: Bansidhar Granites Private Limited (Bansidhar), J&K Wire & Steel Industries (J&K), and Nasco Steels Private Ltd. (Nasco). Commerce found that each of these companies produced steel nails, an ''identical'' product, and declined to use the financial statements from a fourth company, Sundram Fasteners Ltd. (Sundram), finding that Sundram did not manufacture steel nails or comparable merchandise.[22] Commerce's determination was challenged in CIT Court No. 11–102.

During litigation, Commerce published the final results of the second administrative review of steel nails from China.[23] In the *Second Review Final Results,* Commerce stated that it had refined its practice with respect to the determination of whether a company is a producer of ''identical'' or ''comparable'' merchandise within the context of calculating surrogate values for manufacturing overhead, general expenses and profit.[24] Given the modified practice, Commerce sought a voluntary remand in the first administrative review litigation, to reconsider its determination concerning the selection of financial statements. The Court granted Commerce's request.[25]

In the Stanley Works First Remand Redetermination, Commerce continued to find it appropriate to use the financial statements of Bansidhar and Nasco, two of the three companies selected in the *Final Results 2008–2009,* to calculate the surrogate financial ratios. Commerce found, however, that it was no longer appropriate to use the financial statements of the third initially-selected company, J&K, and instead found it appropriate to use the financial statements of another company, Sundram, that had been rejected previously. In particular, Commerce found Sundram to be a producer of comparable merchandise but excluded J&K as a producer of non-comparable merchandise. Commerce also found that the financial statements of all four companies showed no receipt of countervailable subsidies, that the differences in the companies' scale of production did not render the data unreasonable, that the consumption of steel wire rod—the main input in the production of nails—was not determinative of whether a company is a producer of comparable merchandise, and that Sundram's financial statements were not aberrational. Based on this redetermination, Commerce recalculated the surrogate financial ratios and the margin for Stanley, and

[12] *Id.*

[13] *See Final Results 2008–2009,* 76 FR at 16380.

[14] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) (*NME Reseller Policy Statement*).

[15] *See Mid Continent* at 1287–1288.

[16] *See* Final Results of Redetermination Pursuant to Mid Continent Nail Corporation v. United States, Slip Op. 13–115 (March 5, 2014) (Mid Continent First Remand Redetermination), referring to Final Results of Redetermination Pursuant to Stanley Works (Langfang) Fastening Systems Co., Ltd. et al v. United States, Slip Op. 13–118 (March 5, 2014) (Stanley Works First Remand Redetermination).

[17] *See Mid Continent Nail Corporation* v. *United States,* Court No. 11–119, Order of Sept. 30, 2015.

[18] *See Certain Steel Nails from the People's Republic of China: Notice of Partial Rescission of the First Antidumping Duty Administrative Review,* 75 FR 43149, 43149–43150 (July 23, 2010).

[19] *See* Final Results of Redetermination Pursuant to Mid Continent Nail Corporation v. United States, Slip Op. 13–115 (Nov. 13, 2015) (Mid Continent Second Remand Redetermination). The names of the three producers, which constitute business proprietary information (BPI), are identified in the BPI version of the remand redetermination.

[20] *See Stanley Works II,* Slip Op. 18–134 at 7.

[21] *Id.* at 16–18.

[22] *See Final Results 2008–2009* and IDM at Comment 2.

[23] *See Certain Steel Nails from the People's Republic of China: Final Results and Final Partial Rescission of the Second Antidumping Duty Administrative Review,* 77 FR 12556 (March 1, 2012) (*Second Review Final Results*), and accompanying Issues & Decision Memorandum (*Second Review IDM*).

[24] *See Second Review IDM* at Comment 2.

[25] *See Stanley Works I,* 964 F. Supp. 2d at 1342.

the Separate Rate Companies, was revised to 15.43 percent.[26]

Several months later, before the Court issued a decision, Commerce requested a voluntary remand to address part of its first remand redetermination, which was granted.[27] In the Stanley Works Second Remand Redetermination, Commerce corrected its error in using Nasco's overhead ratio calculated in the *Final Results 2008–2009,* rather than that used in the *Amended Final Results 2008–2009.* Commerce relied on this ratio in a comparison with Sundram's overhead ratio to demonstrate why Sundram's financial statements are not aberrational. Commerce found that there were no ''extraordinary'' items within Sundram's financial statements, and that inherent variations in overhead ratios derived from a limited number of available financial statements cannot provide a basis for finding one company's ratio aberrational.[28] Stanley raised numerous arguments related to Commerce's remand redeterminations.

On October 5, 2018, the CIT sustained Commerce's remand redeterminations pertaining to the selection of financial statements for surrogate financial ratios. First, the Court affirmed Commerce's determination that Commerce did not have a reason to believe or suspect that Sundram may have received countervailable subsidies based on the record information.[29] Second, the Court upheld Commerce's revised methodology for determining that J&K was not a suitable surrogate financial company because its activities related primarily to the production and sale of non-comparable merchandise, while finding that Sundram produced comparable merchandise.[30] Third, the Court held that Commerce's finding that Sundram's overhead ratios were not aberrational or distortive is supported by substantial evidence, and could be included in the averaging of financial data for surrogate value purposes.[31] Accordingly, the Court affirmed applying the revised margin, 15.43 percent, to Stanley and the Separate Rate Companies.[32]

Timken Notice

In its decision in *Timken,*[33] as clarified by *Diamond Sawblades,*[34] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not ''in harmony'' with Commerce's determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's October 5, 2018, final judgment sustaining issues related to the treatment of the entries associated with CPI's combinations rates, and sustaining application of the revised margin calculated for Stanley and the Separate Rate Companies, constitutes a final decision of that court that is not in harmony with the *Final Results 2008–2009* and *Amended Final Results 2008–2009.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, Commerce will continue the suspension of liquidation of the subject merchandise pending a final and conclusive court decision.

Second Amended Final Results 2008–2009

Because there is now a final court decision, Commerce is amending the *Final Results 2008–2009* and *Amended Final Results 2008–2009* with respect to the rate assigned to Stanley and the 22 Separate Rate Companies listed below. Accordingly, the revised weighted-average dumping margins for these companies are as follows:

Exporter	Weighted-average dumping margin (percent)
The Stanley Works (Langfang) Fastening Systems Co., Ltd	15.43
Aironware (Shanghai) Co., Ltd	15.43
Chiieh Yung Metal Ind. Corp	15.43
China Staple Enterprise (Tianjin) Co., Ltd	15.43
Dezhou Hualude Hardware Products Co., Ltd	15.43
Faithful Engineering Products Co., Ltd	15.43
Hengshui Mingyao Hardware & Mesh Products Co., Ltd	15.43
Huanghua Jinhai Hardware Products Co., Ltd	15.43
Huanghua Xionghua Hardware Products 10.63 Co., Ltd	15.43
Jisco Corporation	15.43
Koram Panagene Co., Ltd	15.43
Nanjing Yuechang Hardware Co., Ltd	15.43
Qidong Liang Chyuan Metal Industry Co., Ltd	15.43
Qingdao D & L Group Ltd	15.43
Romp (Tianjin) Hardware Co., Ltd	15.43
Shandong Dinglong Import & Export Co., Ltd	15.43
Shanghai Jade Shuttle Hardware Tools Co., Ltd	15.43
Shouguang Meiqing Nail Industry Co., Ltd	15.43
Tianjin Jinchi Metal Products Co., Ltd	15.43
Tianjin Jinghai County Hongli Industry & Business Co., Ltd	15.43
Tianjin Zhonglian Metals Ware Co., Ltd	15.43
Wintime Import & Export Corporation Limited of Zhongshan	15.43
Zhejiang Gem-Chun Hardware Accessory Co., Ltd	15.43

[26] *See* Final Results of Redetermination Pursuant to Stanley Works (Langfang) Fastening Systems Co., Ltd. et al v. United States, Slip Op. 13–118 (March 5, 2014) (Stanley Works First Remand Redetermination).

[27] *See Stanley Works (Langfang) Fastening Systems Co., Ltd. et al* v. *United States,* Court No. 11–102, Order of Feb. 18, 2015.

[28] *See* Final Results of Redetermination Pursuant to Stanley Works (Langfang) Fastening Systems Co., Ltd. et al v. United States, Slip Op. 13–118 (April 16, 2015) (Stanley Works Second Remand Redetermination).

[29] *See Stanley Works II,* Slip Op. 18–134 at 9–13.

[30] *Id.* at 13–14.

[31] *Id.* at 14–15.

[32] *Id.* at 8 and 18.

[33] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[34] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Commerce is also amending the *Amended Final Results 2008–2009* with respect to CPI. In particular, Commerce is amending its previous rescission of the administrative review and is no longer rescinding the review with respect to CPI but, instead, is issuing final results of review with respect to CPI. Moreover, Commerce intends to issue instructions to CBP to liquidate entries entered under CPI's 23 combination rates as follows. For the 10 combination rates that CPI does not acknowledge using, Commerce intends to instruct CBP to liquidate entries under those 10 combination rates at the China-wide rate of 118.04 percent because the record evidence demonstrates that none of the companies associated with these 10 combination rates made the relevant export sale. For the 10 combination rates that CPI does acknowledge using and for which each producer had knowledge the merchandise was destined for the United States, Commerce intends to instruct CBP to liquidate entries under those 10 combination rates at the separate rate of 15.43 percent, determined for each respective producer during the administrative review. For the remaining three combination rates, Commerce intends to instruct CBP to liquidate such entries at the rate in effect at the time of entry, because the three producers at issue were not included in the final results of the administrative review.

In the event that the CIT's ruling is not appealed, or, if appealed, is upheld by a final and conclusive court decision, Commerce will instruct CBP to assess antidumping duties in accordance with the above.

Cash Deposit Requirements

The cash deposit rates for Stanley and the 22 Separate Rate Companies have changed as a result of subsequent administrative reviews. Therefore, this amended final results does not change the later-established cash deposit rates for these companies.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: December 3, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–26653 Filed 12–7–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–805]

Stainless Steel Bar From Spain: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that Sidenor Aceros Especiales S.L. (Sidenor), the sole exporter subject to this administrative review has made sales of subject merchandise at less than normal value during the period of review (POR) March 1, 2017, through August 8, 2017. We invite interested parties to comment on these preliminary results.

DATES: Applicable December 10, 2018.

FOR FURTHER INFORMATION CONTACT: Trenton Duncan or Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5260 or (202) 482–2593, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on stainless steel sar (SSB) from Spain, in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).[1] The review covers one producer/exporter of the subject merchandise, Sidenor. When the review was initiated, the period of review (POR) was March 1, 2017, through Febrary 28, 2018. However, on October 3, 2018, as a result of a five-year (sunset) review, Commerce revoked the antidumping duty order on imports of stainless steel bar (SSB) from Spain, effective August 9, 2017.[2] As a result, the POR was revised to March 1, 2017, through August 8, 2017.[3]

Scope of the Order

The merchandise subject to the order is SSB. The SSB subject to the order is currently classifiable under subheadings 7222.10.00, 7222.11.00, 7222.19.00, 7222.20.00, 7222.30.00 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[4]

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Act. Constructed export price and export price were calculated in accordance with section 772 of the Act. Normal value was calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public *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 to all parties in Commerce's Central Records Unit, located at room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/index.html.* A list of the topics discussed in the Preliminary Decision Memorandum is attached at the Appendix to this notice.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists for Sidenor for the period March 1, 2017, through August 8, 2017.

Producer/exporter	Weighted-average dumping margin (percent)
Sidenor Aceros Especiales, S.L.	1.76

Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the preliminary results.[5]

[1] *See Amended Final Determination and Antidumping Duty Order: Stainless Steel Bar From Spain,* 60 FR 11656 (March 2, 1995) (*Order*).

[2] *See Stainless Steel Bar from Brazil, India, Japan, and Spain: Continuation of Antidumping Duty Order (India) and Revocation of Antidumping Duty Orders (Brazil, Japan, and Spain),* 83 FR 49910 (October 3, 2018) (*Revocation Notice*).

[3] *Id.*

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Bar from Spain; 2017–2018,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[5] *See* 19 CFR 351.224(b).

Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.[6] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[7]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance. All documents must be filed electronically using ACCESS, which is available to registered users at *http://access.trade.gov.* An electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time, within 30 days after the date of publication of this notice.[8] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1) and (2).

Assessment Rates

Upon issuance of the final results, Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries covered by this revised POR. If Sidenor's weighted-average dumping margin continues to be above *de minimis* in the final results of this review, we will calculate importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[9] If Sidenor's weighted-average dumping margin is zero or *de minimis* in the final results of this review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews.*[10]

For entries of subject merchandise during the POR produced by Sidenor for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company or companies involved in the transaction.

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

In the *Revocation Notice,* Commerce stated that it would issue instructions to CBP to terminate the suspension of liquidation and to discontinue the collection of cash deposits on entries of subject merchandise, entered or withdrawn from warehouse, on or after August 9, 2017.[11] On October 19, 2018, Commerce issued liquidation instructions to CBP.[12] Furthermore, because the antidumping duty order on SSB from Spain has been revoked as a result of the *Revocation Notice,* Commerce will not issue cash deposit instructions at the conclusion of this administrative review.

Notification to Importers

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

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1) and 351.221(b)(4).

Dated: December 3, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–26650 Filed 12–7–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that exporters of fresh garlic from the People's Republic of China (China) sold merchandise in the United States at prices below normal value (NV) during the period of review (POR), November 1, 2016, through October 31, 2017. We invite interested parties to comment on these preliminary results.

DATES: Applicable December 10, 2018.

FOR FURTHER INFORMATION CONTACT: Kathryn Wallace or Alexander Cipolla, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington,

[6] *See* 19 CFR 351.309(d).

[7] *See* 19 CFR 351.303 (for general filing requirements).

[8] *See* 19 CFR 351.310(c).

[9] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

[10] *See Final Modification for Reviews,* 77 FR at 8102.

[11] *See Revocation Notice,* 83 FR at 49911.

[12] *See* Commerce Letter re: Sunset Revocation of Antidumping Duty Orders—U.S. Customs and Border Protection (CBP) Liquidation Instructions, dated November 26, 2018.

DC 20230; telephone: (202) 482–6251 or (202) 482–4956.

SUPPLEMENTARY INFORMATION:

Background

On January 11, 2018, Commerce initiated the twenty-third administrative review of fresh garlic from China with respect to 53 companies and invited interested parties to comment.[1] Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through January 22, 2018. As a result, all deadlines in this segment of the proceeding have been extended by three days.[2]

Scope of the Order

The merchandise covered by the order includes all grades of garlic, whole or separated into constituent cloves. Fresh garlic that are subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) 0703.20.0010, 0703.20.0020, and 0703.20.0090. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive. For a full description of the scope of this order, please see ''Scope of the Order'' in the accompanying Preliminary Decision Memorandum.[3]

Partial Rescission of Administrative Review

On January 11, 2018, Commerce initiated a review of 53 companies in this administrative review.[4] The mandatory respondents are Shandong Jinxiang Zhengyang Import & Export Co., Ltd. (Zhengyang) and Qingdao Sea-line International Trading Co. Ltd. (Sea-line). Between March 27, 2018, and April 12, 2018, review requests were timely withdrawn for twelve companies.[5] Commerce is, therefore, partially rescinding this administrative review with respect to the companies listed in Appendix I, in accordance with 19 CFR 351.213(d)(1).

Methodology

Commerce is conducting these reviews in accordance with sections 751(a)(1)(B) and 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.214. Export prices were calculated in accordance with section 772(a) of the Act. Because China is a non-market economy (NME) within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Determination of No Shipments

As discussed at ''Preliminary Determination of No Shipments'' in the accompanying Preliminary Decision Memorandum, the QTF-Entity[6] and Jining Shengtai Fruits and Vegetables Co., Ltd. (Shengtai) filed ''no shipment'' certifications stating that they had no entries into the United States of subject merchandise during the POR. Accordingly, we requested that U.S. Customs and Border Protection (CBP) conduct a query of potential shipments made by the QTF-Entity and Shengtai. Based on the company certifications and our analysis of CBP information, we preliminarily determine that the companies listed in Appendix III did not have any shipments of subject merchandise during the POR. In addition, we find that it is appropriate to complete the administrative review with respect to these companies and intend to issue appropriate instructions to CBP based on the final results of the administrative review.[7]

Verification

As provided in section 19 CFR 351.307, we intend to verify information relied upon in the final results of the review.

Preliminary Determination of Separate Rates for Non-Selected Companies

In accordance with section 777A(c)(2)(B) of the Act, Commerce employed a limited examination methodology, as we determined that it would not be practicable to examine individually all companies for which a review request was made.[8] There were six exporters of subject merchandise from China that have demonstrated their eligibility for a separate rate but were not selected for individual examination in this review. These six exporters are listed in Appendix II.

Neither the Act nor Commerce's regulations address the establishment of the rate applied to individual companies not selected for examination where Commerce limited its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Commerce's practice in cases involving limited selection based on exporters accounting for the largest volume of imports has been to look to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in an investigation. Section 735(c)(5)(A) of the Act instructs Commerce to use rates established for individually investigated producers and exporters, excluding any rates that are zero, *de minimis,* or based entirely on facts available in investigations. In this review, we calculated weighted-average dumping margins for Zhengyang and Sea-line, and consistent with our practice, calculated an all-others rate for the companies to which it granted separate rate status, but which it did not individually examine.[9]

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 1329 (January 11, 2018).

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated January 23, 2018 (Tolling Memorandum).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results and Final Rescission, In Part, of the 2016–2017 Antidumping Duty Administrative Review: Fresh Garlic from the People's Republic of China'' (November 30, 2018) (Preliminary Decision Memorandum).

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 1329 (January 11, 2018).

[5] *See* Preliminary Decision Memorandum at 3.

[6] The QTF-Entity includes Qingdao Lianghe International Trade Co., Ltd. (Lianghe); Qingdao Xintianfeng Foods Co., Ltd. (QXF); Qingdao Tiantaixing Foods Co., Ltd. (QTF); Qingdao Tianhefeng Foods Co., Ltd. (QTHF); Qingdao Beixing Trading Co., Ltd. (QBT); Hebei Golden Bird Trading Co., Ltd.; and Huamei Consulting. *See* Memorandum, ''23rd Administrative Review of the Antidumping Duty Order on Fresh Garlic from the People's Republic of China: Status of the QTF-Entity,'' dated October 22, 2018 at Attachment.

[7] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011); *see also* ''Assessment Rates'' section below.

[8] *See* Memorandum, ''Selection of Respondents for Individual Examination,'' dated February 28, 2018.

[9] *See* Memorandum, ''Calculation of the Preliminary Dumping Margin for Separate Rate Recipients,'' dated November 30, 2018.

review.[10] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested, and Commerce did not self-initiate, a review of the China-wide entity for this POR, the entity is not under review and the entity's rate (*i.e.,* $4.71/kg) is not subject to change.[11] Aside from the no shipments companies discussed below, and the companies for which the review is being rescinded, Commerce considers all other companies for which a review was requested, and which did not preliminarily qualify for a separate rate, to be part of the China-wide entity. For additional information, *see* the Preliminary Decision Memorandum.

Preliminary Results of Administrative Review

Commerce preliminarily determines that the following weighted-average dumping margins exist for the administrative review covering the period November 1, 2016, through October 31, 2017:

Exporter	Weighted-average margin (dollars per kilogram)
Shandong Jinxiang Zhengyang Import & Export Co., Ltd.	2.87
Qingdao Sea-Line International Trading Co., Ltd.	4.60
Chengwu County Yuanxiang Industry & Commerce Co., Ltd	3.69
Jining Alpha Food Co., Ltd.	3.69
Qingdao Maycarrier Import & Export Co., Ltd.	3.69
Shandong Chenhe International Trading Co., Ltd.	3.69
Shandong Happy Foods Co., Ltd.	3.69
Weifang Hongqiao International Logistics Co., Ltd.	3.69

Disclosure, Public Comment and Opportunity To Request a Hearing

Commerce intends to disclose the calculations used in our analyses to parties in this review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted by interested parties no later than seven days after the date on which the final verification report is issued in these proceedings and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[12] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[13] Any electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by the date and time it is due.

Pursuant to 19 CFR 351.310, any interested party may request a hearing within 30 days of publication of this notice. Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the case and rebuttal briefs. If a party requests a hearing, Commerce will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing.

Commerce intends to issue the final results of these reviews, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review, in accordance with 19 CFR 351.212(b). For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(l)(i). Commerce intends to issue appropriate assessment instructions with respect to the companies for which this review is rescinded to CBP 15 days after the publication of this notice. For the remaining companies subject to review, Commerce will direct CBP to assess rates based on the per-unit (*i.e.,* per kilogram) amount on each entry of the subject merchandise during the POR. Commerce intends to issue assessment instructions to CBP 15 days after the publication date of the final results of review.

Pursuant to Commerce's assessment practice in NME cases, for merchandise that was not reported in the U.S. sales databases submitted by an exporter individually examined during this review, but that entered under the case number of that exporter (*i.e.,* at the individually-examined exporter's cash deposit rate), Commerce will instruct CBP to liquidate such entries at the NME-wide rate. In addition, if Commerce determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the China-wide rate.[14]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)

[10] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[11] *See Fresh Garlic from the People's Republic of China: Final Results and Partial Rescission of the 13th Antidumping Duty Administrative Review and New Shipper Reviews,* 74 FR 29174 (June 19, 2009).

[12] *See* 19 CFR 351.309. *See also* 19 CFR 351.303 (for general filing requirements).

[13] *See* 19 CFR 351.309(c)(2).

[14] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

of the Act: (1) For the companies listed above, the cash deposit rate will be the rate established in these final results of review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required for that company); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all Chinese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the China-wide rate of 4.71 U.S. dollars per kilogram; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h) and 351.221(b)(4).

Dated: November 30, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary of Enforcement and Compliance.

Appendix I

Companies for Which Administrative Reviews Have Been Rescinded

1. Foshan Fuyi Food Co., Ltd.
2. Jining Shunchang Import & Export Co., Ltd.
3. Jinxiang Feiteng Import & Export Co., Ltd.
4. Jinxiang Hejia Co., Ltd.
5. Jinxiang Kingkey Trade Co., Ltd.
6. Qingdao Joinseafoods
7. Shenzhen Bainong Co., Ltd.
8. Shenzhen Xinboda Industrial Co., Ltd.
9. Shijiazhuang Goodman Trading Co., Ltd.
10. Weifang Naike Food Co., Ltd.
11. Zhengzhou Harmoni Spice Co., Ltd.
12. Zhengzhou Yudishengjin Agricultural Trade Co., Ltd.

Appendix II

Non-Selected Separate Rate Companies

1. Chengwu County Yuanxiang Industry & Commerce Co., Ltd
2. Jining Alpha Food Co., Ltd.
3. Qingdao Maycarrier Import & Export Co., Ltd.
4. Shandong Chenhe International Trading Co., Ltd.
5. Shandong Happy Foods Co., Ltd.
6. Weifang Hongqiao International Logistics Co., Ltd.

Appendix III

Companies That Have Certified No Shipments

1. QTF-Entity
2. Jining Shengtai Fruits & Vegetables Co., Ltd.

[FR Doc. 2018–26652 Filed 12–7–18; 8:45 a.m.]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Public Comment for the NOAA Research and Development Plan

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Office of Oceanic and Atmospheric Research (OAR), Department of Commerce (DOC).

ACTION: Notice of public comment.

SUMMARY: This notice sets forth a public comment for NOAA's Research and Development (R&D) Plan set for release in 2019. NOAA R&D is an investment in the scientific knowledge and technology that will allow the United States to protect lives and property, adapt to challenges, sustain a strong economy, and manage natural resources. The R&D strategic plan will provide a common understanding among NOAA's leadership, workforce, partners, and constituents on the value and direction of NOAA R&D activities.

DATES: Comments are due by February 8, 2019.

Please refer to the web page *https://nrc.noaa.gov/CouncilProducts/ResearchPlans.aspx* to find the previous NOAA R&D plan.

ADDRESSES: Submit public comments via email to *noaa.rdplan@noaa.gov.* Include ''NOAA R&D Plan Public Comment'' in the subject line of the message. All comments received are part of the public record.

FOR FURTHER INFORMATION CONTACT: Dr. Gary Matlock, Deputy Assistant Administrator for Science, NOAA, Rm. 11461, 1315 East-West Highway, Silver Spring, Maryland 20910. (Phone: 301–734–1185, Email: *gary.c.matlock@noaa.gov*)or visit the NOAA RDEC website at *https://nrc.noaa.gov/About/Committees.aspx.*

SUPPLEMENTARY INFORMATION: Key vision statement areas of the plan include: (1) Reduced societal impacts from severe weather and other environmental phenomena; (2) Sustainable use of ocean and coastal resources; and (3) A robust and effective research, development, and transition enterprise. Comments may address the proposed vision statements as well as key questions, objectives, document structure, and other content and formatting aspects to consider for a draft R&D Plan.

Dated: October 31, 2018.

David Holst,

Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2018–26131 Filed 12–7–18; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG319

Marine Mammals; File No. 22294

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

ACTION: Notice; withdrawal of application.

SUMMARY: Notice is hereby given that Plimsoll Productions, Whiteladies House, 51–55 Whiteladies Road, Clifton, Bristol, BS8 2LY, United Kingdom (Responsible Party: Bill Markham) has withdrawn their application for a permit to conduct commercial or educational photography on bottlenose dolphins (*Tursiops truncatus*).

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Carrie Hubard or Sara Young, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On July 2, 2018, notice was published in the **Federal Register** (83 FR 30916) that a request for a permit to conduct commercial or educational photography had been submitted by the above-named

applicant. The applicant has withdrawn the application from further consideration.

Dated: December 4, 2018.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–26666 Filed 12–7–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Limits of Application of the Take Prohibitions

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

ACTION: Notice.

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

DATES: Written comments must be submitted on or before February 8, 2019.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Gary Rule, NOAA Fisheries, 1201 NE Lloyd Blvd. Suite 1100, Portland, OR 97232, (503) 230–5424 or *gary.rule@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

Section 4(d) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 et. seq.) requires the National Marine Fisheries Service (NMFS) to adopt such regulations as it ''deems necessary and advisable to provide for the conservation of'' threatened species. Those regulations may include any or all of the prohibitions provided in section 9(a)(1) of the ESA, which specifically prohibits ''take'' of any endangered species (''take'' includes actions that harass, harm, pursue, kill, or capture). The first salmonid species listed by NMFS as threatened were protected by virtually blanket application of the section 9 take prohibitions. There are now 23 separate Distinct Population Segments (DPS) of west coast salmonids listed as threatened, covering a large percentage of the land base in California, Oregon, Washington and Idaho. NMFS is obligated to enact necessary and advisable protective regulations. NMFS makes section 9 prohibitions generally applicable to many of those threatened DPS, but also seeks to respond to requests from states and others to both provide more guidance on how to protect threatened salmonids and avoid take, and to limit the application of take prohibitions wherever warranted (see 70 FR 37160, June 28, 2005, 71 FR 834, January 5, 2006, and 73 FR 55451, September 25, 2008). The regulations describe programs or circumstances that contribute to the conservation of, or are being conducted in a way that limits impacts on, listed salmonids. Because we have determined that such programs/circumstances adequately protect listed salmonids, the regulations do not apply the ''take'' prohibitions to them. Some of these limits on the take prohibitions entail voluntary submission of a plan to NMFS and/or annual or occasional reports by entities wishing to take advantage of these limits, or continue within them.

The currently approved application and reporting requirements apply to Pacific marine and anadromous fish species, as requirements regarding other species are being addressed in a separate information collection.

II. Method of Collection

Submissions may be electronically or on paper.

III. Data

OMB Control Number: 0648–0399.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Federal government; State, local, or tribal government; business or other for-profit organizations.

Estimated Number of Respondents: 331.

Estimated Time per Response: 5 hours for a diversion screening limit project; 20 hours for a road maintenance agreement; 30 hours for an urban development package; 20 hours for a tribal plan; 10 hours for a fishery harvest plan; 5 hours for a report of aided, salvaged, or disposed of salmonids; 2 hours for research permits; 5 hours for artificial propagation plans; and 2 hours for annual reports.

Estimated Total Annual Burden Hours: 935.

Estimated Total Annual Cost to Public: $580.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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

Dated: December 4, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–26683 Filed 12–7–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG561

2019 Annual Determination To Implement the Sea Turtle Observer Requirement

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

ACTION: Notice.

SUMMARY: The National Marine Fisheries Service (NMFS) is providing notification that the agency will not identify additional fisheries to observe on the 2019 Annual Determination (AD), pursuant to its authority under the Endangered Species Act (ESA or Act). Through the AD, NMFS identifies U.S. fisheries operating in the Atlantic Ocean, Gulf of Mexico, and Pacific Ocean that will be required to take observers upon NMFS' request. The purpose of observing identified fisheries

is to learn more about sea turtle interactions in a given fishery, evaluate measures to prevent or reduce sea turtle takes, and implement the prohibition against sea turtle takes. Fisheries identified on the 2015 and 2018 ADs (see Table 1) remain on the AD for a 5-year period and are required to carry observers upon NMFS' request until December 31, 2019 and December 31, 2022, respectively.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for a listing of all Regional Offices.

FOR FURTHER INFORMATION CONTACT: Sara Wissmann, Office of Protected Resources, (301) 427–8402; Ellen Keane, Greater Atlantic Region, (978) 282–8476; Dennis Klemm, Southeast Region, (727) 824–5312; Dan Lawson, West Coast Region, (206) 526–4740; Irene Kelly, Pacific Islands Region, (808) 725–5141. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1(800) 877–8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

Availability of Published Materials

Information regarding the Sea Turtle Observer Requirement for Fisheries (72 FR 43176; August 3, 2007) may be obtained online at *www.nmfs.noaa.gov/pr/species/turtles/regulations.htm* or from any NMFS Regional Office at the addresses listed below:

- NMFS, Greater Atlantic Region, 55 Great Republic Drive, Gloucester, MA 01930;
- NMFS, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701;
- NMFS, West Coast Region, 501 W Ocean Blvd., Suite 4200, Long Beach, CA 90802;
- NMFS, Pacific Islands Region, Protected Resources, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818.

Purpose of the Sea Turtle Observer Requirement

Under the ESA, 16 U.S.C. 1531 *et seq.,* NMFS has the responsibility to implement programs to conserve marine life listed as endangered or threatened. All sea turtles found in U.S. waters are listed as either endangered or threatened under the ESA. Kemp's ridley (*Lepidochelys kempii*), loggerhead (*Caretta caretta;* North Pacific distinct population segment), leatherback (*Dermochelys coriacea*), green (*Chelonia mydas;* Central West Pacific and Central South Pacific distinct population segments), and hawksbill (*Eretmochelys imbricata*) sea turtles are listed as endangered. Loggerhead (*Caretta caretta;* Northwest Atlantic distinct population segment), green (*Chelonia mydas;* North Atlantic, South Atlantic, Central North Pacific, and East Pacific distinct population segments), and olive ridley (*Lepidochelys olivacea*) sea turtles are listed as threatened, except for breeding colony populations of olive ridleys on the Pacific coast of Mexico, which are listed as endangered. Due to the inability to distinguish between populations of olive ridley turtles away from the nesting beach, NMFS considers these turtles endangered wherever they occur in U.S. waters. While some sea turtle populations have shown signs of recovery, many populations continue to decline.

Incidental take in fishing gear, or bycatch, is the primary anthropogenic source of sea turtle injury and mortality in U.S. waters. Section 9 of the ESA prohibits the take (defined to include harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting or attempting to engage in any such conduct), including incidental take, of endangered sea turtles. Pursuant to section 4(d) of the ESA, NMFS has issued regulations extending the prohibition of take, with exceptions, to threatened sea turtles (50 CFR 223.205 and 223.206). Section 11 of the ESA provides for civil and criminal penalties for anyone who violates the Act or a regulation issued to implement the Act. NMFS may grant exceptions to the take prohibitions with an incidental take statement or an incidental take permit issued pursuant to ESA section 7 or 10, respectively. To do so, NMFS must determine that the activity that will result in incidental take is not likely to jeopardize the continued existence of the affected listed species. For some Federal fisheries and most state fisheries, NMFS has not granted an exception for incidental takes of sea turtles primarily because we lack information about fishery-sea turtle interactions.

The most effective way for NMFS to learn more about sea turtle-fishery interactions in order to implement the take prohibitions and prevent or minimize take is to place observers aboard fishing vessels. In 2007, NMFS issued a regulation (50 CFR 222.402) establishing procedures to annually identify, pursuant to specified criteria and after notice and opportunity for comment, those fisheries in which the agency intends to place observers (72 FR 43176; August 3, 2007). These regulations specify that NMFS may place observers on U.S. fishing vessels, commercial or recreational, operating in U.S. territorial waters, the U.S. exclusive economic zone (EEZ), or on the high seas, or on vessels that are otherwise subject to the jurisdiction of the United States. Failure to comply with the requirements under this rule may result in enforcement action.

When observers are required, NMFS will pay the direct costs for vessels to carry observers. These include observer salary and insurance costs. NMFS may also evaluate other potential direct costs, should they arise. Once selected, a fishery will be required to carry observers, if requested, for a period of five years without further action by NMFS. This will enable NMFS to develop appropriate observer coverage and sampling protocol to investigate whether, how, when, where, and under what conditions incidental takes are occurring; to evaluate whether existing measures are minimizing or preventing takes; and to implement ESA take prohibitions and conserve turtles.

2019 Annual Determination

Pursuant to 50 CFR 222.402(a), NOAA's Assistant Administrator for Fisheries, in consultation with Regional Administrators and Fisheries Science Center Directors, annually identifies fisheries for inclusion on the AD based on the extent to which:

(1) The fishery operates in the same waters and at the same time as sea turtles are present;

(2) The fishery operates at the same time or prior to elevated sea turtle strandings; or

(3) The fishery uses a gear or technique that is known or likely to result in incidental take of sea turtles based on documented or reported takes in the same or similar fisheries; and

(4) NMFS intends to monitor the fishery and anticipates that it will have the funds to do so.

NMFS is providing notification that the agency is not identifying additional fisheries to observe on the 2019 AD, pursuant to its authority under the ESA. NMFS is not identifying additional fisheries at this time given lack of dedicated resources to implement new observer programs or expand existing observer programs to focus on sea turtles. The 14 fisheries identified on the 2015 AD (see Table 1) remain on the AD for a 5-year period and are therefore required to carry observers upon NMFS' request until December 31, 2019. The two fisheries identified on the 2018 AD (see Table 1) will remain on the AD for a 5-year period and are therefore required to carry observers upon NMFS' request until December 31, 2022.

TABLE 1—STATE AND FEDERAL COMMERCIAL FISHERIES INCLUDED ON THE 2015 AND 2018 ANNUAL DETERMINATIONS

Fishery	Years eligible to carry observers
Trawl Fisheries	
Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl	2015–2019
Gulf of Mexico mixed species fish trawl	2015–2019
Gillnet Fisheries	
California halibut, white seabass and other species set gillnet (≤3.5 in mesh)	2015–2019
California yellowtail, barracuda, and white seabass drift gillnet (mesh size >3.5 in. and <14 in.)	2015–2019
Chesapeake Bay inshore gillnet	2015–2019
Long Island inshore gillnet	2015–2019
North Carolina inshore gillnet	2015–2019
Gulf of Mexico gillnet	2015–2019
Mid-Atlantic gillnet	2018–2022
Trap/pot Fisheries	
Atlantic blue crab trap/pot	2015–2019
Atlantic mixed species trap/pot	2015–2019
Northeast/Mid-Atlantic American lobster trap/pot	2015–2019
Pound Net/Weir/Seine Fisheries	
Mid-Atlantic haul/beach seine	2015–2019
Mid-Atlantic menhaden purse seine	2015–2019
Rhode Island floating trap	2015–2019
Gulf of Mexico menhaden purse seine	2018–2022

Dated: December 3, 2018.

Donna S. Wieting,

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

[FR Doc. 2018–26628 Filed 12–7–18; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes a product and services from the Procurement List previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date deleted from the Procurement List:* January 6, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 11/2/2018 (83 FR 213), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the product and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product and services deleted from the Procurement List.

End of Certification

Accordingly, the following product and services are deleted from the Procurement List:

Product(s)

NSN(s)–Product Name(s): 6545–00–NSH–0026—Long Range Raid (LRR)

Mandatory Source of Supply: ServiceSource, Inc., Oakton, VA

Contracting Activity: COMMANDER, QUANTICO, VA

Service(s)

Service Type: Janitorial/Custodial Service

Mandatory for:

U.S. Army Reserve Center: 936 Easton Road, Horsham, PA

U.S. Army Reserve Center: 1020 Sandy Street, Norristown, PA

Mandatory Source of Supply: The Chimes, Inc., Baltimore, MD

Contracting Activity: DEPT OF THE ARMY, W40M NORTHEREGION CONTRACT OFC

Michael R. Jurkowski,

Deputy Director, Business & PL Operations, Business Operations.

[FR Doc. 2018–26619 Filed 12–7–18; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletion from the Procurement List.

SUMMARY: The Committee is proposing to delete a product that was furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

DATES: *Comments must be received on or before:* January 6, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed action.

Deletion

The following product is proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s): MR 546—Sponge, All-Purpose, Nylon Mesh, Large

Mandatory Source of Supply: Alphapointe, Kansas City, MO

Contracting Activity: Defense Commissary Agency

Michael R. Jurkowski,

Deputy Director, Business & PL Operations, Business Operations.

[FR Doc. 2018–26618 Filed 12–7–18; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Reserve Forces Policy Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Reserve Forces Policy Board, 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 Reserve Forces Policy Board (RFPB) will take place.

DATES: The RFPB will hold a meeting on Wednesday, December 12, 2018 from 8:55 a.m. to 3:50 p.m. The portion of the meeting from 8:55 a.m. to 1:20 p.m. will be closed to the public. The portion of the meeting from 1:35 p.m. to 3:50 p.m. will be open to the public.

ADDRESSES: The RFPB meeting address is the Pentagon, Room 3E863, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Alexander Sabol, (703) 681–0577 (Voice), 703–681–0002 (Facsimile), *Alexander.J.Sabol.Civ@Mail.Mil* (Email). Mailing address is Reserve Forces Policy Board, 5113 Leesburg Pike, Suite 601, Falls Church, VA 22041. Website: *http://rfpb.defense.gov/.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: Due to difficulties beyond the control of the Department of Defense (DoD) and the Designated Federal Officer, the Reserve Forces Policy Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning the meeting on December 12, 2018, of the Reserve Forces Policy Board. Accordingly, the Advisory Committee Management Officer for the DoD, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to obtain, review, and evaluate information related to strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the Reserve Components.

Agenda: The RFPB will hold a meeting from 8:55 a.m. to 3:50 p.m. The portion of the meeting from 8:55 a.m. to 1:20 p.m. will be closed to the public and will consist of remarks to the RFPB from the following invited speakers: The Commander, U.S. Cyber Command will discuss the Cyber Command's Cyber Strategy which implements the National Defense Strategy priorities in and through cyberspace with the goal of protecting the Nation's critical infrastructure and defending the Department of Defense network infrastructure while integrating the Reserve Components as a Total Force; the Secretary of Defense will address key National Military Strategy challenges facing our Nation, priorities for adapting the force, and the use of the Reserve Components to overcome these challenges; The Adjutant General, California will discuss the recent California National Guard's Homeland Security and National Security Strategy operations issues with cyber security, immigration operations and the current California National Guard Ukrainian mission; and the Deputy Director for Global Integration and Current Operations, Integrated Operations Division, Joint Staff will discuss how the concept of Dynamic Force Employment from National Defense Strategy requires the Reserve Components to be ready to deploy without major buildup of forces and additional training time. The portion of the meeting from 1:35 p.m. to 3:50 p.m. will be open to the public and will consist of briefings from the following: Col Forrest Marion, USAFR (Ret) and Col John Hoffman, USMCR (Ret) will brief their published book: ''Forging a Total Force—Evolution of the Guard and Reserve'' in which they analyzed how the Nation's military drawdowns have historically caused the Nation to depend on its Guard and Reserve, detailing the issues policymakers are facing as they forge ahead with citizen-soldiers serving as an operational force; the Deputy Director, Materiel (Resource Evaluation) will discuss how the current fielding of equipment to the Reserve Components creates interoperability issues and requires Reserve Components to operate new equipment for the first time while deploying in theatre of operations; and the Chairman of the RFPB will discuss recommended priorities for the RFPB as they pertain to the Secretary of Defense's National Military Strategy and the anticipated implications these priorities may have on Active/Reserve Component force structure, readiness, and utilization.

Meeting Accessibility: Pursuant to section 10(a)(1) of the FACA and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, the meeting is open to the public from 1:35 p.m. to 3:50 p.m. Seating is on a first-come, first-served basis. All members of the public who wish to attend the public meeting must contact Mr. Alex Sabol, the Designated Federal Officer, not later than 12:00 p.m. on Tuesday, December 11, 2018, as listed in the **FOR FURTHER INFORMATION CONTACT** section to make arrangements for a Pentagon escort, if necessary. Public attendees requiring escort should arrive at the Pentagon Metro Entrance at 12:45 p.m. to provide sufficient time to complete security screening to attend the beginning of the Open Meeting at 1:35 p.m. on December 12th. To complete the security screening, please be prepared to present two forms of identification. One must be a picture identification card. In accordance with section 10(d) of the FACA, 5 U.S.C. 552b(c), and 41 CFR 102–3.155, the DoD has determined that the portion of this meeting scheduled to occur from 8:45 a.m. to 1:20 p.m. will be closed to the public. Specifically, the Under Secretary of Defense (Personnel and Readiness), in coordination with the Department of Defense FACA Attorney, has determined in writing that this portion of the meeting will be closed to the public because it is likely to disclose classified matters covered by 5 U.S.C. 552b(c)(1).

Written Statements: Pursuant to section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit written statements to the RFPB about its approved agenda or at any time on the RFPB's mission. Written statements should be submitted to the RFPB's Designated Federal Officer at the address, email, or facsimile number listed in the **FOR FURTHER INFORMATION CONTACT** section. If statements pertain to a specific topic being discussed at the planned meeting, then these statements must be submitted no later than five (5) business days prior to the meeting in question. Written statements received after this date may not be provided to or considered by the RFPB until its next meeting. The Designated Federal Officer will review all timely submitted written statements and provide copies to all the RFPB members before the meeting that is the subject of this notice. Please note that since the RFPB operates under the provisions of the FACA, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection,

including, but not limited to, being posted on the RFPB's website.

Dated: December 4, 2018.

Morgan E. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–26632 Filed 12–7–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy (DoN) announces the availability of the inventions listed below, assigned to the United States Government, as represented by the Secretary of the Navy, for domestic and foreign licensing by the Department of the Navy.

ADDRESSES: Requests for copies of the patents cited should be directed to Naval Surface Warfare Center, Crane Div, Code OOL, Bldg. 2, 300 Highway 361, Crane, IN 47522–5001.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Monsey, Naval Surface Warfare Center, Crane Div, Code OOL, Bldg. 2, 300 Highway 361, Crane, IN 47522–5001, Email *Christopher.Monsey@navy.mil,* telephone 812–854–2777.

SUPPLEMENTARY INFORMATION: The following patents are available for licensing: Patent No. 10,101125 (Navy Case No. 200366): PRECISION ENGAGEMENT SYSTEM//Patent No. 10,106,880 (Navy Case No. 200332): MODIFYING THE SURFACE CHEMISTRY OF A MATERIAL//Patent No. 10,109,915 (Navy Case No. 103078): PLANAR NEAR-FIELD CALIBRATION OF DIGITAL ARRAYS USING ELEMENT PLANE WAVE SPECTRA// Patent No. 10,091,664 (Navy Case No. 200240): SYSTEM AND METHODS FOR UNOBTRUSIVELY AND RELOCATEABLY EXTENDING COMMUNICATION COVERAGE AND SUPPORTING UNMANNED AERIAL VEHICLE (UAV) ACTIVITIES//Patent No. 10,094,866 (Navy Case No. 103206): PORTABLE MULTI–FUNCTION CABLE TESTER//Patent No. 10,095,193 (Navy Case No. 200284): HIGH SPEED, HIGH VOLTAGE (HV) CAPACITOR SYSTEM (HVCS) CONTROL SYSTEMS AND RELATED METHODS FOR HVCS CHARGE/DISCHARGE UPON ACTIVATION/DEACTIVATION OF A HV MAIN POWER SYSTEM (MPS) OR SYSTEM FAULT EVENT INCLUDING A FIRST AND SECOND TIMING SEQUENCE FOR MPS MAIN RELAY(S) AND HVCS RELAY(S) OPERATION// Patent No. 10,101,106 (Navy Case No. 200388): PORTABLE PART OR CONSUMABLE ITEM CARRIER WITH ANTI–JAM FEED SYSTEM WITH EXEMPLARY CONSUMING ITEM SYSTEMS//Patent No. 10,107,858 (Navy Case No. 200360): DIGITAL TEST SYSTEM//Patent No. 10,109,924 (Navy Case No. 200393): METHOD FOR ASSEMBLING A MULTI-ELEMENT APPARATUS USING A RECONFIGURABLE ASSEMBLY APPARATUS//and Patent No. 10,114,127 (Navy Case No. 200238): AUGMENTED REALITY VISUALIZATION SYSTEM.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: December 3, 2018.

Meredith Steingold Werner,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2018–26599 Filed 12–7–18; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Co-Exclusive License

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy. The Department of the Navy hereby gives notice of its intent to grant to Newcomer Arms, LLC and Burkart-Taylor, LLC, a revocable, nonassignable, co-exclusive license to practice in the United States, the Government-owned invention described below:

U.S. Patent Application Number 14/953,315 (Navy Case 200226): filed November 28, 2015, entitled ''OPTIMIZED SUBSONIC PROJECTILES AND RELATED METHODS.''

DATES: Anyone wishing to object to the grant of this co-exclusive license must file written objections along with supporting evidence, if any, not later than December 26, 2018.

ADDRESSES: Written objections are to be filed with Naval Surface Warfare Center, Crane Div., Code OOL, Bldg. 2, 300 Highway 361, Crane, IN 47522–5001.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Monsey, Naval Surface Warfare Center, Crane Div., Code OOL, Bldg. 2, 300 Highway 361, Crane, IN 47522–5001, telephone 812–854–4100.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: December 3, 2018.

Meredith Steingold Werner,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2018–26601 Filed 12–7–18; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–506–000]

Portland Natural Gas Transmission System; Notice of Availability of the Environmental Assessment for the Proposed Portland Xpress Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Portland Xpress Project (Project), proposed by Portland Natural Gas Transmission System (PNGTS) in the above-referenced docket. The Project is designed to provide 24,375 million cubic feet per day (Mcf/d) to PNGTS owned facilities, and 22,339 Mcf/d on PNGTS and Maritimes & Northeast Pipeline, LLC (Maritimes) jointly owned facilities. PNGTS also requests approval to abandon 7,185 Mcf/d of existing interim capacity from Maritimes. The Project includes modifications to existing facilities in Cumberland and York Counties, Maine, and Middlesex County, Massachusetts.

The EA assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the Project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed Project includes the following facilities:

Westbrook Compressor Station (CS), Cumberland County, Maine

- Install a new electrical control building with motor control center, emergency generator building and generator and ancillary equipment.

Eliot CS, York County, Maine

- Expansion of the existing building to include one new 6,300 horsepower (hp) gas-fired compression unit and ancillary equipment; and

- install an auxiliary building housing a replacement emergency generator and boiler.

Dracut Meter and Regulator (M&R) Station, Middlesex County, Massachusetts

- Install a low flow meter and transmitters and replace ultrasonic meter assemblies;
- install a new 86-hp emergency generator; and
- installation of ancillary equipment.

The Commission mailed a copy of the *Notice of Availability* of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners; other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the Environmental Documents page (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). In addition, the EA can be accessed by 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.* CP18–506). 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.

Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they would be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that your comments are received in Washington, DC on or before 5:00 p.m. Eastern Time on January 2, 2019.[1]

For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* 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 also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP18–506–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission may grant affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the projects 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. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: December 3, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–26660 Filed 12–7–18; 8:45 am]

BILLING CODE 6717–01–P

[1] The EA identified the comment period end date as December 27, 2018; however, due to a delay in the issuance of the *Notice of Availability,* the comment period deadline is extended to January 2, 2019.

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: PR19–19–000.

Applicants: Southern California Gas Company.

Description: Tariff filing per 284.123(b),(e)+(g): Offshore Delivery service rate increase filing 11–28 to be effective 11/28/2018.

Filed Date: 11/29/18.

Accession Number: 201811295000.

Comments Due: 5 p.m. ET 12/20/18.

284.123(g) Protests Due: 5 p.m. ET 1/28/19.

Docket Number: PR19–20–000.

Applicants: Louisville Gas and Electric Company.

Description: Tariff filing per 284.123(b),(e)/: Revised Statement of Operating Conditions Revised TCJA Surcredit to be effective 12/1/2018.

Filed Date: 11/29/18.

Accession Number: 201811295049.

Comments/Protests Due: 5 p.m. ET 12/20/18.

Docket Number: PR19–21–000.

Applicants: Aethon United Pipeline LP.

Description: Tariff filing per 284.123(b)(2)+(g): Aethon Rate Petition to be effective 12/1/2018.

Filed Date: 11/30/18.

Accession Number: 201811305025.

Comments Due: 5 p.m. ET 12/21/18.

284.123(g) Protests Due: 5 p.m. ET 1/29/19.

Docket Numbers: RP19–324–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated rate—Yankee to Direct Energy 798289 to be effective 11/29/2018.

Filed Date: 11/29/18.

Accession Number: 20181129–5002.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–325–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—Bay to UGI 798295 eff 12–1–18 to be effective 12/1/2018.

Filed Date: 11/29/18.

Accession Number: 20181129–5037.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–326–000.

Applicants: NEXUS Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—CNX to BP Energy 960023 to be effective 12/1/2018.

Filed Date: 11/29/18.

Accession Number: 20181129–5044.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–327–000.

Applicants: NEXUS Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—BP to BP Canada 960024 to be effective 12/1/2018.

Filed Date: 11/29/18.

Accession Number: 20181129–5053.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–328–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: Rate Schedule S–2 Tracker Filing (ASA) eff 12/1/2018 to be effective 12/1/2018.

Filed Date: 11/29/18.

Accession Number: 20181129–5056.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–329–000.

Applicants: National Fuel Gas Supply Corporation.

Description: Compliance filing TSCA—Informational Filing (11/29/18).

Filed Date: 11/29/18.

Accession Number: 20181129–5062.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–330–000.

Applicants: Young Gas Storage Company, Ltd.

Description: § 4(d) Rate Filing: Annual Reimbursement Percentage Update Filing to be effective 1/1/2019.

Filed Date: 11/29/18.

Accession Number: 20181129–5066.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–331–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Annual Fuel and L&U Filing 2019 to be effective 1/1/2019.

Filed Date: 11/29/18.

Accession Number: 20181129–5073.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–332–000.

Applicants: Dominion Energy Questar Pipeline, LLC.

Description: § 4(d) Rate Filing: FGRP 2019 to be effective 1/1/2019.

Filed Date: 11/29/18.

Accession Number: 20181129–5106.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–333–000.

Applicants: Colorado Interstate Gas Company, L.L.C.

Description: § 4(d) Rate Filing: LUF Quarterly Update Filing to be effective 1/1/2019.

Filed Date: 11/29/18.

Accession Number: 20181129–5107.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–334–000.

Applicants: Mojave Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: Annual Fuel and L&U Filing 2019 to be effective 1/1/2019.

Filed Date: 11/29/18.

Accession Number: 20181129–5116.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–335–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Article 11.2(a) Inflation Adjustment Filing 2019 to be effective 1/1/2019.

Filed Date: 11/29/18.

Accession Number: 20181129–5120.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–336–000.

Applicants: NEXUS Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—Nextera and ConocoPhillips to be effective 12/1/2018.

Filed Date: 11/29/18.

Accession Number: 20181129–5127.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–337–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 112918 Negotiated Rates—Twin Eagle Resource Management, LLC H–7300–89 to be effective 12/1/2018.

Filed Date: 11/29/18.

Accession Number: 20181129–5126.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–338–000.

Applicants: Sierrita Gas Pipeline LLC.

Description: Operational Purchases and Sales Report of Sierrita Gas Pipeline LLC under RP19–338.

Filed Date: 11/29/18.

Accession Number: 20181129–5151.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–339–000.

Applicants: Chandeleur Pipe Line, LLC, Chandeleur Pipe Line LLC.

Description: Fuel and Line Loss Allowance Calculation of Chandeleur Pipe Line, LLC under RP19–339.

Filed Date: 11/29/18.

Accession Number: 20181129–5152.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–340–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: § 4(d) Rate Filing: New Service Agreement Ascend filed 11–29–18 to be effective 12/1/2018.

Filed Date: 11/29/18.

Accession Number: 20181129–5187.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–341–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: § 4(d) Rate Filing: Update Non-Conforming List (Ascend) Filing on 11–29–18 to be effective 12/1/2018.

Filed Date: 11/29/18.

Accession Number: 20181129–5190.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–342–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreements Filing (ETC, EOG, TRMC Dec 18) to be effective 12/1/2018.

Filed Date: 11/29/18.

Accession Number: 20181129–5235.

Comments Due: 5 p.m. ET 12/11/18.

Docket Numbers: RP19–343–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: TETLP 2018 Rate Case Filing to be effective 1/1/2019.

Filed Date: 11/30/18.

Accession Number: 20181130–5003.

Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–344–000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement—Spire LPS 12/1/2018 to be effective 12/1/2018.

Filed Date: 11/30/18.

Accession Number: 20181130–5026.

Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–345–000.

Applicants: Alliance Pipeline L.P.

Description: § 4(d) Rate Filing: Hess 2019 Tioga Usage Charge Filing to be effective 1/1/2019.

Filed Date: 11/30/18.

Accession Number: 20181130–5027.

Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–346–000.

Applicants: Nautilus Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: Nautilus FT–2 Form of Service modification to be effective 1/1/2019.

Filed Date: 11/30/18.

Accession Number: 20181130–5031.

Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–347–000.

Applicants: MarkWest Pioneer, L.L.C.

Description: § 4(d) Rate Filing: Quarterly Fuel Adjustment Filing to be effective 1/1/2019.

Filed Date: 11/30/18.
Accession Number: 20181130–5034.
Comments Due: 5 p.m. ET 12/12/18.
Docket Numbers: RP19–348–000.
Applicants: Rover Pipeline LLC.
Description: § 4(d) Rate Filing: Summary of Negotiated Rate Capacity Relealse Agreements on 11–30–18 to be effective 12/1/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5052.
Comments Due: 5 p.m. ET 12/12/18.
Docket Numbers: RP19–349–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate—Chesapeake to Tenaska 960030 eff 12–1–18 to be effective 12/1/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5062.
Comments Due: 5 p.m. ET 12/12/18.
Docket Numbers: RP19–350–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Compliance filing 2018 Refund Report—Texas Eastern OFO Penalty Sharing (Rate Schedule S–2).
Filed Date: 11/30/18.
Accession Number: 20181130–5065.
Comments Due: 5 p.m. ET 12/12/18.
Docket Numbers: RP19–351–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: eTariff filing per 1430: Petition for an Extension of Time to File FERC Form 501–G.
Filed Date: 11/30/18.
Accession Number: 20181130–5076.
Comments Due: 5 p.m. ET 12/4/18.
Docket Numbers: RP19–352–000.
Applicants: Sea Robin Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Sea Robin Section 4 Rate Case to be effective 1/1/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5078.
Comments Due: 5 p.m. ET 12/12/18.
Docket Numbers: RP19–353–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Dec 2018 to be effective 12/1/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5081.
Comments Due: 5 p.m. ET 12/12/18.
Docket Numbers: RP19–354–000.
Applicants: Kern River Gas Transmission Company.
Description: § 4(d) Rate Filing: 2018 December Negotiated Rate Amendment to be effective 12/1/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5113.
Comments Due: 5 p.m. ET 12/12/18.

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: November 30, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–26640 Filed 12–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR19–10–000]

BP Products North American, Chevron Products Company, Epsilon Trading, LLC, Phillips 66 Company, Southwest Airlines Co., Trafigura Trading LLC, TCPU, Inc., United Aviation Fuels Corporation, Valero Marketing and Supply Company v. Colonial Pipeline Company; Notice of Complaint

Take notice that on November 30, 2018, pursuant to sections 6(1), 6(3), 6(7), 13(1), 15(1), and 15(7) of the Interstate Commerce Act (ICA),[1] Rules 341, 342, and 343 of the Federal Energy Regulatory Commission's (Commission) Rules Applicable to Oil Pipeline Proceedings,[2] and Rules 206, 207(a)(5), 209, and 211 of the Commission's Rule of Practice and Procedure,[3] BP Products North America, Inc., Chevron Products Company, Epsilon Trading, LLC, Phillips 66 Company, Southwest Airlines Co., Trafigura Trading LLC, TCPU, Inc., United Aviation Fuels Corporation, and Valero Marketing and Supply Company (collectively, Complainants) filed a formal complaint against Colonial Pipeline Company (Respondent) alleging that the Respondent's untarriffed increase of a product loss allocation rate is unlawful under sections 6, 13, and 15 of the ICA, as more fully explained in the complaint.

The Complainants state that a copy of the complaint was served on the contacts for the Respondent listed on the Commission's list of Corporate Officials.

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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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 online 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 p.m. Eastern Time on December 31, 2018.

Dated: December 3, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–26662 Filed 12–7–18; 8:45 am]

BILLING CODE 6717–01–P

[1] 49 U.S.C. App. 6(1), 6(3), 6(7), 13(1), 15(1), and 15(7) (1988).

[2] 18 CFR 341.2, 341.8, 341.11, 342.1(b), 343.3, and 343.4 (2018).

[3] 18 CFR 341.2, 341.8, 341.11, 342.1(b), 343.3, and 343.4 (2018).

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: RP19–262–001.
Applicants: Hardy Storage Company, LLC.
Description: Compliance filing Hardy Storage 501–G Settlement Implementation to be effective 1/1/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5200.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–294–001.
Applicants: Centra Pipelines Minnesota Inc.
Description: eTariff filing per 1430: Form 501G Filing.
Filed Date: 11/30/18.
Accession Number: 20181130–5092.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–355–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Equitrans Clean Up Filing—Nov 2018 to be effective 12/31/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5144.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–356–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Petrohawk 41455 to BP 50287) to be effective 12/1/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5149.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–357–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: § 4(d) Rate Filing: Vol. 2—Non-Conforming Rate Agreement—Empire District Electric Company to be effective 12/1/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5154.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–358–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta Gas 8438 to various eff 12–1–2018) to be effective 12/1/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5157.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–359–000.
Applicants: TransColorado Gas Transmission Company LLC.
Description: § 4(d) Rate Filing: Fuel Gas Reimbursement Mechanism Update to be effective 1/1/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5165.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–360–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Non-Conforming—Gulf Connector to be effective 1/1/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5167.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–361–000.
Applicants: Rager Mountain Storage Company LLC.
Description: § 4(d) Rate Filing: RMSC's Clean-Up Filing—Nov 2018 to be effective 12/31/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5168.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–362–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: § 4(d) Rate Filing: West of Milford Surcharge Reduction to be effective 12/1/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5176.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–363–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: Neg Rate 2018–11–30 E2W (7) to be effective 12/1/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5212.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–364–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement—Revised EQT Energy FTS Agreement to be effective 12/1/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5262.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–365–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: Compliance filing Cashout Report 2017–2018 to be effective N/A.
Filed Date: 11/30/18.
Accession Number: 20181130–5270.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–366–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20181130 Negotiated Rate to be effective 12/1/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5276.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–367–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Volume No. 2—Corpus Christi Liquefaction, LLC SP309057 to be effective 1/1/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5280.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–368–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Volume No. 2—Sequent Energy Management, L.P SP343212 to be effective 1/1/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5281.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–369–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Index of Market Areas—Mountaineer XPress to be effective 12/30/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5284.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–370–000.
Applicants: Gas Transmission Northwest LLC.
Description: Compliance filing Compliance to RP15–904–001 (Implement 501–G Settlement) to be effective 1/1/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5288.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–371–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: TCO MXP Neg Rate and NC Agreements to be effective 12/30/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5295.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–372–000.
Applicants: Columbia Gulf Transmission, LLC.
Description: § 4(d) Rate Filing: GXP Neg Rate NC Agreements Filing to be effective 12/30/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5306.
Comments Due: 5 p.m. ET 12/12/18.

Docket Numbers: RP19–373–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Conoco Dec 2018–Feb 2019) to be effective 12/1/2018.
Filed Date: 11/30/18.

Accession Number: 20181130–5307.
Comments Due: 5 p.m. ET 12/12/18.

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: December 3, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–26642 Filed 12–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–533–000]

Texas Eastern Transmission, LP; Notice of Schedule for Environmental Review of the Line 1–N Abandonment Project

On July 24, 2018, Texas Eastern Transmission, LP filed an application in Docket No. CP18–533–000 requesting to discontinue natural gas service and abandon natural gas pipelines and aboveground facilities pursuant to section 7(b) of the Natural Gas Act and Part 157 of the Commission's regulations. The proposed project is known as the Line 1–N Abandonment Project (Project), and would abandon a portion of the Line 1–N lateral and related facilities in Harrison and Marion Counties, Texas.

On August 7, 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 January 25, 2019
90-Day Federal Authorization Decision Deadline April 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

Texas Eastern proposes to abandon a portion of its Line 1–N lateral and related facilities in Harrison and Marion Counties, Texas. Specifically, Texas Eastern is requesting approval to abandon in place and by removal a total of approximately 30 miles of 8-inch, 10-inch, and 12-inch-diameter lateral pipeline; abandon by removal all of the facilities at Metering and Regulating Station 70191; and abandon by removal all aboveground appurtenances on each of the 8-inch, 10-inch and 12-inch-diameter pipeline segments.

Background

On September 6, 2018, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Line 1–N Abandonment Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received comments from two landowners, and a landowner's legal representative. The primary issues raised by the commentors are concerns regarding exposed and damaged pipeline, pipeline contamination, and impacts of abandoning the pipeline in place. All substantive comments will be addressed in the EA.

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.,* CP18–533), 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: November 30, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–26663 Filed 12–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–426–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; LUZ Solar Partners VIII, Ltd.

This is a supplemental notice in the above-referenced proceeding of LUZ Solar Partners VIII, Ltd.'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 December 24, 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: December 3, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–26643 Filed 12–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3307–004.

Applicants: NRG Energy Center Dover LLC.

Description: Compliance filing: Compliance Filing of Reactive Power Rate Schedule to be effective 5/9/2018.

Filed Date: 11/30/18.

Accession Number: 20181130–5147.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER12–1933–009*; ER12–1934–008.*

Applicants: Interstate Power and Light Company, Wisconsin Power and Light Company.

Description: Second Supplement to June 29, 2018 Updated Triennial Market Power analysis for the Central region of Interstate Power and Light Company, et. al.

Filed Date: 11/30/18.

Accession Number: 20181130–5210.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER17–135–007.

Applicants: DesertLink, LLC.

Description: Compliance filing: Compliance Filing—Desert Link to be effective 11/30/2018.

Filed Date: 11/30/18.

Accession Number: 20181130–5238.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER18–169–000.

Applicants: Southern California Edison Company.

Description: Informational Filing of Notice of Revision to Formula Transmission Rate Annual Update of Southern California Edison Company.

Filed Date: 11/29/18.

Accession Number: 20181129–5272.

Comments Due: 5 p.m. ET 12/20/18.

Docket Numbers: ER18–459–004.

Applicants: Ohio Valley Electric Corporation, PJM Interconnection, L.L.C.

Description: Compliance filing: PJM and OVEC submit revisions to the OATT re: OVEC Zones Trans. Rate Update to be effective 12/1/2018.

Filed Date: 11/30/18.

Accession Number: 20181130–5032.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER18–2208–001.

Applicants: New England Power Pool Participants Committee.

Description: Tariff Amendment: 132nd Agreement Deficiency Letter Response to be effective 11/1/2018.

Filed Date: 11/30/18.

Accession Number: 20181130–5282.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–151–000.

Applicants: MATL LLP.

Description: Report Filing: Supplement to Open Solicitation Filing to be effective N/A.

Filed Date: 11/29/18.

Accession Number: 20181129–5196.

Comments Due: 5 p.m. ET 12/20/18.

Docket Numbers: ER19–158–001.

Applicants: Ambit Northeast, LLC.

Description: Tariff Amendment: Ambit Northeast LLC Amended MBR Application to be effective 10/22/2018.

Filed Date: 11/30/18.

Accession Number: 20181130–5272.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–429–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: MAIT submits OIA SA No. 4577 to be effective 1/29/2019.

Filed Date: 11/29/18.

Accession Number: 20181129–5197.

Comments Due: 5 p.m. ET 12/20/18.

Docket Numbers: ER19–430–000.

Applicants: Enel Green Power Hilltopper Wind, LLC.

Description: Compliance filing: Notice of Non-Material Change in Status to be effective 11/30/2018.

Filed Date: 11/29/18.

Accession Number: 20181129–5198.

Comments Due: 5 p.m. ET 12/20/18.

Docket Numbers: ER19–431–000.

Applicants: NSTAR Electric Company.

Description: § 205(d) Rate Filing: Distribution Service Agreement between NSTAR Electric Co. and MATEP LLC to be effective 1/30/2019.

Filed Date: 11/29/18.

Accession Number: 20181129–5219.

Comments Due: 5 p.m. ET 12/20/18.

Docket Numbers: ER19–432–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: PG&E Coyote Valley Energy Storage SGIA (SA 407) to be effective 1/30/2019.

Filed Date: 11/30/18.

Accession Number: 20181130–5000.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–433–000.

Applicants: Union Electric Company.

Description: § 205(d) Rate Filing: Revised Reactive Rate Schedule 22 to be effective 12/1/2018.

Filed Date: 11/30/18.

Accession Number: 20181130–5001.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–433–001.

Applicants: Union Electric Company.

Description: Tariff Amendment: Amended Reactive Rate Schedule 22 to be effective 12/1/2018.

Filed Date: 11/30/18.

Accession Number: 20181130–5173.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–434–000.

Applicants: Steamboat Hills LLC.

Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff (Steamboat Hills LLC) to be effective 1/30/2019.

Filed Date: 11/30/18.

Accession Number: 20181130–5054.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–435–000.

Applicants: ORNI 47 LLC.

Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff (ORNI 47 LLC) to be effective 1/30/2019.

Filed Date: 11/30/18.

Accession Number: 20181130–5057.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–436–000.

Applicants: ORNI 43 LLC.

Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff (ORNI 43 LLC) to be effective 1/30/2019.

Filed Date: 11/30/18.

Accession Number: 20181130–5063.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–437–000.

Applicants: ORNI 39 LLC.

Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff (ORNI 39 LLC) to be effective 1/30/2019.

Filed Date: 11/30/18.
Accession Number: 20181130–5064.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–438–000.
Applicants: ORNI 37 LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff (ORNI 37 LLC) to be effective 1/30/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5066.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–439–000.
Applicants: ORNI 14 LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff (ORNI 14 LLC) to be effective 1/30/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5071.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–440–000.
Applicants: Ormesa LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff (Ormesa LLC) to be effective 1/30/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5072.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–441–000.
Applicants: ONGP LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff (ONGP LLC) to be effective 1/30/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5073.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–442–000.
Applicants: Mammoth Three LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff (Mammoth Three LLC) to be effective 1/30/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5075.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–443–000.
Applicants: Heber Geothermal Company LLC.
Description: § 205(d) Rate Filing: Revisions to Market-Based Rate Tariff (Heber Geothermal Company LLC) to be effective 1/30/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5077.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–444–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: ISO–NE and NEPOOL; Conforming Changes to ISO Tariff for CASPR to be effective 1/29/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5103.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–445–000.
Applicants: Ohio Valley Electric Corporation.
Description: Tariff Cancellation: Notice of Cancellation to be effective 12/1/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5164.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–446–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: December 2018 Membership Filing to be effective 11/1/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5166.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–447–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: ISO New England Inc., et al. submits Installed Capacity Requirement, Hydro Quebec Interconnection Capability Credits and Related Values for the 2019/2020, et al. Annual Reconfiguration Auction.
Filed Date: 11/30/18.
Accession Number: 20181130–5169.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–448–000.
Applicants: Appalachian Power Company.
Description: § 205(d) Rate Filing: OATT-Revise Attachment K, AEP Texas Inc. Rate Update to be effective 12/31/9998.
Filed Date: 11/30/18.
Accession Number: 20181130–5237.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–449–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: ISO–NE and NEPOOL; Revisions to Clarify Treatment of Retiring Resources to be effective 1/29/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5247.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–450–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3396R1 Otter Tail Power Company NITSA and NOA to be effective 2/1/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5253.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–451–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: November 2018 Western Interconnection Agreement Biannual Filing to be effective 2/1/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5257.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–452–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: November 2018 Western WDT Service Agreement Biannual Filing to be effective 2/1/2019.
Filed Date: 11/30/18.
Accession Number: 20181130–5264.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–453–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: MA Amendments for Mor-Gran-Sou Electric Cooperative, Inc. to be effective 11/19/2018.
Filed Date: 11/30/18.
Accession Number: 20181130–5279.
Comments Due: 5 p.m. ET 12/21/18.

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: November 30, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–26639 Filed 12–7–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Commission Information Collection Activities (FERC–725K); 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–725K (Mandatory Reliability Standards for the SERC Region).

DATES: Comments on the collection of information are due February 8, 2019.

ADDRESSES: You may submit comments (identified by Docket No. IC19–9–000) 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: Mandatory Reliability Standards for the SERC Region.

OMB Control No.: 1902–0260.

Type of Request: Three-year extension of the FERC–725K information collection requirements with no changes to the current reporting requirements.

Abstract: Section 215 of the Federal Power Act (FPA) requires a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by NERC, subject to Commission oversight, or by the Commission independently.

Reliability Standards that NERC proposes to the Commission may include Reliability Standards that are proposed by a Regional Entity to be effective in that region. In Order No. 672, the Commission noted that:

> As a general matter, we will accept the following two types of regional differences, provided they are otherwise just, reasonable, not unduly discriminatory or preferential and in the public interest, as required under the statute: (1) A regional difference that is more stringent than the continent-wide Reliability Standard, including a regional difference that addresses matters that the continent-wide Reliability Standard does not; and (2) a regional Reliability Standard that is necessitated by a physical difference in the Bulk-Power System.

When NERC reviews a regional Reliability Standard that would be applicable on an interconnection-wide basis and that has been proposed by a Regional Entity organized on an interconnection-wide basis, NERC must rebuttably presume that the regional Reliability Standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. In turn, the Commission must give ''due weight'' to the technical expertise of NERC and of a Regional Entity organized on an interconnection-wide basis.

On April 19, 2007, the Commission accepted delegation agreements between NERC and each of the eight Regional Entities. In the order, the Commission accepted SERC as a Regional Entity organized on less than an interconnection-wide basis. As a Regional Entity, SERC oversees Bulk-Power System reliability within the SERC Region, which covers a geographic area of approximately 560,000 square miles in a sixteen-state area in the southeastern and central United States (all of Missouri, Alabama, Tennessee, North Carolina, South Carolina, Georgia, Mississippi, and portions of Iowa, Illinois, Kentucky, Virginia, Oklahoma, Arkansas, Louisiana, Texas and Florida). The SERC Region is currently geographically divided into five subregions that are identified as Southeastern, Central, VACAR, Delta, and Gateway.

Type of Respondents: Entities registered with the North American Electric Reliability Corporation (within the SERC region).

Estimate of Annual Burden: [1] The Commission estimates the annual reporting burden and cost for the information collection as:

FERC–725K—MANDATORY RELIABILITY STANDARD FOR THE SERC REGION

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden and cost per response [2] (4)	Total annual burden hours and total annual cost (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
PCs: Design and Document Automatic UFLS Program	[3] 21	1	21	8 $535.20	168 $11,239.20	$535.20
PCs: Provide Documentation and Data to SERC	[3] 21	1	21	16 $1,070.40	336 $22,478.40	1,070.40
GOs: Provide Documentation and Data to SERC	[4] 104	1	104	16 $1,070.40	1,664 $111,321.60	1,070.40
GOs: Record Retention	[4] 104	1	104	4 $267.60	416 $27,830.40	267.60
Total	.....	.....	125	.....	2,584 $172,869.60	2,943.60

[1] ''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.

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: November 30, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–26664 Filed 12–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

December 3, 2018.

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of the New York Independent System Operator, Inc. (NYISO):

NYISO Electric System Planning Working Group and Transmission Planning Advisory Meeting

December 4, 2018, 10 a.m.–4 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2018-12-04.*

NYISO Business Issues Committee Meeting

December 12, 2018, 10 a.m.–4 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic&directory=2018-12-12.*

NYISO Operating Committee Meeting

December 13, 2018, 10 a.m.–4 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=oc&directory=2018-12-13.*

NYISO Management Committee Meeting

December 19, 2018, 10 a.m.–4 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=mc&directory=2018-12-19.*

The discussions at the meetings described above may address matters at issue in the following proceedings:

New York Independent System Operator, Inc., Docket No. ER15–2059.

New York Independent System Operator, Inc., Docket No. ER17–2327.

For more information, contact James Eason, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–8622 or *James.Eason@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–26661 Filed 12–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–461–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Wheelabrator Concord Company, L.P.

This is a supplemental notice in the above-referenced proceeding of Wheelabrator Concord Company, L.P.'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 December 24, 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

[2] The estimated hourly cost (salary plus benefits) provided in this section is based on the salary figures (*http://www.bls.gov/oes/current/naics2_22.htm)* and benefits (*http://www.bls.gov/news.release/ecec.nr0.htm*) for May 2017 posted by the Bureau of Labor Statistics for the Utilities sector. The hourly estimates for salary plus benefits are $66.90/hour based on the Engineering career (Occupation Code: 17–2071).

[3] Both figures for PC respondents are not to be totaled. They represent the same set of respondents.

[4] Both figures for GO respondents are not to be totaled. They represent the same set of respondents.

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: December 3, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–26645 Filed 12–7–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–427–000]

LUZ Solar Partners IX, Ltd.; 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 LUZ Solar Partners IX, Ltd.'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 December 24, 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: December 3, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–26644 Filed 12–7–18; 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: EC19–31–000.

Applicants: Sempra Energy, Oncor Electric Delivery Company LLC, Sharyland Utilities, L.P., Sharyland Distribution & Transmission Services, L.L.C.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act, et al. of Sempra Energy, et al.

Filed Date: 11/30/18.

Accession Number: 20181130–5318.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: EC19–32–000.

Applicants: Vermillion Power, L.L.C., FirstEnergy Generation, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Vermillion Power, L.L.C., et al.

Filed Date: 11/30/18.

Accession Number: 20181130–5362.

Comments Due: 5 p.m. ET 12/21/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–2342–002.

Applicants: GridLiance Heartland LLC.

Description: Tariff Amendment: GridLiance Heartland LLC—Deficiency Filing to be effective 11/30/2018.

Filed Date: 11/30/18.

Accession Number: 20181130–5289.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–91–001.

Applicants: GRP Franklin, LLC.

Description: Supplement to November 21, 2018 GRP Franklin, LLC tariff filing.

Filed Date: 11/30/18.

Accession Number: 20181130–5317.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–92–001.

Applicants: GRP Madison, LLC.

Description: Supplement to November 21, 2018 GRP Madison, LLC tariff filing.

Filed Date: 11/30/18.

Accession Number: 20181130–5358.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–289–001.

Applicants: Cleco Cajun LLC.

Description: Tariff Amendment: Amendment to 1 to be effective 12/31/9998.

Filed Date: 11/30/18.

Accession Number: 20181130–5310.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–454–000.

Applicants: FirstEnergy Solutions Corp.

Description: Compliance filing: MBR Compliance Filing [ER18–965; ER18–1591; ER18–1999] to be effective 6/1/2018.

Filed Date: 11/30/18.

Accession Number: 20181130–5283.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–455–000.

Applicants: Stoneray Power Partners, LLC.

Description: § 205(d) Rate Filing: Filing of Stoneray Rate Schedule FERC No. 1 re Reactive Power Compensation to be effective 1/30/2019.

Filed Date: 11/30/18.

Accession Number: 20181130–5285.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–456–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Mor-Gran-Sou Electric Cooperative Formula Rate to be effective 2/1/2019.

Filed Date: 11/30/18.

Accession Number: 20181130–5286.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–457–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Otter Tail Power Company Network Customer Transmission Credits to be effective 2/1/2019.

Filed Date: 11/30/18.

Accession Number: 20181130–5313.

Comments Due: 5 p.m. ET 12/21/18.

Docket Numbers: ER19–458–000.

Applicants: EDF Trading North America, LLC,AES Alamitos, LLC,AES Huntington Beach, LLC,AES Redondo Beach, LLC.

Description: Application to Recover Fuel Costs, et al. of EDF Trading North America, LLC, et al.

Filed Date: 11/30/18.
Accession Number: 20181130–5329.
Comments Due: 5 p.m. ET 12/21/18.
Docket Numbers: ER19–460–000.
Applicants: Southwest Power Pool, Inc.
Description: Compliance filing: Order No. 841 Compliance Filing to Incorporate Electric Storage Resources to be effective 12/1/2019.
Filed Date: 12/3/18.
Accession Number: 20181203–5199.
Comments Due: 5 p.m. ET 12/24/18.
Docket Numbers: ER19–461–000.
Applicants: Wheelabrator Concord Company, L.P.
Description: Baseline eTariff Filing: baseline new to be effective 4/18/2019.
Filed Date: 12/3/18.
Accession Number: 20181203–5204.
Comments Due: 5 p.m. ET 12/24/18.
Docket Numbers: ER19–462–000.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Compliance Filing re Order No. 841 ESR Accounting Proposal to be effective 2/3/2019.
Filed Date: 12/3/18.
Accession Number: 20181203–5227.
Comments Due: 5 p.m. ET 12/24/18.
Docket Numbers: ER19–463–000.
Applicants: Duke Energy Progress, LLC, Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: DEC–DEP Revisions to OATT Formula Transmission Rates (State ADIT) to be effective 1/1/2019.
Filed Date: 12/3/18.
Accession Number: 20181203–5230.
Comments Due: 5 p.m. ET 12/24/18.
Docket Numbers: ER19–464–000.
Applicants: Vermillion Power, L.L.C.
Description: Baseline eTariff Filing: Market-based rate application to be effective 12/31/9998.
Filed Date: 12/3/18.
Accession Number: 20181203–5242.
Comments Due: 5 p.m. ET 12/24/18.
Docket Numbers: ER19–465–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2018–12–03_Order 841 Electric Storage Resource Compliance Filing to be effective 12/31/9998.
Filed Date: 12/3/18.
Accession Number: 20181203–5244.
Comments Due: 5 p.m. ET 12/24/18.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES19–1–000.
Applicants: Kansas City Power & Light Company, KCP&L Greater Missouri Operations Company, Kansas Gas and Electric Company, Westar Energy, Inc.
Description: Supplement to October 3, 2018 Joint Application for Authorization Under FPA Section 204 to Issue Short-Term Debt Securities of Kansas City Power & Light Company, et al.
Filed Date: 11/30/18.
Accession Number: 20181130–5142.
Comments Due: 5 p.m. ET 12/7/18.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR19–3–000.
Applicants: North American Electric Reliability Corporation.
Description: Petition for Approval of Amended Compliance and Certification Committee Charter of North American Electric Reliability Corporation.
Filed Date: 11/30/18.
Accession Number: 20181130–5363.
Comments Due: 5 p.m. ET 12/21/18.

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: December 3, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–26641 Filed 12–7–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0758, FRL–9987–62–OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; Part B Permit Application, Permit Modifications, and Special Permits

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), Part B Permit Application, Permit Modifications, and Special Permits (EPA ICR No. 1573.14, OMB Control No. 2050–0009) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Before doing so, the 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 February 8, 2019.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–OLEM–2018–0758, online using *www.regulations.gov* (our preferred method), by email to *rcra-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: 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.*

Pursuant to section 3506(c)(2)(A) of the PRA, the 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. The 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, the 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: Section 3005 of Subtitle C of RCRA requires treatment, storage or disposal facilities (TSDFs) to obtain a permit. To obtain the permit, the TSDFs must submit an application describing the facility's operation. There are two parts to the RCRA permit application—Part A and Part B. Part A defines the processes to be used for treatment, storage, and disposal of hazardous wastes; the design capacity of such processes; and the specific hazardous wastes to be handled at the facility. Part B requires detailed site-specific information such as geologic, hydrologic, and engineering data. In the event that permit modifications are proposed by the applicant or the EPA, modifications must conform to the requirements under Sections 3004 and 3005.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are private sector and State, Local, or Tribal governments.

Respondent's obligation to respond: Mandatory (RCRA Section 3005).

Estimated number of respondents: 159.

Frequency of response: On occasion.

Total estimated burden: 24,926 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $7,901,274 (per year), which includes $2,165,627 in annualized labor and $5,735,647 in annualized capital or operation & maintenance costs.

Changes in Estimates: The burden hours are likely to stay substantially the same.

Dated: November 29, 2018.

Barnes Johnson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2018–26692 Filed 12–7–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0365; FRL–9987–58–ORD]

Board of Scientific Counselors (BOSC) Air and Energy Subcommittee Meeting—January 2019

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, the U.S. Environmental Protection Agency, Office of Research and Development (ORD), gives notice of a meeting of the Board of Scientific Counselors (BOSC) Air and Energy Subcommittee.

DATES: The meeting will be held on Wednesday, January 9, 2019, from 3:00 p.m. to 5:00 p.m. All times noted are Eastern Time. The meeting may adjourn early if all business is finished. Attendees should register by January 8, 2019. Requests for the draft agenda or for making oral presentations at the meeting will be accepted up to one business day before the meeting.

ADDRESSES: The meeting will be a conference call and the number will be provided following registration at *https://epa-bosc-airandenergy-subcommittee-teleconference.eventbrite.com.* Submit your comments to Docket ID No. EPA–HQ–ORD–2015–0365 by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email:* Send comments by electronic mail (email) to: *ORD.Docket@epa.gov,* Attention Docket ID No. EPA–HQ–ORD–2015–0365.
- *Fax:* Fax comments to: (202) 566–0224, Attention Docket ID No. EPA–HQ–ORD–2015–0365.
- *Mail:* Send comments by mail to: Board of Scientific Counselors (BOSC) Air and Energy Subcommittee Docket, Mail Code: 2822T, 1301 Constitution Ave. NW, Washington, DC, 20004, Attention Docket ID No. EPA–HQ–ORD–2015–0365.
- *Hand Delivery or Courier:* Deliver comments to: EPA Docket Center (EPA/DC), Room 3334, William Jefferson Clinton West Building, 1301 Constitution Ave. NW, Washington, DC, Attention Docket ID No. EPA–HQ–ORD–2015–0365. Note: This is not a mailing address. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/dockets/.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Board of Scientific Counselors (BOSC) Air and Energy Subcommittee Docket, EPA/DC, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading

Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the ORD Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer via mail at: Tom Tracy, Mail Code 8104R, Office of Science Policy, Office of Research and Development, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; via phone/voice mail at: (202) 564–6518; via fax at: (202) 565–2911; or via email at: *tracy.tom@epa.gov.*

SUPPLEMENTARY INFORMATION:

General Information: The meeting is open to the public. Any member of the public interested in receiving a draft agenda, attending the meeting, or making comments at the meeting may contact Tom Tracy, the Designated Federal Officer, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. In general, anyone making an oral presentation will be limited to a total of three minutes. All attendees must register online at *https://epa-bosc-airandenergy-subcommittee-teleconference.eventbrite.com* by January 8, 2019. Proposed agenda items for the meeting include but not limited to the following: Review of charge questions, draft subcommittee report and Subcommittee discussion.

Information on Services for Individuals With Disabilities: For information on access or services for individuals with disabilities, please contact Tom Tracy at (202) 564–6518 or *tracy.tom@epa.gov.* To request accommodation of a disability, please contact Tom Tracy, preferably at least ten days prior to the meeting, to give the EPA as much time as possible to process your request.

Dated: November 29, 2018.

Fred S. Hauchman,

Director, Office of Science Policy.

[FR Doc. 2018–26689 Filed 12–7–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0765; FRL–9987–57–ORD]

Board of Scientific Counselors (BOSC) Chemical Safety for Sustainability Subcommittee Meeting—January 2019

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, the U.S. Environmental Protection Agency, Office of Research and Development (ORD), gives notice of a meeting of the Board of Scientific Counselors (BOSC) Chemical Safety for Sustainability Subcommittee.

DATES: The meeting will be held on Monday, January 14, 2019, from 8:00 a.m. to 5:00 p.m., Tuesday, January 15, 2019, from 8:00 a.m. until 5:00 p.m. and Wednesday, January 16, 2019, from 8:00 a.m. until 2:00 p.m. All times noted are Eastern Time and approximate. The meeting may adjourn early if all business is finished. Attendees should register by January 7, 2019 at *https://epa-bosc-css-subcommittee-meeting.eventbrite.com.* Requests for making oral presentations at the meeting will be accepted up to one business day before the meeting.

ADDRESSES: The meeting will be held at the EPA's Research Triangle Park Main Campus Facility, 109 T.W. Alexander Drive, Research Triangle Park, North Carolina 27711. Submit your comments to Docket ID No. EPA–HQ–ORD–2015–0765 by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email:* Send comments by electronic mail (email) to: *ORD.Docket@epa.gov,* Attention Docket ID No. EPA–HQ–ORD–2015–0765.
- *Fax:* Fax comments to: (202) 566–0224, Attention Docket ID No. EPA–HQ–ORD–2015–0765.
- *Mail:* Send comments by mail to: Board of Scientific Counselors (BOSC) Chemical Safety for Sustainability Subcommittee Docket, Mail Code: 2822T, 1301 Constitution Ave. NW, Washington, DC, 20004, Attention Docket ID No. EPA–HQ–ORD–2015–0765.
- *Hand Delivery or Courier:* Deliver comments to: EPA Docket Center (EPA/DC), Room 3334, William Jefferson Clinton West Building, 1301 Constitution Ave. NW, Washington, DC, Attention Docket ID No. EPA–HQ–ORD–2015–0765. Note: this is not a mailing address. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov* including any personal information provided unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/dockets/.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Board of Scientific Counselors (BOSC) Chemical Safety for Sustainability Subcommittee Docket, EPA/DC, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the ORD Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer via mail at: Tom Tracy, Mail Code 8104R, Office of Science Policy, Office of Research and Development, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; via phone/voice mail at: (202) 564–6518;

via fax at: (202) 565–2911; or via email at: *tracy.tom@epa.gov.*

SUPPLEMENTARY INFORMATION:

General Information: The meeting is open to the public. Any member of the public interested in receiving a draft agenda, attending the meeting, or making a presentation at the meeting may contact Tom Tracy, the Designated Federal Officer, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. Individuals making an oral presentation will be limited to a total of three minutes. For security purposes, all attendees must provide their names to the Designated Federal Officer by registering online at *https://epa-bosc-css-subcommittee-meeting.eventbrite.com* by January 7, 2019, and must go through a metal detector, sign in with the security desk, and show REAL ID Act-compliant government-issued photo identification to enter the building. Attendees are encouraged to arrive at least 15 minutes prior to the start of the meeting to allow sufficient time for security screening. Proposed agenda items for the meeting include but are not limited to the following: Overview of materials provided to the subcommittee, update on ORD's Chemical Safety for Sustainability and Human Health Risk Assessment Research Programs, draft Strategic Research Action Plans, review of charge questions, and subcommittee discussion.

Information on Services for Individuals with Disabilities: For information on access or services for individuals with disabilities, please contact Tom Tracy at (202) 564–6518 or *tracy.tom@epa.gov.* To request accommodation of a disability, please contact Tom Tracy, preferably at least ten days prior to the meeting, to give the EPA as much time as possible to process your request.

Dated: November 29, 2018.

Fred S. Hauchman,

Director, Office of Science Policy.

[FR Doc. 2018–26690 Filed 12–7–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0757, FRL–9987–64–OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; Hazardous Waste Specific Unit Requirements, and Special Waste Processes and Types

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), Hazardous Waste Specific Unit Requirements, and Special Waste Processes and Types (EPA ICR No. 1572.12, OMB Control No. 2050–0050) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the 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 February 8, 2019.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–OLEM–2018–0757, online using *www.regulations.gov* (our preferred method), by email to *rcra-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: 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.*

Pursuant to section 3506(c)(2)(A) of the PRA, the 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. The 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, the 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 provides a discussion of all of the information collection requirements associated with specific unit standards applicable to owners and operators of facilities that treat, store, or dispose of hazardous wastes as defined by 40 CFR part 261. It includes a detailed description of the data items and respondent activities associated with each requirement and with each hazardous waste management unit at a facility. The specific units and processes included in this ICR are: Tank systems, Surface impoundments, Waste piles, Land treatment, Landfills, Incinerators, Thermal treatment, Chemical, physical, and biological treatment, Miscellaneous (subpart X), Drip pads, Process vents, Equipment leaks, Containment buildings, and Recovery/recycling.

With each information collection covered in this ICR, the EPA is aiding the goal of complying with its statutory mandate under RCRA to develop standards for hazardous waste treatment, storage, and disposal facilities, to protect human health and

the environment. Without the information collection, the agency cannot assure that the facilities are designed and operated properly.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are private sector and State, Local, or Tribal governments.

Respondent's obligation to respond: Mandatory (40 CFR 261, 264, 265, and 266).

Estimated number of respondents: 4,543.

Frequency of response: On occasion.

Total estimated burden: 654,097 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $25,535,215 (per year), which includes $21,852,508 in annualized labor and $3,682,707 in annualized capital or operation & maintenance costs.

Changes in Estimates: The burden hours are likely to stay substantially the same.

Dated: November 29, 2018.

Barnes Johnson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2018–26691 Filed 12–7–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 9987–56–OA]

Notice of Meeting of the National Environmental Education Advisory Council

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act, Environmental Protection Agency (EPA) gives notice of a teleconference meeting of the National Environmental Education Advisory Council (NEEAC). The NEEAC was created by Congress to advise, consult with, and make recommendations to the Administrator of the Environmental Protection Agency (EPA) on matters related to activities, functions and policies of EPA under the National Environmental Education Act (the Act).

The purpose of this meeting is to discuss specific topics of relevance for consideration by the council to provide advice and insights to the Agency on environmental education.

DATES: The National Environmental Education Advisory Council will hold a public meeting on Wednesday, January 23, 2019 and Thursday January 24, 2019. from 9 a.m. until 4:30 p.m. Central Standard Time. The meeting will be held at: U.S. EPA Region 7, 11201 Renner Boulevard, Lenexa, KS 66209 (Lakeview Conference Room), 2.B–C.32.

FOR FURTHER INFORMATION CONTACT: Javier Araujo, Designated Federal Officer, *araujo.javier@epa.gov,* 202–564–2642, U.S. EPA, Office of Environmental Education, William Jefferson Clinton North Room, 1426, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Members of the public wishing to gain access to the teleconference, make brief oral comments, or provide a written statement to the NEEAC must contact Javier Araujo, Designated Federal Officer, at *araujo.javier@epa.gov* or 202–564–2642 by 10 business days prior to each regularly scheduled meeting.

Meeting Access: For information on access or services for individuals with disabilities or to request accommodations, please contact Javier Araujo at *araujo.javier@epa.gov* or 202–564–2642, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Elizabeth (Tate) Bennett,

Associate Administrator, Office of Public Engagement and Environmental Education.

Javier Araujo,

(NEEAC) Designated Federal Officer.

[FR Doc. 2018–26694 Filed 12–7–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9987–47–OA]

Request for Nominations of Candidates for EPA's Science Advisory Board 2019–2021 Scientific and Technological Achievement Awards Committee

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office invites nominations of scientific experts from a diverse range of disciplines to be considered for appointment to the SAB's 2019–2021 Scientific and Technological Achievement Awards (STAA) Committee described in this document.

DATES: Nominations should be submitted in time to arrive no later than December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Dr. Thomas Armitage, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; by telephone at (202) 564–2155 or at *armitage.thomas@epa.gov.*

General information concerning the EPA SAB can be found at the EPA SAB website at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background: The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. The SAB STAA Committee is an ad hoc subcommittee of the SAB that provides advice through the chartered SAB on recommendations for awards under EPA's STAA program. The SAB and the 2019–2021 STAA Committee will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The EPA established the STAA in 1980 to recognize Agency scientists and engineers who published their work in the peer-reviewed literature. The STAA Program is an agency-wide competition to promote and recognize scientific and technological achievements by EPA employees. The STAA program is administered and managed by the EPA's Office of Research and Development (ORD). Each year the SAB has been asked to review the EPA's STAA nominations and make recommendations to the Administrator for monetary awards. The SAB Staff Office is seeking nominations of experts to serve on the SAB 2019–2021 STAA Committee, which operates under the auspices of the SAB.

Request for nominations: The SAB Staff Office is seeking nominations of experts in the following disciplines as they relate to human health and the environment: *Air pollution exposure; chemical engineering; civil and environmental engineering; decision science; ecology; environmental economics; groundwater and surface water contaminant fate and transport; human health effects and risk assessment; monitoring and measurement methods for air and water;*

risk management; transport and fate of contaminants; water quality; and water and wastewater treatment processes. The SAB Staff Office is especially interested in scientists and engineers with expertise described above who have knowledge and experience in *air quality; aquatic and ecological toxicology; chemical safety; community environmental health; dosimetry and inhalation toxicology; drinking water; ecological modeling; ecological risk assessment; ecosystem restoration; ecosystem services; energy and the environment; epidemiology; green chemistry; homeland security; human health dosimetry; mechanisms of toxicity and carcinogenicity; metabolism; statistics; sustainability; toxicokinetics; toxicology; waste and waste management; and water re-use.*

Process and deadline for submitting nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on the 2019–2021 STAA Committee identified in this notice. Nominations should be submitted in electronic format (preferred) following the instructions for ''Nominating Experts to Advisory Panels and Ad hoc Committees Being Formed,'' provided on the SAB website (see the ''Nomination of Experts'' link under ''Current Activities'') at *http://www.epa.gov.sab.*

To receive full consideration, EPA's SAB Staff Office requests contact information about the person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's resume or curriculum vitae; sources of recent grant and/or contract support; and a biographical sketch of the nominee indicating current position, educational background, research activities, and recent service on other national advisory committees or national professional organizations.

Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB website, should contact Dr. Thomas Armitage as indicated above in this notice. Nominations should be submitted in time to arrive no later than December 31, 2018. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of sex, race, disability, or ethnicity.

The EPA SAB Staff Office will acknowledge receipt of nominations. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff, will be posted in a List of Candidates on the SAB website at *http://www.epa.gov/sab.* Public comments on the List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office, a balanced review committee includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience. The SAB Staff Office will consider public comments on the List of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for committee membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a loss of impartiality; (e) skills working in committees, subcommittees and advisory committees; and, (f) for the committee as a whole, diversity of expertise and scientific points of view.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Special Government Employees'' (EPA Form 3110–48). This confidential form allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which include membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a loss of impartiality, as defined by federal regulation. The form may be viewed and downloaded from the following URL address *http://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument.*

Dated: November 28, 2018.

Khanna Johnston,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2018–26693 Filed 12–7–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0496]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

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 FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before February 8, 2019. 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 at (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0496.

Title: ARMIS Operating Data Report.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 49 respondents; 49 responses.

Estimated Time per Response: 35 hours.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 219 and 220 of the Communications Act of 1934, as amended.

Total Annual Burden: 1,715 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Ordinarily questions of a sensitive nature are not involved in the ARMIS Report 43–08. The Commission contends that areas in which detailed information is required are fully subject to regulation and the issue of data being regarded as sensitive will arise in special circumstances only. In such circumstances, respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The information contained in FCC Report 43–08 has helped the Commission fulfill its regulatory responsibilities. Automated reporting of these data greatly enhances the Commission's ability to process and analyze the extensive amounts of data provided in the reports. Automating and organizing data submitted to the Commission facilitate the timely and efficient analysis of revenue requirements, rates of return and price caps, and provide an improved basis for auditing and other oversight functions. Automated reporting also enhances the Commission's ability to quantify the effects of policy proposals. The Commission has granted all carriers forbearance from many of the requirements of ARMIS 43–08 conditioned on approval of a data retention compliance plan and continued submission of certain ARMIS 43–08 data related to access lines in service to customers.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–26588 Filed 12–7–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0419, 3060–0844, 3060–1086, 3060–1183 and 3060–1216]

Information Collections 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 January 9, 2019. 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: 3060–0419.

Title: Sections 76.94, Notification; 76.95, Exceptions; 76.105, Notification; 76.106, Exceptions; 76.107, Exclusivity Contracts and 76.1609, Non-Duplication and Syndicated Exclusivity.

Form Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 5,977 respondents and 249,577 responses.

Estimated Time per Response: 0.5–2.0 hours.

Frequency of Response: On occasion reporting requirement; One-time

reporting requirement; Third Party Disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in Section 4(i) of the Communications Act of 1034, as amended.

Total Annual Burden: 233,153 hours.

Total Annual Cost: No cost.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: The Commission rules that are covered under this collection require broadcast television stations and program distributors to notify cable television system operators of network non-duplication protection and syndicated exclusivity rights being sought within prescribed limitations and terms of contractual agreements. These various notification and disclosure requirements are to protect broadcasters who purchase the exclusive rights to transmit network and syndicated programming in their recognized markets.

OMB Control Number: 3060–0844.

Title: Carriage of the Transmissions of Television Broadcast Stations: Section 76.56(a), Carriage of qualified noncommercial educational stations; Section 76.57, Channel positioning; Section 76.61(a)(1)–(2), Disputes concerning carriage; Section 76.64, Retransmission consent.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 835 respondents and 14,040 responses.

Estimated Time per Response: 1 to 5 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 1, 4(i) and (j), 325, 336, 614 and 615 of the Communications Act of 1934, as amended.

Total Annual Burden: 14,840 hours.

Total Annual Cost: No cost.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Under Section 614 of the Communications Act and the implementing rules adopted by the Commission, commercial TV broadcast stations are entitled to assert mandatory carriage rights on cable systems located within the station's television market. Under Section 325(b) of the Communications Act, commercial TV broadcast stations are entitled to negotiate with local cable systems for carriage of their signal pursuant to retransmission consent agreements in lieu of asserting must carry rights. This system is therefore referred to as ''Must-Carry and Retransmission Consent.'' Under Section 615 of the Communications Act, noncommercial educational (NCE) stations are also entitled to assert mandatory carriage rights on cable systems located within the station's market; however, noncommercial TV broadcast stations are not entitled to retransmission consent. The information collection requirements for this collection are contained in 47 CFR Sections 76.56(a), 76.57, 76.61(a)(1)–(2) and 76.64.

OMB Control Number: 3060–1086.

Title: Section 74.787, Digital Licensing; Section 74.790, Permissible Service of Digital TV Translator and LPTV Stations; Section 74.794, Digital Emissions, Section 74.796, Modification of Digital Transmission Systems and Analog Transmission Systems for Digital Operation; Section 74.798, LPTV Digital Transition Consumer Education Information; Protection of Analog LPTV.

Form Number: Not applicable.

Respondents: Business or other for profit entities; not for profit institutions; State, local or Tribal government.

Number of Respondents/Responses: 8,445 respondents; 27,386 responses.

Estimated Hours per Response: 0.50–4 hours.

Frequency of Response: Recordkeeping requirement; One-time reporting requirement; Third party disclosure requirement.

Total Annual Burden: 56,386 hours.

Total Annual Cost: $69,033,000.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in section 301 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act Assessment: No impact(s).

Needs and Uses: The information collection requirements approved under this collection are as follows:

a. 47 CFR 74.787(a)(2)(iii) provides that mutually exclusive LPTV and TV translator applicants for companion digital stations will be afforded an opportunity to submit in writing to the Commission, settlements and engineering solutions to resolve their situation.

b. 47 CFR 74.787(a)(3) provides that mutually exclusive applicants applying for construction permits for new digital stations and for major changes to existing stations in the LPTV service will similarly be allowed to submit in writing to the Commission, settlements and engineering solutions to rectify the problem.

c. 47 CFR 74.787(a)(4) provides that mutually exclusive displacement relief applicants filing applications for digital LPTV and TV translator stations may be resolved by submitting settlements and engineering solutions in writing to the Commission.

d. 47 CFR 74.787(a)(5)(v) states that a license for a digital-to-digital replacement television translator will be issued only to a full-power television broadcast station licensee that demonstrates in its application a loss in the station's pre-auction digital service area as a result of the broadcast television spectrum incentive auction, including the repacking process, conducted under section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112–96). ''Pre-auction digital service area'' is defined as the geographic area within the full power station's noise-limited contour (as set forth in Public Notice, DA 15–1296, released November 12, 2015). The service area of the digital-to-digital replacement translator shall be limited to only the demonstrated loss area within the full power station's pre-auction digital service area, provided that an applicant for a digital-to-digital replacement television translator may propose a de minimis expansion of its full power pre-auction digital service area upon demonstrating that the expansion is necessary to replace a loss in its pre-auction digital service area.

e. 47 CFR 74.790(f) permits digital TV translator stations to originate emergency warnings over the air deemed necessary to protect and safeguard life and property, and to originate local public service announcements (PSAs) or messages seeking or acknowledging financial support necessary for its continued operation. These announcements or messages shall not exceed 30 seconds each, and be broadcast no more than once per hour.

f. 47 CFR 74.790(e) requires that a digital TV translator station shall not retransmit the programs and signal of any TV broadcast or DTV broadcast station(s) without prior written consent of such station(s). A digital TV

translator operator electing to multiplex signals must negotiate arrangements and obtain written consent of involved DTV station licensee(s).

g. 47 CFR 74.790(g) requires a digital LPTV station who transmits the programming of a TV broadcast or DTV broadcast station received prior written consent of the station whose signal is being transmitted.

h. 47 CFR 74.794 mandates that digital LPTV and TV translator stations operating on TV channels 22–24, 32–36 and 38 with a digital transmitter not specifically FCC-certificated for the channel purchase and utilize a low pass filter or equivalent device rated by its manufacturer to have an attenuation of at least 85 dB in the GPS band. The licensees must retain with their station license a description of the low pass filter or equivalent device with the manufacturer's rating or a report of measurements by a qualified individual.

i. 47 CFR 74.796(b)(5) requires digital LPTV or TV translator station licensees that modify their existing transmitter by use of a manufacturer-provided modification kit would need to purchase the kit and must notify the Commission upon completion of the transmitter modifications. In addition, a digital LPTV or TV translator station licensees that modify their existing transmitter and do not use a manufacturer-provided modification kit, but instead perform custom modification (those not related to installation of manufacturer-supplied and FCC-certified equipment) must notify the Commission upon completion of the transmitter modifications and shall certify compliance with all applicable transmission system requirements.

j. 47 CFR 74.796(b)(6) provides that operators who modify their existing transmitter by use of a manufacturer provided modification kit must maintain with the station's records for a period of not less than two years, and will make available to the Commission upon request, a description of the nature of the modifications, installation and test instructions, and other material provided by the manufacturer, the results of performance-tests and measurements on the modified transmitter, and copies of related correspondence with the Commission. In addition, digital LPTV and TV translator operators who custom modify their transmitter must maintain with the station's records for a period of not less than two years, and will make available to the Commission upon request, a description of the modifications performed and performance tests, the results of performance-tests and measurements on the modified transmitter, and copies of related correspondence with the Commission.

k. Protection of Analog LPTV. In situations where protection of an existing analog LPTV or translator station without a frequency offset prevents acceptance of a proposed new or modified LPTV, TV translator, or Class A station, the Commission requires that the existing non-offset station install at its expense offset equipment and notify the Commission that it has done so, or, alternatively, negotiate an interference agreement with the new station and notify the Commission of that agreement.

l. 47 CFR 74.798 requires all stations in the low power television services to provide notice of their upcoming digital transition to their viewers.

OMB Control Number: 3060–1183.

Title: Establishment of a Public Safety Answering Point Do-Not-Call Registry, CG Docket No. 12–129.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Federal Government; Not-for-profit institutions; State, local or Tribal Government.

Number of Respondents and Responses: 106,500 respondents; 1,446,333 responses.

Estimated Time per Response: 30 minutes (.50 hours) to 1 hour.

Frequency of Response: Recordkeeping requirement; Annually, monthly, on occasion and one-time reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirements is found in the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, February 22, 2012.

Total Annual Burden: 792,667 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The rules adopted herein establish recordkeeping requirements for a large variety of entities, including small business entities. First, each Public Safety Answering Point (PSAP) may designate a representative who shall be required to file a certification with the administrator of the PSAP registry that they are authorized to place numbers onto that registry. The designated PSAP representative shall provide contact information including the PSAP represented, name, title, address, telephone number and email address. Verified PSAPs shall be permitted to upload to the registry any PSAP telephone associated with the provision of emergency services or communications with other public safety agencies. On an annual basis designated PSAP representatives shall access the registry, review their numbers and remove any ineligible numbers from the registry. Second, an operator of automatic dialing equipment (OADE) is prohibited from contacting any number on the PSAP registry. Each OADE must register for access to the PSAP registry by providing contact information which includes name, business address, contact person, telephone number, email, and all outbound telephone numbers used to place autodialed calls. All such contact information must be updated within 30 days of any change. In addition, the OADE must certify that it is accessing the registry solely to prevent autodialed calls to numbers on the registry. An OADE must access and employ a version of the PSAP registry obtained from the registry administrator no more than 31 days prior to the date any call is made, and maintain record documenting this process. No person or entity may sell, rent, lease, purchase, share, or use the PSAP registry for any purpose expect to comply with our rules prohibiting contact with numbers on the registry.

OMB Control Number: 3060–1216.

Title: Media Bureau Incentive Auction Implementation, Sections 73.3700(b)(4)(i)–(ii), (c), (d), (h)(5)–(6) and (g)(4).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not for profit institutions.

Number of Respondents and Responses: 1,950 respondents and 174,219 responses.

Estimated Time per Response: .004–15 hours.

Frequency of Response: One-time reporting requirement; on occasion reporting requirement; recordkeeping requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in 47 U.S.C. 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, 325(b), 332, 336(f), 338, 339, 340, 399b, 403, 534, 535, 1404, 1452, and 1454.

Total Annual Burden: 24,932 hours.

Annual Cost Burden: $1,214,400.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection.

Needs and Uses: The information gathered in this collection will be used to require broadcasters transitioning to a new station following the Incentive Auction, or going off the air as a result of a winning bid in the Incentive Auction, to notify their viewers of the date the station will terminate operations on its pre-Auction channel by running public service announcements, and allow these broadcasters to inform MVPDs of their relinquishment or change in channel. It requires channel sharing agreements enter into by television broadcast licensees to contain certain provisions regarding access to facilities, financial obligations and to define each party's rights and responsibilities; the Commission will review each channel sharing agreement to ensure it comports with general rules and policies regarding license agreements. The provisions contained in this collection also require wireless licensees to notify low-power television and TV translator stations commence wireless operations and the likelihood of receiving harmful interference from the low power TV or TV translator station to such operations within the wireless licensee's licensed geographic service area. Finally, it requires license relinquishment stations and channel sharing stations to comply with notification and cancellation procedures as they terminate operations on their pre-Auction channel.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–26590 Filed 12–7–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC Advisory Committee on Economic Inclusion; Notice of Charter Renewal

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of renewal of the FDIC Advisory Committee on Economic Inclusion.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (''FACA''), and after consultation with the General Services Administration, the Chairman of the Federal Deposit Insurance Corporation has determined that renewal of the FDIC Advisory Committee on Economic Inclusion (''the Committee'') is in the public interest in connection with the performance of duties imposed upon the FDIC by law. The Committee has been a successful undertaking by the FDIC and has provided valuable feedback to the agency on important initiatives focused on expanding access to banking services for underserved populations. The Committee will continue to provide advice and recommendations on initiatives to expand access to banking services for underserved populations. The Committee will continue to review various issues that may include, but not be limited to, basic retail financial services such as low-cost, sustainable transaction accounts, savings accounts, small dollar lending, prepaid cards, money orders, remittances, the use of new technologies, and other services to promote access to the mainstream banking system, asset accumulation, and financial stability. The structure and responsibilities of the Committee are unchanged from when it was originally established in November 2006. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Feldman, Committee Management Officer of the FDIC, at (202) 898–7043.

Dated: December 4, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Committee Management Officer.

[FR Doc. 2018–26620 Filed 12–7–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0095]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collection described below.

DATES: Comments must be submitted on or before February 8, 2019.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Counsel, MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, Counsel, 202–898–3767, *mcabeza@fdic.gov,* MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collection of information:

1. *Title:* Procedures for Monitoring Bank Protection Act Compliance.

OMB Number: 3064–0095.

Form Number: None.

Affected Public: Insured state nonmember banks

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

Information collection description	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response (hours)	Estimated annual burden (hours)
Bank Protection Act Compliance Program.	Recordkeeping ...	Mandatory	3,533	Annually	.5	1,766.5
Estimated Total Annual Burden	.....	.....	.....	.....	.....	1,766.5

General Description of Collection

The collection requires insured state nonmember banks to comply with the Bank Protection Act and to review bank security programs. The Bank Protection Act of 1968 (12 U.S.C. 1881–1884) requires each Federal supervisory agency to promulgate rules establishing minimum standards for security devices and procedures to discourage financial crime and to assist in the identification of persons who commit such crimes. To avoid the necessity of constantly updating a technology-based regulation, the FDIC takes a flexible approach to implementing this statute. It requires each insured nonmember bank to designate a security officer who will administer a written security program. The security program must: (1) Establish procedures for opening and closing for business and for safekeeping valuables; (2) establish procedures that will assist in identifying persons committing crimes against the bank; (3) provide for initial and periodic training of employees in their responsibilities under the security program; and (4) provide for selecting, testing, operating and maintaining security devices as prescribed in the regulation. In addition, the FDIC requires the security officer to report at least annually to the bank's board of directors on the effectiveness of the security program.

There is no change in the method or substance of the collection. The FDIC estimates that the number of respondents will decrease due to economic fluctuations from 3,629 to 3,533. The annual burden for this information collection is estimated to be 1,766.5 hours. This represents a decrease of 48.5 hours from the current burden estimate of 1,815 hours.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on December 3, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–26584 Filed 12–7–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)-523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201159–002.

Agreement Name: Memorandum of Settlement of Local Conditions in the Port of New York and New Jersey.

Parties: International Longshoremen's Association, AFL–CIO; and the New York Shipping Association.

Filing Party: Donato Caruso; The Lambos Firm, LLP and Andre Mazzola; Marrinan & Mazzola Mardon, P.C.

Synopsis: The Agreement establishes local conditions for the Port of New York-New Jersey covering the period from October 1, 2018 through September 30, 2024.

Proposed Effective Date: 11/27/2018.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/21311.

Dated: December 4, 2018.

Rachel Dickon,

Secretary.

[FR Doc. 2018–26684 Filed 12–7–18; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 27, 2018.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Earl L. Edsall and Janet M. Edsall, Co-Trustees of the Earl L. Edsall Living Trust and of the Janet M. Edsall Living Trust, Fred R. Lucas, Jr., Trustee of the Fred R. Lucas, Jr. Living Trust, Joyce Gail Lucas, Trustee of the Joyce Gail Lucas Living Trust, Larry D. Major, Trustee of the Gracie I. Major 1992 Living Trust and of the Larry D. Major 1992 Living Trust, N. Loren Parham, Bethany Parham, Lori Osmus, Robert Osmus, Mark Taylor, and Janet Taylor, all of Watonga, Oklahoma;* to retain voting shares of First State Bancorporation of Watonga, Watonga, Oklahoma, and thereby indirectly retain shares of First State Bank, Watonga, Oklahoma.

Board of Governors of the Federal Reserve System, December 4, 2018.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2018–26649 Filed 12–7–18; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan 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 application also will 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 HOLA (12 U.S.C. 1467a(e)). 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 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). 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 January 4, 2019.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *RBI Holdings, Inc., Roseville, Michigan;* to become a savings and loan by acquiring 57 percent of the voting shares of PrinCap Holdings One, LLC, Ewing, New Jersey, and thereby indirectly acquire shares of Resolute Bank, Maumee, Ohio.

Board of Governors of the Federal Reserve System, December 4, 2018.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2018–26648 Filed 12–7–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–19–19BX; Docket No. CDC–2018–0107]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Understanding How Discounting Affects Decision Making and Adoption of Prevention Through Design Solutions. The goal of this information collection is to understand the social and organizational factors that may increase or decrease the adoption of practices that keep workers safe.

DATES: CDC must receive written comments on or before February 8, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0107 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all Federal comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Understanding How Discounting Affects Decision Making and Adoption of Prevention Through Design Solutions—New—National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

As mandated in the Occupational Safety and Health Act of 1970 (Pub. L.

91–596), the mission of NIOSH is to conduct research and investigations on occupational safety and health. This project will focus on understanding the decision-making processes of small wholesale and small retail businesses in regards to the adoption of fall-prevention solutions. Slips, trips, and falls are major sources of workplace injury across all industry sectors and represent a significant burden. In the wholesale and retail trade sectors, slips, trips, and falls account for 25% of all reported injuries. By definition, small businesses employ fewer numbers of people, therefore a slip, trip, or fall resulting in an injury is less likely to occur in any given establishment. Small business employers may underestimate the risks associated with occupational slips, trips, and falls because they have not experienced them and therefore do not take the necessary steps to prevent them.

One of the best ways to prevent and control occupational injuries, illnesses, and fatalities is to ''design out'' or minimize hazards and risks. NIOSH's Prevention Through Design Initiative focuses on this concept through the inclusion of prevention considerations in all designs that impact workers. Although employers' decisions can lead to the successful implementation of Prevention Through Design, fall-prevention solutions are not well understood. More information is needed to better understand the motivational, social, and organizational factors that affect employers' decisions to adopt fall-prevention solutions. This project will combine traditional surveys with behavioral economic methodologies to understand the decision-making processes related to the adoption of fall-prevention solutions. By using behavioral economic principles and methods, this study will pose hypothetical, but realistic, scenarios to small business employers to assess the influence of several factors on the patterns of decisions. One of the goals of the study is to assess the subjective value of fall-prevention solutions based on their costs and effort required to use them. To quantify the subjective value of fall-prevention solutions, this project will use the behavioral economic principles to assess the trade-offs small business owners make among the cost of fall prevention solutions, the amount of effort require to assemble them, and the amount of time they take to assemble. One of the behavioral economic principles is discounting, in which the value of a product or outcome decreases as the cost, effort, or delay associated with it increases. For example, small-business owners may ''discount'' the value of a fall-prevention solution if it requires great effort to assemble,

The survey will include instruments to obtain demographic information (age, gender, income, etc.), organizational safety information (*e.g.,* ''Has someone at your place of work ever been injured?''), and behavioral economic discounting assessments. For the behavioral economic questions in the survey, participants will be asked to make choices about hypothetical, but realistic, scenarios that assess the influence of several factors on the patterns of decision-making. To date, no study has quantitatively assessed the safety-related decision-making processes of small business employers from a behavioral economic perspective. Previous studies in this area consist of qualitative studies of some factors that affect occupational safety and health of small businesses. This study will address a knowledge gap in the professional and scientific literature by contributing quantitative data to a problem that has been overlooked. The results for this study are meant for theory development and are not intended to be nationally representative.

The sample size for this survey will be 100 small business employers in the wholesale or retail trade sectors. This sample size is based on a power analysis which indicated that 100 respondents would be sufficient to detect any correlations between the organizational or demographic variables and the behavioral economic measures of decision making. Each web-based survey will take approximately 30 minutes to complete, resulting in an annualized burden estimate of 50 hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Small business employers	Survey	100	1	30/60	50
Total					50

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2018–26636 Filed 12–7–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–19–17BBV; Docket No. CDC–2018–0106]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comments on a proposed information collection project titled ''Online training for law enforcement to reduce risks associated with shift work and long work hours''. This study will develop and pilot test a new, online, interactive training program tailored for the law enforcement community that relays the health and safety risks associated with

shift work, long work hours, and related workplace sleep issues, and presents strategies for managers and officers to reduce these risks.

DATES: CDC must receive written comments on or before February 8, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0106 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffery M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Online training for law enforcement to reduce risks associated with shift work and long work hours—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Police often work during the evening, at night, and sometimes irregular and long hours. Shift work and long work hours are linked to many health and safety risks due to disturbances to sleep and circadian rhythms. These work schedules also lead to difficulties with personal relationships due to having less time with family and friends, poor mood from sleep deprivation, and problems balancing work and personal responsibilities. These work schedules and inadequate sleep likely contribute to health problems seen in police: Shorter life spans, high occupational injury rates, and burden of chronic illnesses. One strategy to reduce these risks is training programs to inform employers and law enforcement officers about the risks and strategies to reduce their risks.

This is a New Information Collection Request for one-year of data collection. This pilot study is part of a project awarded National Occupational Research Agenda (NORA) funding. The National Institute for Occupational Safety and Health is authorized to carry out this data collection through Occupational Safety and Health Act of 1970.

The purpose of this project is to develop a training program to relay the risks linked to shift work and long work hours and give workplace strategies for employers and personal strategies for the officers to reduce the risks. Once finalized, the training will be available on the NIOSH website. The training will be pilot tested with 30 recent graduates of a police academy and 30 experienced officers. The study will recruit 60 law enforcement officers during a 30-minute phone call. All respondents will work full-time on fixed night shifts. The pilot test will use a pre-test—post-test design to examine sleep (both duration and quality), worktime sleepiness, and knowledge retained. Pre-test measures will be collected two weeks before the training. Post-test measures will be collected the week of the training (week three of the study), one week after the training (week four) and at eight and nine weeks after the training (weeks 11 and 12 of the study). Additional post-test measures will include feedback about the training and if specific behaviors changed.

Before starting the pretest, the respondent will sign an informed consent form. The pilot pre-test will start with the respondent filling out a 10 minute online survey that includes four short surveys: (1) Demographic information and work experience; (2) the Epworth Sleepiness Scale; (3) the Pittsburgh Sleep Quality Index; and (4) a knowledge test. The respondent will be fitted with a wrist actigraph, which will record activity and estimate the times of sleep. The respondents will keep an online sleep activity diary and wear the actigraph continuously during weeks one to four of the study. The online sleep activity diary takes approximately two minutes a day to complete. The sleep diary and actigraph are being used together to obtain a more accurate timing of respondent's sleep and activity.

During the third week of the study, the respondent will take the 2.5 hour online training program. Immediately after completing the training, the respondent will take the post-test knowledge test and will provide feedback about the training including barriers to using the training information and what influential people in their life would want them to do with the training information. At the end of week four, the respondent will return the actigraph. No data collection will occur during weeks five to 10 of the study.

The second post-test period will be weeks 11 and 12 of the study to gather longer-term outcomes. At the beginning of week 11, the respondents will be fitted with an actigraph. The respondent will wear the actigraph and complete the sleep activity diary for the next 14 days. At the end of week 12 of the study, the respondent will complete the Epworth Sleepiness Scale, Pittsburgh Sleep Quality Index, and Changes in Behaviors After Training. The combined response time is five minutes.

The burden table lists three 10-minute meetings during the post-test period when they will return the actigraph at the end of week four, be fitted with an

actigraph at the beginning of week 11 and return it at the end of week 12. The respondents will complete the sleep activity diary for 42 days total (two minutes each day). The total burden hours for the diary is 84.

Study staff will use the findings from the pilot test to make improvements to the training program. The research team will reinforce or expand training content that showed less than desired results on the pilot test. Potential impacts of this project include improvements in management practices such as the design of work schedules and improvements in officers' personal behaviors for coping with the demands of shift work and long work hours. The total estimated annualized burden hours is 334. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Law enforcement officers	Phone call for recruitment & informed consent.	60	1	30/60	30
Law enforcement officers	Initial meeting	60	1	15/60	15
Law enforcement officers	Knowledge survey	60	2	5/60	10
Law enforcement officers	Epworth Sleepiness Scale	60	2	1/60	2
Law enforcement officers	Pittsburgh Sleep Quality Index	60	2	2/60	4
Law enforcement officers	Demographics and work experience	60	1	2/60	2
Law enforcement officers	Sleep diary	60	42	2/60	84
Law enforcement officers	Online training	60	1	150/60	150
Law enforcement officers	Feedback about Training, Barriers, and Influential People.	60	1	5/60	5
Law enforcement officers	Changes in Behaviors after Training	60	1	2/60	2
Law enforcement officers	Actigraph fitting and return	60	3	10/60	30
Total					334

Jeffery M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2018–26635 Filed 12–7–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–19–1100]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Identification of Behavioral and Clinical Predictors of Early HIV Infection (Project DETECT)'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on August 21, 2018 to obtain comments from the public and affected agencies. CDC received one (1) comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

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

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Identification of Behavioral and Clinical Predictors of Early HIV Infection (Project DETECT) (OMB No. 0920–1100, Exp. 2/28/2019)—Extension—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC requests a three-year OMB approval to continue information collection for ''Project DETECT,'' an ongoing research study conducted by the University of Washington (UW). Study sites initiated information collection in 2016 and CDC is requesting OMB approval for three additional years (2019–2022). The study is designed to (1) identify behavioral and clinical predictors of early HIV infection, and (2) characterize the performance of new HIV tests for detecting established and early HIV infection at the point of care (POC), relative to each other and to currently used gold standard, non-POC tests.

The primary study population is persons at high risk for, or diagnosed with HIV infection, many of whom will be men who have sex with men (MSM)

because the majority of new HIV infections occur each year among this population. In each year of the study, an average of 1,667 participants will be recruited from the Public Health—Seattle and King County (PHSKC) STD Clinic, which serves as the primary study site, and an additional 200 persons will be enrolled from other clinics in the greater Seattle area. Information collection will be conducted in two phases.

Phase 1: After a clinic client consents to participate, he/she will be assigned a unique participant ID and will then undergo testing with the seven new HIV tests under study. While awaiting test results, participants will undergo additional specimen collections and complete the Phase 1 Enrollment Survey.

Phase 2: All Phase 1 participants whose results on the seven tests under investigation are not in agreement with one another (''discordant'') will be considered to have a potential early HIV infection. Nucleic amplification testing that detects viral nucleic acids will be conducted to confirm an HIV diagnosis and rule out false positives. Study investigators expect that each year, 50 participants with discordant test results will be invited to participate in serial follow-up specimen collections to assess the time point at which all HIV test results resolve and become concordant positive (indicating enrollment during early infection) or concordant negative (indicating one or more false-positive test results in Phase 1).

The follow-up schedule will consist of up to nine visits scheduled at regular intervals over a 70-day period. At each follow-up visit, participants will be tested with the new HIV tests and additional oral fluid and blood specimens will also be collected for storage and use in future HIV test evaluations at CDC. Participants will be followed up only to the point at which all their test results become concordant. At each time point, participants will be asked to complete the Phase 2 HIV Symptom and Care survey that collects information on symptoms associated with early HIV infection, as well as access to HIV care and treatment since the last Phase 2 visit. When all tests become concordant (*i.e.,* at the last Phase 2 visit) participants will complete the Phase 2 behavioral survey to identify any behavioral changes during follow-up. Of the 50 Phase 2 participants, it is estimated that no more than 26, annually, will have early HIV infection.

All data for the proposed information collection will be collected via an electronic Computer Assisted Self-Interview (CASI) survey. Participants will complete the surveys on an encrypted computer, with the exception of the Phase 2 Symptom and Care survey, which will be administered by a research assistant and then electronically entered into the CASI system. Data to be collected via CASI include questions on sociodemographic characteristics, medical care, HIV testing, pre-exposure prophylaxis, antiretroviral treatment, sexually transmitted diseases (STD) history, symptoms of early HIV infection, substance use and sexual behavior. Data from the surveys will be merged with HIV test results and relevant clinical data using the unique identification (ID) number.

CDC will use findings to update guidelines for HIV testing and diagnosis in the United States. The guidelines will help HIV test providers choose which HIV tests to use, and target tests appropriately to persons at different levels of risk. Findings will also be disseminated through articles in peer-reviewed journals and the technical assistance provided by CDC to grantees that provide HIV testing and diagnostic services.

There are no changes to the previously approved information collection instruments or burden estimates. The participation of respondents is voluntary and there are no costs to respondents other than their time. The total estimated annualized burden for the proposed project is 2,110 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Persons eligible for study	Phase 1 Consent	2,334	1	15/60
Enrolled participants	Phase 1 Enrollment Survey A	1,667	1	45/60
	Phase 1 Enrollment Survey B	200	1	60/60
	Phase 2 Consent	50	1	15/60
	Phase 2 HIV Symptom and Care survey	50	9	5/60
	Phase 2 Behavioral Survey	50	1	30/60

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2018–26634 Filed 12–7–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–19–0017; Docket No. CDC–2018–0109]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled *Application for Training* (OMB Control No. 0920–0017). The Training and Continuing Education Online (TCEO) system is used in the management of the accreditation

process for non-federal educators who develop public health and healthcare educational activities and for non-federal health professionals who seek continuing education necessary to maintain professional licensures and certifications. This request for revision is to add new questions to the TCEO New Participant Registration, a new TCEO Post-Course Evaluation, and a new TCEO Follow-up Evaluation. Both new evaluation tools will improve the quality of educational activities. Each TCEO tool ensures compliance with accreditation requirements.

DATES: CDC must receive written comments on or before February 8, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0109 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Acting Lead, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffery M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Application for Training (OMB Control No. 0920–0017, Exp 06/30/2019)—Revision—Division of Scientific Education and Professional Development (DSEPD), Center for Surveillance, Epidemiology and Laboratory Services (CSELS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

DSEPD requests a three-year Revision to the Training and Continuing Education Online (TCEO) system, which will comprise four data collection and management tools. Requested revisions are (1) to add questions to the existing TCEO New Participant Registration and (2) to introduce a Post-Course Evaluation and a Follow-Up Evaluation. No changes are requested for the existing TCEO Proposal Tool.

TCEO provides access to CDC educational activities that offer continuing education to public health and healthcare professionals (learners) to maintain their professional licensures and certifications. Licensures and certifications are mandatory for certain health professionals to provide services that prevent and mitigate illness and save lives. Employees of hospitals, universities, medical centers, state and local health departments, and federal agencies participate in CDC's accredited educational activities to learn about current public health and healthcare practices. CDC is accredited by seven accreditation organizations to provide continuing education for public health and healthcare professionals.

CDC and CDC-funded educational activities include classroom study, conferences, and electronic learning (e-learning). The TCEO Proposal expedites submission, review, and accreditation processes for these CDC and CDC-funded educational activities. The information collected from educational developers provides CDC with the information necessary to meet accreditation requirements. CDC reviews proposals to ensure compliance with requirements and awards continuing education when activities meet accreditation standards. The educational activities that can offer continuing education are then added to TCEO for learners to access.

Accreditation organizations require a method of tracking learners who complete an educational activity and some require collection of profession-specific data, among other requirements. CDC requires health professionals who seek continuing education to establish an account by completing the TCEO New Participant Registration. CDC relies on this electronic form to collect information needed to coordinate learner registrations for educational activities.

The proposed inclusion of two new evaluation tools is required by accreditation organizations to ensure compliance with accreditation standards. Public health professionals will be required to take the TCEO Post-course Evaluation after they have participated in an educational activity and before they can earn continuing education. Health professionals who have received continuing education for the activity will be encouraged to complete the TCEO Follow-up Evaluation when a link is sent to them from TCEO by email. Reports on responses to both tools will be submitted to accreditation organizations when they conduct audits or when CDC requests renewal of accreditation. Both new tools provide information to help CDC improve the quality of its educational activities.

Proposed changes not only ensure that CDC is in compliance with accreditation requirements, changes will improve the quality of educational activities, while continuing to offer accredited educational activities at no cost to learners. Because of the increasing demand for accredited educational activities that offer free CE for licensures and certifications, TCEO experiences a continued increase in educational activities completed each year by registered learners. Every year, the number of times learners complete steps to earn continuing education increases by approximately 15%. The

two new evaluation tools will be shared with all learners who complete educational activities in TCEO, causing the annual burden estimate to increase significantly. The annual burden table has been updated to reflect the new TCEO Post-course Evaluation (66,667 burden hours) and the new TCEO Follow-up Evaluation (2,000 burden hours), for a total of 85,934 burden hours that include all four TCEO tools. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Educational Developers (Health Educators).	TCEO Proposal	120	1	5	600
Public Health and Health Care Professionals (Learners).	TCEO New Participant Registration	200,000	1	5/60	16,667
Public Health and Health Care Professionals (Learners).	TCEO Post-course Evaluation	200,000	2	10/60	66,667
Public Health and Health Care Professionals (Learners).	TCEO Follow-up Evaluation	20,000	2	3/60	2,000
Total		420,120			85,934

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2018–26637 Filed 12–7–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–19–18PR]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled The World Trade Center Health Program (WTCHP): Impact Assessment and Strategic Planning for Translational Research (Part 1, Formative Research: Focus Groups) to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on March 15, 2018 to obtain comments from the public and affected agencies. The WTCHP is administered by the CDC/National Institute for Occupational Safety and Health (NIOSH). CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

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

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

The World Trade Center Health Program: Impact Assessment and Strategic Planning for Translational Research (Part 1, Formative Research: Focus Groups)—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The World Trade Center Health Program (WTCHP) was established by the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111–347 (hereafter referred to as ''the Zadroga Act''). Under subtitle C, the Zadroga Act requires the establishment of a research program on health conditions resulting from the 9/11 terrorist attacks. The Research to Care (RTC) model is the strategic framework employed by the WTCHP to prioritize, conduct, and assess research that informs excellence in clinical care for the population of responders and survivors affected by the 9/11 attacks in New York City. It is the focus of this assessment.

The RTC model assumes the collective involvement of different WTCHP stakeholders, including members, researchers, clinicians, and program administrators. It accounts for a variety of inputs that can affect the progress and impact of WTCHP research. These inputs include people and organizations (*e.g.,* program members, providers, clinical centers of excellence, extramural researchers, and program staff), resources (*e.g.,* technology, data centers, the NYC 9/11 Health Registry) and regulatory rules, principally the Zadroga Act. The program supports activities such as research prioritization, conduct of research, delivery of medical care, and iterative assessments of the translation of research to improvements in health care services and chronic disease

management. These activities aim to produce tangible outputs such as research findings on WTC-related conditions, healthcare protocols, peer-reviewed publications, quality assessment reports, and member and provider education products. Finally, the model anticipates short-, intermediate-, and long-term measurement of outcomes and serves as a communication tool for program planning and evaluation.

In 2016, NIOSH contracted with the RAND Corporation to conduct an independent evaluation of the WTCHP RTC model including the research investments to date and the effectiveness with which the Program translates its research to different stakeholder groups. RAND was selected given the project team's expertise with similar assessments and NIOSH's requirement for an objective analysis. This work will ultimately provide guidance for the WTCHP on strategic directions, as well as produce new knowledge about the translation of research into improved outcomes for individuals and populations exposed to disasters such as, but not limited to, the 9/11 attacks. In the formative stage of our assessment, we propose to hold a series of focus groups with different stakeholder groups to explore their perspectives on translational research in the context of the WTCHP. The focus groups will each consist of a well-defined stakeholder group, and will last approximately two hours. Focus group discussions will be held in-person or by telephone or webinar format. Depending on the timing of OMB approval, RAND anticipates conducting focus groups shortly after, most likely in the winter/early spring of 2019. If this occurs, results will be analyzed in the spring of 2019. If the timing of OMB approval coincides with one of the twice-yearly NIOSH-sponsored research meetings in NYC, RAND plans to hold in-person focus groups with the stakeholder groups in attendance (NIOSH and principal investigators, typically); the remainder of the focus groups will be held by webinar to minimize burden on the participants.

These focus groups are necessary to gather background information on the relationship between different stakeholders and the WTCHP that will complement data gathered during more detailed interviews with stakeholders in the interviews that will take place 6–12 months later. Specific topics to be addressed in the focus groups will include: Conceptualizations of research and ''translational research;'' relevance of WTCHP research topics, potential gaps, and stakeholder priorities, including responsiveness to regulatory issues; uses and usefulness of WTCHP research; barriers to conduct and use of WTCHP research; and understanding of and perspectives on the relevance and usefulness of the Research-to-Care model.

OMB approval is requested for one year. The total estimated burden in hours is 220. Participation is voluntary and there are no costs to the respondent other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Principal Investigators of WTCHP-Funded Research.	Focus Group Discussion Guide and Brief Demographic Survey.	30	1	2
Leadership from WTC Clinical Centers of Excellence and Other Stakeholders.	Focus Group Discussion Guide and Brief Demographic Survey.	20	1	2
WTC Health Registry staff	Focus Group Discussion Guide and Brief Demographic Survey.	10	1	2
Clinicians Caring for WTCHP Members	Focus Group Discussion Guide and Brief Demographic Survey.	20	1	2
WTCHP Responders and Survivors (State/local govt).	Focus Group Discussion Guide and Brief Demographic Survey.	15	1	2
WTCHP Responders and Survivors (private citizens).	Focus Group Discussion Guide and Brief Demographic Survey.	15	1	2

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2018–26633 Filed 12–7–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–4395]

Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming public advisory committee meeting of the Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee (Committee). The general function of the Committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on February 12, 2019, from 8 a.m. to 6:30 p.m.

ADDRESSES: Hilton Washington, DC North/Gaithersburg; Salons A, B, C, and D; 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.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2018–N–4395. The docket will close on February 11, 2019. Submit either electronic or written comments on this public meeting by February 11, 2019. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before February 11, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of February 11, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before January 27, 2019, will be provided to the Committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2018–N–4395 for ''The Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

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

FOR FURTHER INFORMATION CONTACT: Evella Washington, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G640, Silver Spring, MD 20993–0002, *Evella.Washington@fda.hhs.gov,* 301–796–6683, 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 FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On February 12, 2019, the Committee will discuss and make recommendations regarding the safety and effectiveness of surgical mesh placed transvaginally in the anterior vaginal compartment to treat pelvic organ prolapse. FDA is convening this meeting to seek expert opinion on the evaluation of the risks and benefits of these devices. The Committee will be asked to provide scientific and clinical input on assessing the effectiveness, safety, and benefit/risk of mesh placed transvaginally in the anterior vaginal compartment, as well as identifying the appropriate patient population and physician training needed for these devices.

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. Written submissions may be made to the contact person on or before February 5, 2019. Oral presentations from the public will be scheduled on February 12, 2019, between approximately 8:15 a.m. and 9:15 a.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before January 28, 2019. 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 January 29, 2019.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Artair Mallett at *artair.mallett@fda.hhs.gov* or 301–796–9638, at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: December 3, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–26626 Filed 12–7–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meetings 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 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 Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: January 16, 2019.

Open: 8:30 a.m. to 12:00 p.m.

Agenda: To present the Director's Report and other scientific presentations.

Place: National Institutes of Health, Natcher Conference Center (Building 45), Conference Room E1/E2, 45 Center Drive, Bethesda, MD 20892.

Closed: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Conference Center (Building 45), Conference Room E1/E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council, Diabetes, Endocrinology and Metabolic Diseases.

Date: January 16, 2019.

Closed: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Conference Center (Building 45), Conference Room E1/E2, 45 Center Drive, Bethesda, MD 20892.

Open: 2:00 p.m. to 4:00 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Natcher Conference Center (Building 45), Conference Room E1/E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council, Kidney, Urologic and Hematologic Diseases.

Date: January 16, 2019.

Open: 1:00 p.m. to 2:15 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Natcher Conference Center (Building 45), Conference Room F1/F2, 45 Center Drive, Bethesda, MD 20892.

Closed: 2:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Conference Center (Building 45), Conference Room F1/F2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council, Digestive Diseases and Nutrition.

Date: January 16, 2019.

Open: 1:00 p.m. to 2:30 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Natcher Conference Center (Building 45), Conference Room D, 45 Center Drive, Bethesda, MD 20892.

Closed: 2:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Conference Center (Building 45), Conference Room D, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Karl F. Malik, Ph.D., Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 7329, MSC 5452, Bethesda, MD 20892, (301) 594–4757, *malikk@niddk.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.

Information is also available on the Institute's/Center's home page: *www.niddk.nih.gov/fund/divisions/DEA/Council/coundesc.htm.,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: December 4, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–26673 Filed 12–7–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrumentation: Confocal Microscopy and Imaging.

Date: December 17, 2018.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Thomas Beres, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 5201, MSC 7840, Bethesda, MD 20892, 301–435–1175, *berestm@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neurodevelopmental Brain Disorders.

Date: December 18, 2018.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–408–9866, *manospa@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 4, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–26676 Filed 12–7–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Aging.

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 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 Advisory Council on Aging.

Date: January 29–30, 2019.

Closed: January 29, 2019, 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Open: January 30, 2019, 8:00 a.m. to 1:30 p.m.

Agenda: Call to order and report from the Director; Discussion of future meeting dates; Consideration of minutes of last meeting; Reports from Task Force on Minority Aging Research, Working Group on Program; Council Speaker; Program Highlights.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Closed: January 30, 2019, 1:30 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Robin Barr, Director, National Institute on Aging, Office of Extramural Activities, Gateway Building, 7201 Wisconsin Avenue, Bethesda, Md 20814, (301) 496–9322, *barrr@nia.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.

Information is also available on the Institute's/Center's home page: *www.nia.nih.gov/about/naca,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 4, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–26675 Filed 12–7–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on

Minority Health and Health Disparities Special Emphasis Panel, December 12, 2018 1:00 p.m. to December 12, 2018, 6:00 p.m., National Institutes of Health, Gateway Building, 7201 Wisconsin Ave., Suite 533, Bethesda, MD 20814, which was published in the **Federal Register** on October 31, 2018, 83 FR 54758.

The meeting of the Special Emphasis Panel; RCMI Research Coordinating Network (RRCN)(U54) has been cancelled, because the application to be reviewed, was withdrawn. The meeting is closed to the public.

Dated: December 4, 2018.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–26670 Filed 12–7–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Urology and Nephrology Clinical Small Business Applications.

Date: December 21, 2018.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6706 Democracy Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ryan G. Morris, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7015, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–4721, *ryan.morris@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time Sensitive Obesity and Diabetes Prevention.

Date: January 8, 2019.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: December 4, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–26672 Filed 12–7–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory General Medical Sciences Council.

The meeting will be open to the public as indicated below, with a short public comment period at the end. Attendance is limited by the 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 open session will also be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov*).

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 Advisory General Medical Sciences Council.

Date: January 24–25, 2019.

Closed: January 24, 2019, 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Open: January 25, 2019, 8:30 a.m. to 12:00 p.m.

Agenda: For the discussion of program policies and issues; opening remarks; report of the Director, NIGMS; and other business of the Council.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Ann A. Hagan, Ph.D., Associate Director for Extramural Activities, NIGMS, NIH, DHHS, 45 Center Drive, Room 2AN24H, MSC6200, BETHESDA, MD 20892–6200, (301) 594–4499, *hagana@nigms.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.

Information is also available on the Institute's/Center's home page: *http://www.nigms.nih.gov/About/Council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: December 4, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–26671 Filed 12–7–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a

meeting of the National Advisory Council for Biomedical Imaging and Bioengineering.

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 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/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Biomedical Imaging and Bioengineering, NACBIB Council Meeting, January 2019.

Date: January 23, 2019.

Open: 8:30 a.m. to 11:45 a.m.

Agenda: Report from the Institute Director, other Institute Staff and Scientific Presentations.

Place: The William F. Bolger Center, Franklin Building, Classroom 1, 9600 Newbridge Drive, Potomac, MD 20854.

Closed: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: The William F. Bolger Center, Franklin Building, Classroom 1, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: David T. George, Ph.D., Acting Associate Director, Office of Research Administration, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Room 920, Bethesda, MD 20892.

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.

Information is also available on the Institute's/Center's home page: *http://www.nibib1.nih.gov/about/NACBIB/NACBIB.htm,* where an agenda and any additional information for the meeting will be posted when available.

Dated: December 4, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–26674 Filed 12–7–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, notice is hereby given of a meeting of the National Advisory Eye Council.

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 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/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Eye Council.

Date: January 11, 2019.

Open: 8:30 a.m. to 12:00 p.m.

Agenda: Following opening remarks by the Director, NEI, there will be presentations by the staff of the Institute and discussions concerning Institute programs.

Place: NIH, National Eye Institute, First Floor Conference Rooms, 6700B Rockledge Drive, Bethesda, MD 20817.

Closed: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, National Eye Institute, First Floor Conference Rooms, 6700B Rockledge Drive, Bethesda, MD 20817.

Contact Person: Paul A. Sheehy, Ph.D., Director, Division of Extramural Affairs, National Eye Institute, National Institutes of Health, 5635 Fishers Lane, Suite 12300, Bethesda, MD 20892, 301–451–2020, *ps32h@nih.gov.*

Information is also available on the Institute's/Center's home page: *www.nei.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: December 3, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–26596 Filed 12–7–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: State Opioid Response (SOR) and Tribal Opioid Response (TOR) Program Data Collection and Performance Measurement—NEW

The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Treatment (CSAT) is requesting approval from the Office of Management and Budget (OMB) for data collection activities associated with the State Opioid Response (SOR) and Tribal Opioid Response (TOR) discretionary grant programs. Approval of this information collection will allow SAMHSA to continue to meet the Government Performance and Results Modernization Act of 2010 (GPRMA) reporting requirements that quantify the effects and accomplishments of its discretionary grant programs which are consistent with OMB guidance. Information collected through this request will be used to monitor performance throughout the grant period.

There will be up to 359 award recipients (states, territories, and tribal entities) in these grant programs. Grantee-level data will include information related to naloxone purchases and distribution. This grantee-level information will be collected quarterly.

All funded states/territories and tribal entities will also be required to collect and report client-level data on individuals who are receiving opioid treatment and/or recovery services to ensure program goals and objectives are being met. Client-level data will include information such as: Demographic

information, services planned/received, mental health/substance use disorder diagnoses, medical status, employment status, substance use, legal status, and psychiatric status/symptoms. Client-level data will be collected at intake/baseline, three months post intake, six months post intake, and at discharge.

CSAT anticipates that the time required to collect and report the grantee-level information is approximately 10 minutes per response, and the time required to collect and report the client-level data is approximately 47 minutes per response. CSAT's estimate of the burden associated with the client-level instrument includes an adjustment for data elements that are currently being collected by entities that are likely to be funded by the SOR/TOR grant programs.

TABLE 1—ESTIMATE OF ANNUALIZED HOUR BURDEN FOR SOR/TOR GRANTEES

SAMHSA data collection	Number of respondents	Responses per respondent	Total number of responses	Burden hours per response	Total burden hours
Grantee-Level Instrument	359	4	1,436	.17	244
Client Level Instrument: Baseline Interview	165,000	1	165,000	.78	128,700
Client-Level Instrument: Follow-up Interview [1]	132,000	2	264,000	.78	205,920
Client-Level Instrument: Discharge Interview [2]	85,800	1	85,800	.78	66,924
CSAT Total	165,359		516,236		401,788

Notes:
[1] It is estimated that 80% of baseline clients will complete the three month and six month follow-up interviews.
[2] It is estimated that 52% of baseline clients will complete this interview.

Written comments and recommendations concerning the proposed information collection should be sent by January 9, 2019 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2018–26659 Filed 12–7–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0092]

Agency Information Collection Activities: Application for Withdrawal of Bonded Stores for Fishing Vessels and Certificate of Use

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 must be submitted (no later than February 8, 2019) 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 1651–0092 in 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: Application for Withdrawal of Bonded Stores for Fishing Vessels and Certificate of Use.

OMB Number: 1651–0092.

Form Number: CBP Form 5125.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Abstract: CBP Form 5125, *Application for Withdrawal of Bonded Stores for Fishing Vessel and Certificate of Use,* is used to request the permission of the CBP port director for the withdrawal and lading of bonded merchandise (especially alcoholic beverages) for use on board fishing vessels involved in international trade. The applicant must certify on CBP Form 5125 that supplies on board were either consumed, or that all unused quantities remain on board and are adequately secured for use on the next voyage. CBP uses this form to collect information such as the name and identification number of the vessel, ports of departure and destination, and information about the crew members. The information collected on this form is authorized by 19 U.S.C. 1309 and 1317, and is provided for by 19 CFR 10.59(e) and 10.65. CBP Form 5125 is accessible at: *https://www.cbp.gov/newsroom/publications/forms?title=5125*

Affected Public: Carriers.

Estimated Number of Respondents: 500.

Estimated Number of Total Annual Responses: 500.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 165.

Dated: December 4, 2018.

Seth D Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2018–26669 Filed 12–7–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO200000.LI1100000.PH0000.LXSGPL000000.18X.HAG18–0089]

Notice of Availability of the Northwest Colorado Proposed Resource Management Plan Amendment and Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, (NEPA) and the Federal Land Policy and Management Act of 1976, as amended, (FLPMA) the Bureau of Land Management (BLM) has prepared the Northwest Colorado Proposed Resource Management Plan (RMP) Amendment and Final Environmental Impact Statement (EIS) for Greater Sage-Grouse Conservation for the Northwest Colorado Greater Sage-Grouse Sub-Region, and by this notice is announcing its availability and the opening of a protest period concerning the Proposed RMP Amendment.

DATES: The BLM planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's proposed RMP Amendment and Final EIS. A person who meets the conditions outlined in 43 CFR 1610.5–2 and wishes to file a protest must do so within 30 days of the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. A protest regarding the Proposed RMP Amendment announced with this notice must be filed by January 9, 2019.

ADDRESSES: The Proposed RMP Amendment and Final EIS is available on the BLM ePlanning project website at *https://go.usa.gov/xP6Xa.* Click the Documents and Report link on the left side of the screen to find the electronic version of these materials. Hard copies of the Proposed RMP Amendment/Final EIS are also available for public inspection at the Colorado State Office and the Grand Junction Field Office.

All protests must be in writing (43 CFR 1610.5–2(a)(1)) and filed with the BLM Director, either as a hard copy or electronically via the BLM's ePlanning project website listed previously. To submit a protest electronically, go to the ePlanning project website and follow the protest instructions highlighted at the top of the home page. If submitting a protest in hard copy, it must be mailed to one of the following addresses:

U.S. Postal Service Mail: BLM Director (210), Attention: Protest Coordinator, WO–210, P.O Box 71383, Washington, DC 20024–1383

Overnight Delivery: BLM Director (210), Attention: Protest Coordinator, WO–210, 20 M Street SE, Room 2134LM, Washington, DC 20003

FOR FURTHER INFORMATION CONTACT: Bridget Clayton, Sage-Grouse Coordinator, BLM Colorado, telephone (970) 244–3045; address 2815 H Road, Grand Junction, CO 81506; email *bclayton@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Clayton. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Ms. Clayton. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM prepared the Northwest Colorado Greater Sage-Grouse Proposed RMP Amendment and Final EIS to enhance cooperation with States by improving alignment with State management plans and strategies for Greater Sage-Grouse, while continuing to conserve, enhance, and restore Greater Sage-Grouse and its habitat.

The BLM developed the proposed land use plan amendment in collaboration with Colorado Governor John Hickenlooper, State wildlife managers, and other concerned organizations and individuals, largely through the Western Governors Association's Sage-Grouse Task Force. Using its discretion and authority under the FLPMA, the BLM proposes amending land use plans that address Greater Sage-Grouse management to improve alignment with State of Colorado plans and management strategies, in accordance with the BLM's multiple use and sustained yield mission.

This Proposed RMP Amendment and Final EIS is one of six separate planning efforts that are being undertaken in response to the Secretary's Order (SO) 3353 (*Greater Sage-grouse Conservation and Cooperation with Western States*) and in accordance with SO 3349 (*American Energy Independence*). The proposed plans refine the previous management plan adopted in 2015 and aims to strike a regulatory balance and build greater trust among neighboring interests in Western communities. The Proposed RMP Amendment and Final EIS proposes to amend the RMPs for field offices on BLM-administered lands within Colorado. The current management decisions for resources are described in the following RMPs:

- Colorado River Valley RMP (BLM 2015)
- Grand Junction RMP (BLM 2015)
- Kremmling RMP (BLM 2015)
- Little Snake RMP (BLM 2011)
- White River RMP (BLM 1997) and associated amendments, including the White River Oil and Gas Amendment (BLM 2015)

The Northwest Colorado Greater Sage-Grouse Proposed RMP Amendment and Final EIS planning area is part of the larger Rocky Mountain Region and encompasses approximately 15 million acres, including 8.5 million acres of public lands managed by five BLM field offices in the 10 northwest Colorado counties of Eagle, Garfield, Grand, Jackson, Larimer, Mesa, Moffat, Rio Blanco, Routt, and Summit. The planning area encompasses National Park Service, US Department of Defense, US Forest Service, US Fish and Wildlife Service, State of Colorado, county, city, and private lands. Decisions in this RMP Amendment apply solely to BLM-administered surface (totaling approximately 1.7 million acres) and BLM-administered Federal mineral estate (approximately 2.1 million acres) within Greater Sage-Grouse habitat.

The formal public scoping process for the RMP Amendment/EIS began on October 11, 2017, with publication of a Notice of Intent in the **Federal Register** (82 FR 47248) and ended on December 1, 2017. BLM Colorado held a public scoping meeting in Craig, Colorado on November 8, 2017.

The Notice of Availability for the Draft Supplemental EIS was published on October 11, 2017, and the BLM accepted public comments on the range of alternatives, effects analysis and Draft RMP amendments for 90 days, ending on August 2, 2018. During the public comment period, two public meetings were held in Silt and Craig, Colorado. The Northwest Colorado Proposed RMP Amendment and Final EIS focused on the issue of allowing greater flexibility for the BLM to work with the State of Colorado on issues related to fluid minerals management and mitigation. The Proposed RMP Amendment and Final EIS evaluated two alternatives in detail, including the No Action Alternative (Alternative A) and one action alternative (Alternative B). Comments on the Draft RMP Amendment/Draft EIS received from the public and internal BLM review were considered and incorporated as appropriate into the proposed plan amendment. Alternative A would retain the current management goals, objectives, and direction specified in the current RMPs, as amended, for each field office. Alternative B was identified as the BLM's Preferred Alternative. Identification of this alternative, however, does not represent final agency direction. The Proposed RMP Amendment is a refinement of the Management Alignment Alternative from the Draft RMP Amendment and Draft EIS, with consideration given to public comments, corrections, and rewording for clarification of purpose and intent.

Instructions for filing a protest with the Director of the BLM regarding the Proposed RMP Amendment and Final EIS may be found online at *https://www.blm.gov/programs/planning-and-nepa/public-participation/filing-a-plan-protest* and at 43 CFR 1610.5–2. All protests must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above or submitted electronically through the BLM ePlanning project website as described above. Protests submitted electronically by any means other than the ePlanning project website protest section will be invalid unless a protest is also submitted in hard copy. Protests submitted by fax will also be invalid unless also submitted either through ePlanning project website protest section or in hard copy.

Before including your address, phone number, email address, or other personal identifying information in your protest, please be aware that your entire protest, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2, 43 CFR 1610.5

Kristin M. Bail,

Assistant Director, Resources and Planning.

[FR Doc. 2018–26699 Filed 12–7–18; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO200000.L11100000. PH0000.LXSGPL000000. 18X. HAG 19–0014]

Notice of Availability of the Oregon Proposed Resource Management Plan Amendment and Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, the Bureau of Land Management (BLM) has prepared the Oregon Proposed Resource Management Plan (RMP) Amendment and Final Environmental Impact Statement (EIS) for Greater Sage-Grouse Conservation for the Oregon Greater Sage-Grouse Sub-Region and, by this notice, is announcing its availability.

DATES: The BLM planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's Proposed RMP Amendment/Final EIS. A person who meets the conditions outlined in 43 CFR 1610.5–2 and wishes to file a protest must do so within 30 days of the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. A protest regarding the Proposed RMP Amendment announced with this notice must be filed by January 9, 2019.

ADDRESSES: The Proposed RMP Amendment/Final EIS is available on the BLM ePlanning project website at *https://goo.gl/4CNtH8.* Click the Documents and Report link on the left side of the screen to find the electronic version of these materials. Hard copies of the Proposed RMP Amendment/Final EIS are also available for public inspection at the Burns, Lakeview, and Vale BLM District Offices.

All protests must be in writing (43 CFR 1610.5–2(a)(1)) and filed with the BLM Director, either as a hard copy or electronically via the BLM's ePlanning project website listed previously. To submit a protest electronically, go to the ePlanning project website and follow the protest instructions highlighted at the top of the home page.

If submitting a protest in hard copy, it must be mailed to one of the following addresses:

U.S. Postal Service Mail: BLM Director (210), Attention: Protest Coordinator, WO–210, P.O Box 71383, Washington, DC 20024–1383

Overnight Delivery: BLM Director (210), Attention: Protest Coordinator, WO–210, 20 M Street SE, Room 2134LM, Washington, DC 20003

FOR FURTHER INFORMATION CONTACT: Jim Regan-Vienop, Planning and Environmental Coordinator, at (503) 808–6062; address, 1220 SW 3rd Ave. Suite 1305, Portland, OR 97204; email, *jreganvienop@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339. The FRS is available 24 hours a day, 7 days

a week, to leave a message or question with Mr. Regan-Vienop. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM prepared the Oregon Greater SageGrouse Proposed RMP Amendment/Final EIS to enhance cooperation with States by improving alignment with State management plans and strategies for Greater Sage-Grouse, while continuing to conserve, enhance, and restore Greater Sage-Grouse and its habitat. The Proposed RMP Amendment/Final EIS also addresses a legal vulnerability, which was exposed when a Federal District Court in Nevada determined that the BLM had violated the NEPA when it finalized the 2015 plans.

The BLM developed the proposed land use plan amendment in collaboration with Oregon Governor Kate Brown, State wildlife managers, and other concerned organizations and individuals, largely through the Western Governors Association's Sage-Grouse Task Force. Using its discretion and authority under the FLPMA, the BLM proposes amending land use plans that address Greater Sage-Grouse management to improve alignment with State of Oregon plans and management strategies, in accordance with the BLM's multiple use and sustained yield mission. This Proposed RMP Amendment/Final EIS is one of six separate planning efforts that are being undertaken in response to the Secretary's Order (SO) 3353 (*Greater Sage-grouse Conservation and Cooperation with Western States*) and in accordance with SO 3349 (*American Energy Independence*). The proposed plans refine the previous management plan adopted in 2015 and aims to strike a regulatory balance and build greater trust among neighboring interests in Western communities. The Proposed RMP Amendment/Final EIS proposes to amend the RMPs for field offices on BLM-administered lands within Oregon. The current management decisions for resources are described in the following RMPs:

- Andrews (2005)
- Baker (1989)
- Brothers/La Pine (1989)
- Lakeview (2003)
- Southeastern Oregon (2002)
- Steens (2005)
- Three Rivers (1992)
- Upper Deschutes (2005)

The planning area includes approximately 60,649 acres of lands administered by the BLM in three Oregon counties: Harney, Lake, and Malheur. Within the decision area, the BLM administers approximately 21,959 acres of public lands, all of which is Greater Sage-Grouse habitat. Surface management decisions made as a result of this Proposed RMP Amendment/Final EIS will apply only to lands administered by the BLM in the decision area.

The formal public scoping process for the RMP Amendment/EIS began on October 11, 2017, with publication of a Notice of Intent in the **Federal Register** (82 FR 47248), and ended on December 1, 2017. The BLM held one public scoping meeting in Burns, Oregon on November 7, 2017.

The Oregon Draft RMP Amendment/Draft EIS focused on the availability or unavailability of livestock grazing in 13 key Research Natural Areas and mitigation. Research Natural Areas are a subset type of Areas of Critical Environmental Concern. The Draft RMP Amendment/Draft EIS evaluated two alternatives in detail, including the No Action Alternative (Alternative A) and one action alternative (Alternative B, Management Alignment Alternative). Comments on the Draft RMP Amendment/Draft EIS received from the public and internal BLM review were considered and incorporated as appropriate into the proposed RMP Amendment/Final EIS. Alternative A would retain the current management goals, objectives, and direction specified in the current RMPs, as amended, for each field office. Alternative B was identified as the BLM's preferred alternative in the Draft RMP Amendment/Draft EIS for the purposes of public comment and review. Identification of this alternative, however, does not represent final agency direction.

Instructions for filing a protest with the Director of the BLM regarding the Proposed RMPA/Final EIS may be found online at *https://www.blm.gov/programs/planning-and-nepa/public-participation/filing-a-plan-protest* and at 43 CFR 1610.5–2. All protests must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above or submitted electronically through the BLM ePlanning project website as described above. Protests submitted electronically by any means other than the ePlanning project website protest section will be invalid unless a protest is also submitted in hard copy. Protests submitted by fax will also be invalid unless also submitted either through ePlanning project website protest section or in hard copy.

Before including your address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment—including your personally identifiable information—may be made publicly available at any time. While you can ask the BLM in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2, 43 CFR 1610.5

Christopher J. McAlear,

Acting State Director, Oregon/Washington, Bureau of Land Management.

[FR Doc. 2018–26701 Filed 12–7–18; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO200000.LI1100000.PH0000.LXSGPL000000.18X.HAG18–0089]

Notice of Availability of the Wyoming Proposed Resource Management Plan Amendment and Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, (NEPA) and the Federal Land Policy and Management Act of 1976, as amended, (FLPMA) the Bureau of Land Management (BLM) has prepared the Wyoming Proposed Resource Management Plan (RMP) Amendment and Final Environmental Impact Statement (EIS) for Greater Sage-Grouse Conservation for the Wyoming Greater Sage-Grouse Sub-Region and by this notice is announcing its availability and the opening of a protest period concerning the Proposed RMP Amendment.

DATES: The BLM planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's proposed RMP Amendment and Final EIS. A person who meets the conditions outlined in 43 CFR 1610.5–2 and wishes to file a protest must do so within 30 days of the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. A protest regarding the Proposed RMP Amendment announced with this notice must be filed by January 9, 2019.

ADDRESSES: The Proposed RMP Amendment and Final EIS is available on the BLM ePlanning project website at *https://goo.gl/FoqAn9.* Click the Documents and Report link on the left

side of the screen to find the electronic version of these materials. Hard copies of the Proposed RMP Amendment and Final EIS are available for public inspection at the Wyoming State Office. All protests must be in writing (43 CFR 1610.5–2(a)(1)) and filed with the BLM Director, either as a hard copy or electronically via the BLM's ePlanning project website listed previously. To submit a protest electronically, go to the ePlanning project website and follow the protest instructions highlighted at the top of the home page.

If submitting a protest in hard copy, it must be mailed to one of the following addresses:

U.S. Postal Service Mail: BLM Director (210), Attention: Protest Coordinator, WO–210, P.O. Box 71383, Washington, DC 20024–1383.

Overnight Delivery: BLM Director (210), Attention: Protest Coordinator, WO–210, 20 M Street SE, Room 2134LM, Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT: Jenny Marzluf, Greater Sage-grouse Implementation Coordinator by telephone, 307–775–6090; at the address above; or by email, *jmarzluf@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Marzluf. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Ms. Marzluf. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM prepared the Wyoming Greater Sage-Grouse Proposed RMP Amendment and Final EIS to enhance cooperation with the States by improving alignment with state management plans and strategies for Greater Sage-Grouse, while continuing to conserve, enhance, and restore Greater Sage-Grouse and its habitat. The Proposed RMP Amendment and Final EIS also addresses the issues remanded to the agency by a March 31, 2017 Order by the United States District Court for the District of Nevada, which determined that the BLM had violated the NEPA when it finalized the 2015 Nevada plan.

The BLM developed the proposed land use plan amendment in collaboration with Wyoming Governor Matt Mead, state wildlife managers, and other concerned organizations and individuals, largely through the Western Governors Association's Sage-Grouse Task Force. Using its discretion and authority under FLPMA, the BLM proposes amending land use plans that address Greater Sage-Grouse management to improve alignment with individual state plans or management strategies, in accordance with the BLM's multiple use and sustained yield mission.

This Proposed RMP Amendment and Final EIS is one of six separate planning efforts that are being undertaken in response to Secretary's Order (SO) 3353 (*Greater Sage-Grouse Conservation and Cooperation with Western States*) and in accordance with SO 3349 (*American Energy Independence*). The proposed plans refine the previous management plan adopted in 2015 and aims to strike a regulatory balance and build greater trust among neighboring interests in Western communities. The Proposed RMP Amendment and Final EIS proposes to amend the RMPs for field offices on BLM-administered lands within BLM Wyoming boundaries. The current management decisions for resources are described in the following RMPs:

- Buffalo RMP (2015)
- Casper RMP (2007)
- Cody RMP (2015)
- Kemmerer RMP (2010)
- Lander RMP (2014)
- Newcastle RMP (2000)
- Pinedale RMP (2008)
- Rawlins RMP (2008)
- Green River RMP (1997)
- Worland RMP (2015)

The planning area includes approximately 60 million acres of BLM, National Park Service, U.S. Forest Service, U.S. Bureau of Reclamation, State, local, and private lands located in Wyoming, in 20 counties: Albany, Bighorn, Campbell, Carbon, Converse, Crook, Fremont, Hot Springs, Johnson, Lincoln, Natrona, Niobrara, Park, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston. Within the decision area, the BLM administers approximately 18 million acres of public land, providing approximately 17 million acres of Priority and General Greater Sage-Grouse habitat. Surface management decisions made as a result of this Proposed RMP Amendment and Final EIS will apply only to BLM-administered lands in the decision area.

The formal public scoping process for the RMP Amendment and EIS began on October 11, 2017, with publication of a Notice of Intent in the **Federal Register** (82 FR 47248) and ended on December 1, 2017. The BLM in Wyoming held public scoping meetings in Cheyenne, Wyoming, and Pinedale, Wyoming in November of 2017. The Notice of Availability for the Draft Supplemental EIS was published on May 4, 2018, and the BLM accepted public comments on the range of alternatives, effects analysis and draft RMP amendments for 90 days, ending on August 2, 2018. During the public comment period, two public meetings were held, one in Cheyenne and one in Pinedale.

The Wyoming Draft RMP Amendment/Draft EIS focused on the issues of designation of sagebrush focal areas, mitigation standards, clarification of habitat objectives tables, adjustments to habitat boundaries to reflect new information, and reversing adaptive management responses when the BLM determines that resource conditions no longer warrant those responses. The Draft RMP Amendment/Draft EIS evaluated two alternatives in detail, including the No Action Alternative (Alternative A) and one action alternative (Alternative B). Comments on the Draft RMP Amendment/Draft EIS received from the public and internal BLM review were considered and incorporated as appropriate into the proposed plan amendment. Alternative A would retain the current management goals, objectives, and direction specified in the current RMPs, as amended, for each field office. Alternative B has been identified as the BLM's Preferred Alternative. Identification of this alternative, however, does not represent final agency direction.

Instructions for filing a protest with the Director of the BLM regarding the Proposed RMP Amendment and Final EIS may be found online at *https://www.blm.gov/programs/planning-and-nepa/public-participation/filing-a-plan-protest* and at 43 CFR 1610.5–2. All protests must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above or submitted electronically through the BLM ePlanning project website as described above. Protests submitted electronically by any means other than the ePlanning project website protest section will be invalid unless a protest is also submitted in hard copy. Protests submitted by fax will also be invalid unless also submitted either through ePlanning project website protest section or in hard copy.

Before including your address, phone number, email address, or other personal identifying information in your protest, please be aware that your entire protest, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2, 43 CFR 1610.5

Duane Spencer,

Acting BLM Wyoming State Director.

[FR Doc. 2018–26700 Filed 12–7–18; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO200000.18X L11100000.PH0000.LXSGPL000000]

Notice of Availability of the Utah Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final Environmental Impact Statement, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared the Utah Greater Sage-Grouse Proposed Resource Management Plan (Proposed RMP) Amendment and Final Environmental Impact Statement (Final EIS) for the Utah Greater Sage-Grouse Sub-Region. By this Notice, the BLM is announcing the opening of a protest period concerning the Proposed RMP Amendment and Final EIS.

DATES: A protest regarding the Proposed RMP Amendment announced with this notice must be filed by January 9, 2019.

ADDRESSES: The Proposed RMP Amendment/Final EIS is available on the BLM ePlanning project website at *https://go.usa.gov/xP8xc.* Click the Documents and Report link on the left side of the screen to find the electronic version of these materials. Hard copies of the Proposed RMP Amendment and Final EIS are available for public inspection at the BLM Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, UT 84101 or on the project website listed above.

All protests must be in writing (43 CFR 1610.5–2(a)(1)) and filed with the BLM Director, either as a hard copy or electronically via the BLM's ePlanning project website listed previously. To submit a protest electronically, go to the ePlanning project website and follow the protest instructions highlighted at the top of the home page. If submitting a protest in hard copy, it must be mailed to one of the following addresses:

U.S. Postal Service Mail: BLM Director (210), Attention: Protest Coordinator, WO–210, P.O. Box 71383, Washington, DC 20024–1383.

Overnight Delivery: BLM Director (210), Attention: Protest Coordinator, WO–210, 20 M Street SE, Room 2134LM, Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT: Quincy Bahr, Greater Sage-Grouse RMP Project Manager; telephone 801–539–4122; address 440 West 200 South, Suite 500, Salt Lake City, UT 84101; or by email *qfbahr@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mr. Bahr. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Mr. Bahr. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM prepared the Proposed RMP Amendment and Final EIS to analyze a range of alternatives that will continue conserving, enhancing, and restoring Greater Sage-Grouse and its habitat, while improving alignment with state management strategies for Greater Sage-Grouse. The plan also addresses a legal vulnerability, which was exposed when a Federal District Court in Nevada determined that the BLM had violated the National Environmental Policy Act when it finalized the 2015 plans.

The BLM developed the proposed land use plan amendment in collaboration with Utah Governor Gary Herbert, state wildlife managers, and other concerned organizations and individuals, largely through the Western Governors Association's Sage-Grouse Task Force. Using its discretion and authority under the Federal Land Policy and Management Act, the BLM proposes amending its land use plans that address Greater Sage-Grouse management to improve alignment with the State of Utah's plan, in accordance with the BLM's multiple use and sustained yield mission. Under the Federal Land Policy and Management Act, the BLM is required by law to work cooperatively with states on land-use plans and amendments.

This Proposed RMP Amendment/Final EIS is one of six separate planning efforts that are being undertaken in response to the Secretary's Order (SO) 3353 (*Greater Sage-grouse Conservation and Cooperation with Western States)* and in accordance with SO 3349 *(American Energy Independence).* The proposed plans refine the previous management plan adopted in 2015 and aims to strike a regulatory balance and build greater trust among neighboring interests in Western communities. The Proposed RMP Amendment and Final EIS proposes to amend the (RMPs) for field offices on BLM-administered lands within BLM Utah boundaries. The current management decisions for resources are described in the following RMPs:

- Box Elder Resource Management Plan (1986)
- Cedar/Beaver/Garfield/Antimony Resource Management Plan (1986)
- Grand Staircase-Escalante National Monument Management Plan (2000)
- House Range Resource Management Plan (1987)
- Kanab Resource Management Plan (2008)
- Park City Management Framework Plan (1975)
- Pinyon Management Framework Plan (1978)
- Pony Express Resource Management Plan (1990)
- Price Resource Management Plan (2008)
- Randolph Management Framework Plan (1980)
- Richfield Resource Management Plan (2008)
- Salt Lake District Isolated Tracts Planning Analysis (1985)
- Vernal Resource Management Plan (2008)
- Warm Springs Resource Management Plan (1987)

The planning area includes approximately 48,158,700 acres of BLM, National Park Service, United States Forest Service, U.S. Bureau of Reclamation, State, local, and private lands located in Utah, in 27 counties: Beaver, Box Elder, Cache, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Wayne, and Weber. Within the decision area, which is limited to the portions of the planning area where the decisions from this process may apply, the BLM administers approximately 4 million acres of public land, providing approximately 3.4 million acres of Greater Sage-Grouse habitat. Surface management decisions made as a result of this Proposed RMP Amendment and Final EIS will apply only to BLM-administered lands in the decision area.

The formal public scoping process for the RMP Amendment/EIS began on October 11, 2017, with publication of a Notice of Intent in the **Federal Register** (82 FR 47248) and ended on December 1, 2017. The BLM Utah held public scoping meetings on November 14, 2017, in Vernal, Utah; on November 15, 2017, in Cedar City, Utah; and on November 16, 2017, in Snowville, Utah.

On May 4, 2018, the Notice of Availability for the Draft RMP

Amendment/EIS was published, and the BLM accepted public comments on the range of alternatives, effects analysis and Draft RMP Amendment/EIS for 90 days, ending on August 2, 2018. During the public comment period public meetings were held in the following locations in Utah: June 26, 2018, in Cedar City, Utah; June 27, 2018 in Vernal, Utah; and June 28, 208, in Randolph, Utah.

The Draft RMP Amendment/EIS focused on the following issues: Sagebrush focal area designation; disturbance and density caps; mitigation; modification of habitat objectives; changes to fluid mineral leasing waivers, exceptions and modification criteria; the need for General Habitat Management Areas; exceptions to Greater Sage-Grouse management within non-habitat portions of Priority Habitat Management Areas; lek buffers; reversing adaptive management responses when the BLM determines that resource conditions no longer warrant those responses; prioritization of mineral leasing; land disposals and exchanges; predation; burial of transmission lines; decisions that require analysis of specific alternatives during implementation; adjustment of habitat boundaries to reflect new information; grazing systems and prioritization of grazing permits; water developments management in relation to water rights; travel and transportation management planning; and surface coal mining. The Draft RMP Amendment/EIS evaluated two alternatives in detail, including the No-Action Alternative and one action alternative, the Management Alignment Alternative. Comments on the Draft RMP Amendment/EIS received from the public and internal BLM review were considered and incorporated as appropriate into the Proposed RMP Amendment and Final EIS. The No-Action Alternative would retain the management goals, objectives, and direction specified in the current RMPs, as amended in 2015, for each field office. The Management Alignment Alternative has been identified as the BLM's Preferred Alternative. Identification of this alternative, however, does not represent final agency direction.

Instructions for filing a protest with the Director of the BLM regarding the Proposed RMP Amendment/Final EIS may be found online at *https://www.blm.gov/programs/planning-and-nepa/public-participation/filing-a-plan-protest* and at 43 CFR 1610.5–2. All protests must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above or submitted electronically through the BLM ePlanning project website as described above. Protests submitted electronically by any means other than the ePlanning project website protest section will be invalid unless a protest is also submitted in hard copy. Protests submitted by fax will also be invalid unless also submitted either through ePlanning project website protest section or in hard copy.

Before including your address, phone number, email address, or other personal identifying information in your protest, please be aware that your entire protest, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2, 43 CFR 1610.5

Edwin L. Roberson,

BLM Utah State Director.

[FR Doc. 2018–26698 Filed 12–7–18; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO200000.LI 1100000.PH0000.LXSGPL000000.18X.HAG 18–0089]

Notice of Availability of the Nevada and Northeastern California Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, (NEPA) and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) has prepared the Nevada and Northeastern California Greater Sage-Grouse Proposed Resource Management Plan (RMP) Amendment and Final Environmental Impact Statement (EIS) for Greater Sage-Grouse Conservation for the Nevada and Northeastern California Greater Sage-Grouse Sub-Region, and by this notice is announcing its availability and the opening of a protest period concerning the Proposed RMP Amendment and Final EIS.

DATES: The BLM planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's Proposed RMP Amendment and Final EIS. A person who meets the conditions outlined in 43 CFR 1610.5–2 and wishes to file a protest must do so within 30 days of the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. A protest regarding the Proposed RMP Amendment announced with this notice must be filed by January 9, 2019.

ADDRESSES: The Proposed RMP Amendment and Final EIS is available on the BLM ePlanning project website at *https://goo.gl/uz89cT.* Click the Documents and Report link on the left side of the screen to find the electronic version of these materials. Hard copies of the Proposed RMP Amendment\Final EIS are available for public inspection at the BLM Nevada State Office, 1340 Financial Boulevard, Reno, Nevada 89502, and the BLM California State Office, 2800 Cottage Way # W1623, Sacramento, California 95825.

All protests must be in writing (43 CFR 1610.5–2(a)(1)) and filed with the BLM Director, either as a hard copy or electronically via the BLM's ePlanning project website listed previously. To submit a protest electronically, go to the ePlanning project website and follow the protest instructions highlighted at the top of the home page.

If submitting a protest in hard copy, it must be mailed to one of the following addresses:

U.S. Postal Service Mail: BLM Director (210), Attention: Protest Coordinator, WO–210, P.O Box 71383, Washington, DC 20024–1383.

Overnight Delivery: BLM Director (210), Attention: Protest Coordinator, WO–210, 20 M Street SE, Room 2134LM, Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT: Matthew Magaletti, Sage-Grouse Lead, telephone, 775–861–6472; address, 1340 Financial Blvd., Reno, Nevada 89502; email, *mmagalet@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mr. Magaletti. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Mr. Magaletti. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM prepared the Nevada and Northeastern California Greater Sage-Grouse Proposed RMP Amendment and Final EIS to enhance cooperation with the States by improving alignment with state management plans and strategies for Greater Sage-Grouse, while continuing to conserve, enhance, and restore

Greater Sage-Grouse and its habitat. The Proposed RMP Amendment and Final EIS also addresses the issues remanded to the agency by a March 31, 2017 Order by the United States District Court for the District of Nevada, which determined that the BLM had violated the NEPA when it finalized the 2015 Nevada plan.

The BLM developed the proposed land use plan amendment in collaboration with the Governors' Offices in Nevada and California, state wildlife managers, and other concerned organizations and individuals, largely through the Western Governors Association's Sage-Grouse Task Force. Using its discretion and authority under the FLPMA, the BLM proposes amending land use plans that address Greater Sage-Grouse management to improve alignment with State of Nevada and State of California plans and management strategies, in accordance with the BLM's multiple use and sustained yield mission.

This Proposed RMP Amendment and Final EIS is one of six separate planning efforts that are being undertaken in response to the Secretary's Order (SO) 3353 (*Greater Sage-grouse Conservation and Cooperation with Western States)* and in accordance with SO 3349 *(American Energy Independence).* The proposed plans refine the previous management plan adopted in 2015 and aims to strike a regulatory balance and build greater trust among neighboring interests in Western communities. The Proposed RMP Amendment and Final EIS proposes to amend the RMPs for field offices on BLM-administered lands within BLM Nevada and Northeastern California boundaries. The current management decisions for resources are described in the following RMPs:

- Alturas RMP (2008)
- Black Rock Desert-High Rock Canyon NCA RMP (2004)
- Carson City Consolidated RMP (2001)
- Eagle Lake RMP (2008)
- Elko RMP (1987)
- Ely RMP (2008)
- Shoshone-Eureka RMP (1986)
- Surprise RMP (2008)
- Tonopah RMP (1997)
- Wells RMP (1985)
- Winnemucca RMP (2015)

The planning area includes approximately 70.3 million acres of BLM, National Park Service, United States Forest Service, U.S. Bureau of Reclamation, State, local, and private lands located in Nevada and Northeastern California, in 17 counties: Churchill, Elko, Eureka, Humboldt, Lander, Lassen, Lincoln, Lyon, Mineral, Modoc, Nye, Pershing, Plumas, Sierra, Storey, Washoe, and White Pine. Within the decision area, the BLM administers approximately 45.4 million acres of public lands, providing approximately 20.5 million acres of Greater Sage-Grouse habitat. Surface management decisions made as a result of this Proposed RMP Amendment and Final EIS will apply only to BLM administered lands in the decision area.

The formal public scoping process for this RMP Amendment and EIS began on October 11, 2017, with publication of a Notice of Intent in the **Federal Register** (82 FR 47248) and ended on December 1, 2017. The BLM in Nevada and Northeastern California held public scoping meetings in Alturas, California on November 3, 2017; Reno/Sparks, Nevada on November 7, 2017; Elko, Nevada on November 8, 2017; and Ely, Nevada on November 9, 2017. The Notice of Availability for the Draft RMP Amendment/EIS was published on May 4, 2018 (83 FR 19800), and the BLM accepted public comments on the range of alternatives, effects analysis, and Draft RMP Amendment/EIS for 90 days, ending on August 2, 2018. During the public comment period public meetings were held in Alturas, California on June 29, 2018; Reno/Sparks, Nevada on June 26, 2018; Elko, Nevada on June 28, 2018; and Ely, Nevada on June 27, 2018.

The Draft RMP Amendment/EIS focused on the issue of Sagebrush Focal Area designations, mitigation, adjustments to habitat management area designations to reflect new information, reversing adaptive management responses when the BLM determines that resource conditions no longer warrant those responses (in addition to addressing updates to the adaptive management strategy based on best available science), allocation exception processes, seasonal timing restrictions, modifying habitat objectives when best available science is available, and through plan clarification: Modifying lek buffers, requirements for required design features, and removal and/or modification to three livestock grazing management decisions in order to comply with 43 CFR 4160.1. The Draft RMP Amendment/EIS evaluated two alternatives in detail, including the No-Action Alternative and one action alternative, the Management Alignment Alternative. Comments on the Draft RMP Amendment/EIS received from the public and internal BLM review were considered and incorporated as appropriate into the proposed plan amendment. The No-Action Alternative would retain the current management goals, objectives, and direction specified in the current RMPs, as amended in 2015, for each field office. The Management Alignment Alternative has been identified as the BLM's Preferred Alternative. Identification of this alternative, however, does not represent final agency direction.

Instructions for filing a protest with the Director of the BLM regarding the Proposed RMP Amendment and Final EIS may be found online at *https://www.blm.gov/programs/planning-and-nepa/public-participation/filing-a-plan-protest* and at 43 CFR 1610.5–2. All protests must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above or submitted electronically through the BLM ePlanning project website as described above. Protests submitted electronically by any means other than the ePlanning project website protest section will be invalid unless a protest is also submitted in hard copy. Protests submitted by fax will also be invalid unless also submitted either through ePlanning project website protest section or in hard copy.

Before including your address, phone number, email address, or other personal identifying information in your protest, please be aware that your entire protest, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2, 43 CFR 1610.5.

Brian C. Amme,

BLM Nevada Acting State Director.

[FR Doc. 2018–26703 Filed 12–7–18; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO200000.18X L11100000.PH0000.LXSCPL000000]

Notice of Availability of the Idaho Proposed Resource Management Plan Amendment and Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) has prepared the Idaho Proposed Resource

Management Plan (RMP) Amendment and Final Environmental Impact Statement (EIS) for Greater Sage-Grouse Conservation for the Idaho Greater Sage-Grouse Sub-Region. By this notice, the BLM is announcing its availability and the opening of a protest period concerning the Proposed RMP Amendment.

DATES: The BLM's planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's Proposed RMP Amendment and Final EIS. A person who meets the conditions outlined in 43 CFR 1610.5–2 and wishes to file a protest must do so within 30 days of the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. A protest regarding the Proposed RMP Amendment announced with this notice must be filed by January 9, 2019.

ADDRESSES: The Proposed RMP Amendment and Final EIS is available on the BLM ePlanning project website at *https://go.usa.gov/xPc3a.* Click the Documents and Report link on the left side of the screen to find the electronic version of these materials. Hard copies of the Proposed RMP Amendment and Final EIS are available for public inspection at the Boise, Idaho Falls, and Twin Falls District Offices.

All protests must be in writing (43 CFR 1610.5–2(a)(1)) and filed with the BLM Director, either as a hard copy or electronically via the BLM's ePlanning project website listed previously. To submit a protest electronically, go to the ePlanning project website and follow the protest instructions highlighted at the top of the home page.

If submitting a protest in hard copy, it must be mailed to one of the following addresses:

U.S. Postal Service Mail: BLM Director (210), Attention: Protest Coordinator, WO–210, P.O Box 71383, Washington, DC 20024–1383

Overnight Delivery: BLM Director (210), Attention: Protest Coordinator, WO–210, 20 M Street SE, Room 2134LM, Washington, DC 20003

FOR FURTHER INFORMATION CONTACT: Jonathan Beck, Greater Sage-Grouse Implementation Coordinator, telephone, (208) 373–3841; address, 1387 South Vinnell Way, Boise Idaho 83709; email, *jmbeck@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at (800) 877–8339 to contact Mr. Beck. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Mr. Beck. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM prepared the Idaho Greater SageGrouse Proposed RMP Amendment and Final EIS to enhance cooperation with the States by improving alignment with state management plans and strategies for Greater Sage-Grouse, while continuing to conserve, enhance, and restore Greater Sage-Grouse and its habitat. The Proposed RMP Amendment and Final EIS also addresses the issues remanded to the agency by a March 31, 2017 Order by the United States District Court for the District of Nevada, which determined that the BLM had violated the NEPA when it finalized the 2015 Nevada plan.

The BLM developed the proposed land use plan amendment in collaboration with Idaho Governor Butch Otter, state wildlife managers, and other concerned organizations and individuals, largely through the Western Governors Association's Sage-Grouse Task Force. Using its discretion and authority under the FLPMA, the BLM proposes amending land use plans that address Greater Sage-Grouse management to improve alignment with State of Idaho plans and management strategies, in accordance with the BLM's multiple use and sustained yield mission.

This Proposed RMP Amendment and Final EIS is one of six separate planning efforts that are being undertaken in response to the Secretary's Order (SO) 3353 (*Greater Sage-grouse Conservation and Cooperation with Western States)* and in accordance with SO 3349 *(American Energy Independence).* The proposed plans refine the previous management plan adopted in 2015 and aims to strike a regulatory balance and build greater trust among neighboring interests in Western communities. The Proposed RMP Amendment and Final EIS proposes to amend the resource management plans for field offices on BLM-administered lands within Idaho. The current management decisions for resources are described in the following RMPs:

- Bennett Hills/Timmerman Hills Management Framework Plan (MFP) (BLM 1980)
- Big Desert MFP (BLM 1981)
- Big Lost MFP (BLM 1983)
- Bruneau MFP (BLM 1983)
- Cascade RMP (BLM 1988)
- Cassia RMP (BLM 1985)
- Challis RMP (BLM 1999)
- Craters of the Moon National Monument RMP (BLM 2006)
- Jarbidge RMP (BLM 1988)
- Jarbidge RMP (Revised) (BLM 2015)
- Kuna MFP (BLM 1983)
- Lemhi RMP (BLM 1987)
- Little Lost-Birch Creek MFP (BLM 1981)
- Magic MFP (BLM 1975)
- Medicine Lodge MFP (BLM 1981)
- Monument RMP (BLM 1985)
- Owyhee RMP (BLM 1999)
- Pocatello RMP (BLM 2012)
- Snake River Birds of Prey National Conservation Area RMP (BLM 2008)
- Sun Valley MFP (BLM 1981)
- Twin Falls MFP (BLM 1982)

The Idaho planning area includes approximately 39.5 million acres of BLM, National Park Service, U.S. Forest Service, U.S. Bureau of Reclamation, State, local, and private lands in 28 counties: Ada, Adams, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Elmore, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Twin Falls, and Washington. Within the planning area, the BLM administers 11,470,301 acres of public land, providing 8,809,326 acres of Greater Sage-Grouse habitat. Surface management decisions resulting from this Proposed RMP Amendment and Final EIS will apply only to BLM-administered lands in the planning area.

The formal public scoping process for the RMP Amendment/EIS began on October 11, 2017, with publication of a Notice of Intent in the **Federal Register** (82 FR 47248). The scoping period ended on December 1, 2017. The BLM in Idaho held three public scoping meetings:

—Twin Falls, Idaho; November 2, 2017
—Idaho Falls, Idaho; November 6, 2017
—Marsing, Idaho; November 7, 2017

The Notice of Availability for the Draft EIS published in the **Federal Register** (83 FR 19801) on May 4, 2018, and the BLM accepted public comments on the range of alternatives, effects analysis and draft RMP amendments for 90 days, ending on August 2, 2018. During the public comment period, the BLM held three additional public meetings:

—Marsing, Idaho; June 21, 2018
—Twin Falls, Idaho; June 26, 2018
—Idaho Falls, Idaho; June 28, 2018

The Idaho Draft RMP Amendment/Draft EIS focused on the issues of the designation of sagebrush focal areas, mitigation standards, lek buffers, disturbance and density caps, and adjustments to habitat boundaries to reflect new information. The Draft RMP Amendment/Draft EIS evaluated two alternatives in detail: The No Action Alternative (Alternative A) and an action alternative (Management Alignment Alternative). Comments on the Draft RMP Amendment/Draft EIS received from the public and internal

BLM review were considered and incorporated as appropriate into the proposed plan amendment. Alternative A would retain the current management goals, objectives, and direction specified in the current RMPs, as amended, for each field office. The BLM identified the Management Alignment Alternative as the Preferred Alternative. Identification of this alternative, however, does not represent final agency direction. Instructions for filing a protest with the Director of the BLM regarding the Proposed RMP Amendment and Final EIS may be found online at *https://www.blm.gov/programs/planning-and-nepa/public-participation/filing-a-plan-protest* and at 43 CFR 1610.5–2. All protests must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above or submitted electronically through the BLM ePlanning project website as described above. Protests submitted electronically by any means other than the ePlanning project website protest section will be invalid unless a protest is also submitted in hard copy. Protests submitted by fax will also be invalid unless also submitted either through ePlanning project website protest section or in hard copy.

Before including your address, phone number, email address, or other personal identifying information in your protest, please be aware that your entire protest, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2, 43 CFR 1610.5

Peter J. Ditton,

Acting BLM Idaho State Director.

[FR Doc. 2018–26702 Filed 12–7–18; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–27048; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before November 24, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by December 26, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before November 24, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

CALIFORNIA

Los Angeles County
Filipino Christian Church (Asian Americans in Los Angeles, 1850–1980 MPS), 301 N Union Ave., Los Angeles, MP100003291

WISCONSIN

Sheboygan County
SELAH CHAMBERLAIN (bulk carrier) Shipwreck (Great Lakes Shipwreck Sites of Wisconsin MPS), 2 mi. NE of Sheboygan Pt. in Lake Michigan, Sheboygan, MP100003288

Additional documentation has been received for the following resource:

IOWA

Webster County
Fort Dodge Downtown Historic District, 1st Ave. N, Central Ave., and 1st Ave. S from 3rd St. on West to 12th St. on East, Fort Dodge, AD10000918

Authority: Section 60.13 of 36 CFR part 60.

Dated: November 27, 2018.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2018–26647 Filed 12–7–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–27009; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before November 17, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by December 26, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before November 17, 2017. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

CALIFORNIA

Los Angeles County

Mar Vista Gardens (Garden Apartment Complexes in the City of Los Angeles, 1939–1955 MPS), 11965 Allin St., Los Angeles, MP100003283

Sierra County

Webber Lake Hotel, Off Jackson Meadow Rd./Tahoe NF Rd. 7, Sierraville vicinity, SG100003281

COLORADO

Conejos County

Garcia—Espinosa—Garland Ranch Headquarters, 7527 Cty. Rd. 16, Antonito, SG100003274
Our Lady of Guadalupe Church, 6631–33 Cty. Rd. 13, Conejos, SG100003275
St. Joseph's Church, 19895 Cty. Rd. 8, Capulin, SG100003276

Costilla County

Chama Sociedad Proteccion Mutua de Trabajadores Unidos (SPMDTU) Lodge Hall (Culebra River Villages of Costilla County MPS), SW corner of Cty. Rds. 223 & L7, Chama, MP100003273

ILLINOIS

Cook County

Hermosa Bungalow Historic District (Chicago Bungalows MPS), Roughly bounded by W Belmont, N Lowell, W Diversey & N Kolmar Aves., Chicago, MP100003263

Kane County

Larkin Home for Children, 1212 Larkin Ave., Elgin, SG100003264

Ogle County

Rochelle Downtown Historic District, Primarily 300–400 blks. Lincoln Hwy, 400 blk. Cherry & 400–500 blks. W 4th Aves., 400 blk. Dewey & 300 blk. N 6th Sts., Rochelle, SG100003265

IOWA

Guthrie County

Yale High School Gymnasium, 414 Lincoln St., Yale, SG100003261

MAINE

Knox County

Mt. Battie Tower, At summit loop of Mt. Battie Rd., Camden, SG100003259

Piscataquis County

Boarding House and Storehouse at Churchill Depot, S of Churchill Dam Rd. 500 ft NE of Chamberlain Dam, T10 R12 WELS, SG100003258

OHIO

Hamilton County

Glendale Historic District (Boundary Increase and Decrease), Roughly bounded by OH 4/Springfield Pike, Oak Rd., RR right of way, Coral, Sharon and Morse Aves., Glendale, BC100003285

SOUTH DAKOTA

Custer County

Fairburn Historic Commercial District (Boundary Decrease), (Rural Resources of Eastern Custer County MPS), Blk. 7, Lots 3–10, Fairburn, BC100003267

UTAH

Salt Lake County

Boulevard Gardens Historic District, Roughly bounded by Quayle Ave., Main and W Temple Sts., Salt Lake City, SG100003268

Tooele County

Stockton School, 18 N Johnson St., Stockton, SG100003269

WASHINGTON

Adams County

Spokane, Portland and Seattle Railway Company—Cow Creek Viaduct (Bridges of the Spokane, Portland and Seattle Railway Company, 1906–1967 MPS), Milepost 304.4 former SP&S RR line, Ankeny vicinity, MP100003278
Spokane, Portland and Seattle Railway Company Bridge 291.4—O.W.R.&N., Crossing—Washtucna (Bridges of the Spokane, Portland and Seattle Railway Company, 1906–1967 MPS), Milepost 291.4, former SP&S line crossing Yeisley Rd., Washtucna vicinity, MP100003279

Franklin County

Spokane, Portland and Seattle Railway Company—Box Canyon Viaduct (Bridges of the Spokane, Portland and Seattle Railway Company, 1906–1967 MPS), Milepost 270.0, former SP&S RR line, Windust vicinity, MP100003280

In the interest of preservation, a SHORTENED comment period has been requested for the following resource:

GEORGIA

Clarke County

Oconee Street School, 594 Oconee St., Athens, SG100003284

Comment period: 3 days.

Additional documentation has been received for the following resource:

MASSACHUSETTS

Essex County

Beverly Center Business District, Roughly bounded by Chapman, Central, Brown, Dane, and Essex Sts., Beverly, AD84002313

Authority: Section 60.13 of 36 CFR part 60.

Dated: November 20, 2018.

Paul Lusignan,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2018–26646 Filed 12–7–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–612–613 and 731–1429–1430 (Preliminary)]

Polyester Textured Yarn From China and India

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of polyester textured yarn from China and India, provided for in subheadings 5402.33.30 and 5402.33.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the governments of China and India.[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. 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 and countervailing 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 the investigations.

Background

On October 18, 2018, Unifi Manufacturing, Inc., Greensboro, North Carolina; and Nan Ya Plastics Corp. America, Lake City, South Carolina filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of polyester textured yarn from China and India and LTFV imports of polyester textured yarn from China and India.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] *Polyester Textured Yarn from India and the People's Republic of China: Initiation of Countervailing Duty Investigations,* 83 FR 58232, November 19, 2018; *Polyester Textured Yarn from India and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 83 FR 58223, November 19, 2018.

Accordingly, effective October 18, 2018, the Commission, pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)), instituted countervailing duty investigation Nos. 701–TA–612–613 and antidumping duty investigation Nos. 731–TA–1429–1430 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 25, 2018 (83 FR 53899). The conference was held in Washington, DC, on November 8, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on December 3, 2018. The views of the Commission are contained in USITC Publication 4858 (December 2018), entitled *Polyester Textured Yarn from China and India: Investigation Nos. 701–TA–612–613 and 731–TA–1429–1430 (Preliminary).*

By order of the Commission.

Issued: December 3, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–26604 Filed 12–7–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–471A]

Final Adjusted Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2018

AGENCY: Drug Enforcement Administration (DEA), Department of Justice (DOJ).

ACTION: Final order.

SUMMARY: This final order establishes the final adjusted 2018 aggregate production quotas for controlled substances in schedules I and II of the Controlled Substances Act (CSA) and the assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine.

DATES: This order is effective December 10, 2018.

FOR FURTHER INFORMATION CONTACT: Regulatory Drafting and Policy Support Section (DPW), Diversion Control Division, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152, Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Legal Authority

Section 306 of the Controlled Substances Act (CSA) (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for each basic class of controlled substances listed in schedules I and II and for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. The Attorney General has delegated this function to the Administrator of the Drug Enforcement Administration (DEA) pursuant to 28 CFR 0.100.

Background

The DEA published the 2018 established aggregate production quotas for controlled substances in schedules I and II and the assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine in the **Federal Register** on November 8, 2017. 82 FR 51873. The DEA is committed to preventing and limiting diversion by enforcing laws and regulations regarding controlled substances and the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, in order to meet the demand of legitimate medical, scientific, and export needs of the United States. This notice stated that the Administrator would adjust, as needed, the established aggregate production quotas in 2018 in accordance with 21 CFR 1303.13 and 21 CFR 1315.13. The 2018 proposed adjusted aggregate production quotas for controlled substances in schedules I and II and assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine were subsequently published in the **Federal Register** on August 23, 2018, (83 FR 42690) in consideration of the outlined criteria. All interested persons were invited to comment on or object to the proposed adjusted aggregate production quotas and assessment of annual needs on or before September 24, 2018.

Comments Received

The DEA received 526 comments from doctors, nurses, veterinarians, nonprofit organizations, associations, patients, caregivers, DEA-registered entities, and non-DEA entities. The comments included concerns about drug shortages, interference with doctor-patient relationships, increase in the production of marihuana, requests for a hearing, requests for increases in specific production quotas, and comments that were outside the scope of this final order.

There were 200 commenters that expressed general concerns about the decrease to the production quotas of controlled substances and shortages of controlled substances. There were 27 commenters that expressed general concerns alleging that decreases to the aggregate production quotas interfered with doctor-patient relationships. The DEA sets aggregate production quotas in a manner to ensure that the estimated medical needs of the United States are met. In determining the aggregate production quota, the DEA does take into account the prescriptions that have been issued. The DEA does not interfere with doctor-patient relationships. Doctors who are authorized to dispense controlled substances are responsible for adhering to the laws and regulations set forth under the CSA, which requires doctors to only write prescriptions for a legitimate medical need. The DEA is responsible for enforcing controlled substance laws and regulations. The DEA is committed to ensuring an adequate and uninterrupted supply of controlled substances in order to meet the demand of legitimate medical, scientific, and export needs of the United States. The decrease or increase in the aggregate production quota for controlled substances is based on factors set forth in 21 CFR 1303.13. In the event of a shortage, the CSA provides a mechanism under which the DEA will, in appropriate circumstances, increase quotas to address shortages. 21 U.S.C. 826(h). When DEA is notified of an alleged shortage, DEA will confer with the FDA and relevant manufacturers regarding the amount of material in physical inventory, current quota granted, and the estimated legitimate medical need, to determine whether a quota adjustment is necessary to alleviate any factually valid shortage.

Four non-DEA registered entities expressed support to increase the production quota of marihuana for research purposes. The DEA increased the production quota for marihuana based solely on increased usage projections for federally approved research projects.

Two non-DEA-registered individuals urged DEA to hold a public hearing in connection with their view that reducing quotas will not be effective in

preventing the deaths and other harms associated with the opioid crisis in the United States. One of these individuals stated that the purpose of the hearing would be to obtain input from various medical professionals and patients. The second commenter expressed his view that reduction in quotas could lead to the under treatment of pain. Under the DEA regulations, the decision of whether to grant a hearing on the issues raised by the comments lies solely within the discretion of the Administrator. 21 CFR 1303.11(c) and 1303.13(c). I find that neither of the foregoing two comments, or any of the other comments, presented any evidence that would lead me to conclude that a hearing is necessary or warranted. Therefore, I decline to order a hearing on the issues presented by the comments.

Five DEA-registered entities submitted comments regarding a total of 30 schedule I and II controlled substances. Comments received proposed that the aggregate production quotas for 3-methylfentanyl, 4–ANPP, acetyl fentanyl, acryl fentanyl, beta-hydroxythiofentanyl, butyryl fentanyl, carfentanil, cyclopentyl fentanyl, cyclopropyl fentanyl, d-amphetamine (for conversion), diphenoxylate (for sale), fentanyl, fentanyl related substances, furanyl fentanyl, isobutyryl fentanyl, levorphanol, meperidine, methoxyacetyl fentanyl, noroxymorphone (for conversion), ocfentanil, oripavine, oxymorphone (for conversion), para-chloroisobutyryl fentanyl, para-fluorofentanyl, para-fluorobutyryl fentanyl, para-methyoxybutyryl fentanyl, remifentanil, tetrahydrofuranyl fentanyl, U–47700, and valeryl fentanyl were insufficient to provide for the estimated medical, scientific, research, and industrial needs of the United States, for export requirements, and for the establishment and maintenance of reserve stocks.

The DEA received 288 comments which addressed issues that are outside the scope of this final order. The comments were general in nature and raised issues of specific medical illnesses, medical treatments, and medication costs and therefore, are outside of the scope of this Final Order for 2018 and do not impact the original analysis involved in finalizing the 2018 aggregate production quotas.

The DEA received no comments from DEA-registered or non-DEA registered entities for previously established values of the 2018 assessment of annual needs for ephedrine, pseudoephedrine, and phenylpropanolamine.

Analysis for Final Adjusted 2018 Aggregate Production Quotas and Assessment of Annual Needs

In determining the final adjusted 2018 aggregate production quotas and assessment of annual needs, the DEA has taken into consideration the above comments that are specifically relevant to this Final Order for calendar year 2018 along with the factors set forth in 21 CFR 1303.13 and 21 CFR 1315.13 in accordance with 21 U.S.C. 826(a), and other relevant factors including the 2017 year-end inventories, initial 2018 manufacturing and import quotas, 2018 export requirements, actual and projected 2018 sales, research and product development requirements, additional applications received, and the extent of any diversion of the controlled substance in the class. Based on all of the above, the Administrator is adjusting the 2018 aggregate production quotas for the following: Lower for codeine (for sale), hydrocodone (for sale), morphine (for sale), and oxycodone (for sale) based on the data received since the publication of the 2018 Proposed Revised Aggregate Production Quotas and Assessment of Annual Needs in the **Federal Register** on August 23, 2018, (83 FR 42690); higher for cyclopentyl fentanyl, fentanyl related substances, methoxyacetyl fentanyl, para-chloroisobutyryl fentanyl, and para-methyoxybutyryl fentanyl due to the publication of their schedule I temporary controlled status; higher for noroxymorphone (for conversion) and oripavine based on their involvement in the synthesis pathway to produce the FDA approved drugs used in the medically assisted treatment of opioid addiction. This final order reflects those adjustments.

Regarding 3-methyl fentanyl, 4–ANPP, acetyl fentanyl, acryl fentanyl, beta-hydroxythiofentanyl, butyryl fentanyl, carfentanil, cyclopropyl fentanyl, d-amphetamine (for conversion), diphenoxylate (for sale), fentanyl, furanyl fentanyl, isobutyryl fentanyl, levorphanol, meperidine, ocfentanil, oxymorphone (for conversion), para-fluorofentanyl, para-fluorobutyryl fentanyl, remifentanil, tetrahydrofuranyl fentanyl, U–47700, and valeryl fentanyl, the Administrator hereby determines that the proposed adjusted 2018 aggregate production quotas and assessment of annual needs for these substances and list I chemicals as published on August 23, 2018, (83 FR 42690) are sufficient to meet the current 2018 estimated medical, scientific, research, and industrial needs of the United States and to provide for adequate reserve stock. This final order establishes these aggregate production quotas at the same amounts as proposed.

Pursuant to the above, the Administrator hereby finalizes the 2018 aggregate production quotas for the following schedule I and II controlled substances and the 2018 assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, expressed in grams of anhydrous acid or base, as follows:

Basic class	Final revised 2018 quotas (g)
Temporarily Scheduled Substances	
1-(4-Cyanobutyl)-N-(2-phenylpropan-2-yl)-1 H-indazole-3-carboxamide	25
1-(5-Fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3carboxamide	25
Cyclopropyl Fentanyl	20
Cyclopentyl fentanyl	30
Fentanyl related substances	40
Isobutyryl Fentanyl	25
Methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate	25
Methoxyacetyl fentanyl	30
N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide	25
Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate	25
Ocfentanil	25
Ortho-fluorofentanyl	30
Para-chloroisobutyryl fentanyl	30
Para-fluorobutyryl fentanyl	25

Basic class	Final revised 2018 quotas (g)
Para-methoxybutyryl fentanyl	30
Tetrahydrofuranyl fentanyl	5
Valeryl fentanyl	25
Schedule I	
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	20
1-(1-Phenylcyclohexyl)pyrrolidine	15
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	10
1-(5-Fluoropentyl)-3-(1-naphthoyl)indole (AM2201)	30
1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole (AM–694)	30
1-[1-(2-Thienyl)cyclohexyl]piperidine	15
1-Benzylpiperazine	25
1-Methyl-4-phenyl-4-propionoxypiperidine	10
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C–E)	30
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C–D)	30
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C–N)	30
2-(2,5-Dimethoxy-4-n-propylphenyl) ethanamine (2C–P)	30
2-(2,5-Dimethoxyphenyl) ethanamine (2C–H)	30
2-(4-Bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36)	30
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C)	30
2-(4-Chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82)	25
2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C-I)	30
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5)	30
2,5-Dimethoxy-4-ethylamphetamine (DOET)	25
2,5-Dimethoxy-4-(n)-propylthiophenethylamine	25
2,5-Dimethoxyamphetamine	25
2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C–T–2)	30
2-(4-Isopropylthio)-2,5-dimethoxyphenyl)ethanamine (2C–T–4)	30
3,4,5-Trimethoxyamphetamine	30
3,4-Methylenedioxyamphetamine (MDA)	55
3,4-Methylenedioxymethamphetamine (MDMA)	50
3,4-Methylenedioxy-N-ethylamphetamine (MDEA)	40
3,4-Methylenedioxy-N-methylcathinone (methylone)	40
3,4-Methylenedioxypyrovalerone (MDPV)	35
3-FMC; 3-Fluoro-N-methylcathinone	25
3-Methylfentanyl	30
3-Methylthiofentanyl	30
4-Bromo-2,5-dimethoxyamphetamine (DOB)	30
4-Bromo-2,5-dimethoxyphenethylamine (2C–B)	25
4-Fluoroisobutyryl fentanyl	30
4-FMC; Flephedrone	25
4-MEC; 4-Methyl-N-ethylcathinone	25
4-Methoxyamphetamine	150
4-Methyl-2,5-dimethoxyamphetamine (DOM)	25
4-Methylaminorex	25
4-Methyl-N-methylcathinone (mephedrone)	45
4-Methyl-α-pyrrolidinopropiophenone (4-MePPP)	25
5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol	50
5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol) (cannabicyclohexanol or CP–47,497 C8 Homolog)	40
5F-ADB; 5F-MDMB-PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	30
5F-AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	30
5F-APINACA; 5F-AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	30
5-Fluoro-PB-22; 5F-PB-22	20
5-Fluoro-UR-144, XLR11 [1-(5-Fluoro-pentyl)-1Hindol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	25
5-Methoxy-3,4-methylenedioxyamphetamine	25
5-Methoxy-N,N-diisopropyltryptamine	25
5-Methoxy-N-N-dimethyltryptamine	25
AB–CHMINACA	30
AB–FUBINACA	50
AB–PINACA	30
ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	30
Acetyl Fentanyl	100
Acetyl-alpha-methylfentanyl	30
Acetyldihydrocodeine	30
Acetylmethadol	2
Acryl fentanyl	25
ADB–PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	50
AH–7921	30
Allylprodine	2
Alphacetylmethadol	2
alpha-ethyltryptamine	25

Basic class	Final revised 2018 quotas (g)
Alphameprodine	2
Alphamethadol	2
alpha-methylfentanyl	30
alpha-methylthiofentanyl	30
alpha-methyltryptamine (AMT)	25
alpha-Pyrrolidinobutiophenone (α-PBP)	25
alpha-Pyrrolidinopentiophenone (α-PVP)	25
Aminorex	25
Anileridine	20
APINACA, AKB48 (N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide)	25
Benzylmorphine	30
Betacetylmethadol	2
beta-Hydroxy-3-methylfentanyl	30
beta-Hydroxyfentanyl	30
beta-Hydroxythiofentanyl	30
Betameprodine	2
Betamethadol	4
Betaprodine	2
Bufotenine	3
Butylone	25
Butyryl fentanyl	30
Cathinone	24
Codeine methylbromide	30
Codeine-N-oxide	192
Desomorphine	25
Diampromide	20
Diethylthiambutene	20
Diethyltryptamine	25
Difenoxin	8,225
Dihydromorphine	1,000,160
Dimethyltryptamine	50
Dipipanone	5
Etorphine	30
Fenethylline	30
Furanyl fentanyl	30
Gamma-Hydroxybutyric Acid	37,130,000
Heroin	45
Hydromorphinol	40
Hydroxypethidine	2
Ibogaine	30
JWH–018 and AM678 (1-Pentyl-3-(1-naphthoyl) indole)	35
JWH–019 (1-Hexyl-3-(1-naphthoyl)indole)	45
JWH–073 (1-Butyl-3-(1-naphthoyl)indole)	45
JWH–081 (1-Pentyl-3-(1-(4-methoxynaphthoyl)] indole)	30
JWH–122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	30
JWH–200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	35
JWH–203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	30
JWH–250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	30
JWH–398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	30
Lysergic acid diethylamide (LSD)	40
MAB–CHMINACA; ADB–CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	30
MDMB–CHMICA; MMB–CHMINACA(Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	30
MDMB–FUBINACA (methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	30
Marihuana	1,140,216
Mecloqualone	30
Mescaline	25
Methaqualone	60
Methcathinone	25
Methyldesorphine	5
Methyldihydromorphine	2
Morphine methylbromide	5
Morphine methylsulfonate	5
Morphine-N-oxide	150
N,N-Dimethylamphetamine	25
Naphyrone	25
N-Ethyl-1-phenylcyclohexylamine	5
N-Ethyl-3-piperidyl benzilate	10
N-Ethylamphetamine	24
N-Hydroxy-3,4-methylenedioxyamphetamine	24
Noracymethadol	2
Norlevorphanol	55

Basic class	Final revised 2018 quotas (g)
Normethadone	2
Normorphine	40
Para-fluorofentanyl	25
Parahexyl	5
PB–22; QUPIC	20
Pentedrone	25
Pentylone	25
Phenomorphan	2
Pholcodine	5
Psilocybin	30
Psilocyn	50
SR–18 and RCS–8 (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole)	45
SR–19 and RCS–4 (1-Pentyl-3-[(4-methoxy)-benzoyl]indole)	30
Tetrahydrocannabinols	384,460
Thiofentanyl	25
THJ–2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone)	30
Tilidine	25
Trimeperidine	2
UR–144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone	25
U–47700	30
Schedule II	
1-Phenylcyclohexylamine	15
1-Piperidinocyclohexanecarbonitrile	25
4-Anilino-N-phenethyl-4-piperidine (ANPP)	1,342,000
Alfentanil	6,200
Alphaprodine	2
Amobarbital	20,100
Amphetamine (for conversion)	12,000,000
Amphetamine (for sale)	39,856,000
Carfentanil	20
Cocaine	92,120
Codeine (for conversion)	13,536,000
Codeine (for sale)	36,114,260
Dextropropoxyphene	35
Dihydrocodeine	264,140
Dihydroetorphine	2
Diphenoxylate (for conversion)	14,100
Diphenoxylate (for sale)	770,800
Ecgonine	88,134
Ethylmorphine	30
Etorphine hydrochloride	32
Fentanyl	1,342,320
Glutethimide	2
Hydrocodone (for conversion)	114,680
Hydrocodone (for sale)	43,027,640
Hydromorphone	4,547,720
Isomethadone	30
Levo-alphacetylmethadol (LAAM)	5
Levomethorphan	2,200
Levorphanol	38,000
Lisdexamfetamine	19,000,000
Meperidine	1,913,148
Meperidine Intermediate-A	30
Meperidine Intermediate-B	30
Meperidine Intermediate-C	30
Metazocine	15
Methadone (for sale)	22,278,000
Methadone Intermediate	24,064,000
Methamphetamine	1,446,754
[*846,000 grams of levo-desoxyephedrine for use in a non-controlled, non-prescription product; 564,000 grams for methamphetamine mostly for conversion to a schedule III product; and 36,754 grams for methamphetamine (for sale)*]	
Methylphenidate	64,600,000
Morphine (for conversion)	4,089,000
Morphine (for sale)	29,353,676
Nabilone	62,000
Noroxymorphone (for conversion)	17,804.670
Noroxymorphone (for sale)	376,000
Opium (powder)	84,600

Basic class	Final revised 2018 quotas (g)
Opium (tincture)	564,000
Oripavine	26,629,500
Oxycodone (for conversion)	2,453,400
Oxycodone (for sale)	79,596,606
Oxymorphone (for conversion)	20,962,000
Oxymorphone (for sale)	3,137,240
Pentobarbital	25,850,000
Phenazocine	5
Phencyclidine	35
Phenmetrazine	25
Phenylacetone	40
Racemethorphan	5
Racemorphan	5
Remifentanil	3,000
Secobarbital	172,100
Sufentanil	1,880
Tapentadol	18,388,280
Thebaine	84,600,000
List I Chemicals	
Ephedrine (for conversion)	47,000
Ephedrine (for sale)	4,136,000
Phenylpropanolamine (for conversion)	14,100,000
Phenylpropanolamine (for sale)	7,990,000
Pseudoephedrine (for conversion)	1,000
Pseudoephedrine (for sale)	180,000,000

Aggregate production quotas for all other schedule I and II controlled substances included in 21 CFR 1308.11 and 1308.12 remain at zero.

Dated: December 3, 2018.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2018–26587 Filed 12–7–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0218]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change, of a Previously Approved Collection Census of Juveniles in Residential Placement (CJRP)

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until February 8, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Benjamin Adams, Social Science Analyst, National Institute of Justice, 810 Seventh Street NW, Washington, DC 20531 (email: *benjamin.adams@usdoj.gov;* telephone: 202–616–3687).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

—Evaluate whether the accuracy of the agency's estimate of the burden on the proposed collection of information, including the validity of the methodology and assumptions that were used;

—Evaluate whether and if so how the quality, utility, and clarity of the information collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* Extension, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* Census of Juveniles in Residential Placement.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is CJ–14, Office of Justice Programs, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Federal Government, State, Local or Tribal. Other: Not-for-profit institutions; Business or other for-profit. *Abstract:* The Census of Juveniles in Residential Placement (CJRP), which is administered biennially, collects information from all secure and nonsecure residential placement facilities that house juvenile offenders, defined as persons younger than age 21 who are held in a residential setting as a result of some contact with the justice system. This encompasses both status offenses and delinquency offenses, and

includes youth who are either temporarily detained by the court or committed after adjudication for an offense. The information gathered in the national collection will be used in published reports and statistics. The reports will be made available to the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, others interested in juvenile offenders, and the general public via the OJP agency websites.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 2,204 respondents will complete questionnaire in an average of 3 hours per respondent.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 6,646 total burden hours associated with the collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: December 4, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–26667 Filed 12–7–18; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Survey of Occupational Injuries and Illnesses

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) revision titled, ''Survey of Occupational Injuries and Illnesses,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before January 9, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201809-1220-003* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–BLS, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Survey of Occupational Injuries and Illnesses (SOII) information collection. The SOII is the primary indicator of the Nation's progress in providing every working man and woman safe and healthful working conditions. The survey measures the overall rate of work injuries and illnesses by industry. In addition, survey data are used to evaluate the effectiveness of Federal and State programs and to prioritize scarce resources. Respondents include employers who maintain related records in accordance with the Occupational Safety and Health Act (OSH Act) and employers who are normally exempt from such recordkeeping. Each year a sample of exempt employers is required to keep records and participate in the survey. This information collection has been classified as a revision, because the BLS proposes collecting Occupational Safety and Health Administration (OSHA) assigned establishment identification number on a voluntary basis from SOII internet respondents required to submit data to the OSHA and BLS. This identification number will be used to improve matching OSHA and BLS data. The BLS and OSHA also continue to work together to explore technological solutions to reduce duplicative burden, including changes to the collection systems for both and the possibility of data sharing from OHSA to BLS on a flow basis. The Household SOII feasibility test is now complete and that collection has been removed. OSH Act sections 8(c) and 24(a) authorize this information collection. *See* 29 U.S.C. 657(c), 673(a).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1220–0045. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 19, 2016 (81 FR 31666).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1220–0045. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–BLS.

Title of Collection: Survey of Occupational Injuries and Illnesses.

OMB Control Number: 1220–0045.

Affected Public: State, Local, and Tribal Government and Private Sector—businesses or other for-profits, Farms, and Not-for-profit institutions.

Total Estimated Number of Respondents: 240,000.

Total Estimated Number of Responses: 240,000.

Total Estimated Annual Time Burden: 319,001 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: November 29, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–26583 Filed 12–7–18; 8:45 am]

BILLING CODE 4510–24–P

OFFICE OF THE FEDERAL REGISTER

Publication Procedures for Federal Register Documents During a Funding Hiatus

AGENCY: Office of the Federal Register.

ACTION: Notice of special procedures.

SUMMARY: In the event of an appropriations lapse, the Office of the Federal Register (OFR) would be required to publish documents directly related to the performance of governmental functions necessary to address imminent threats to the safety of human life or protection of property. Since it would be impracticable for the OFR to make case-by-case determinations as to whether certain documents are directly related to activities that qualify for an exemption under the Antideficiency Act, the OFR will place responsibility on agencies submitting documents to certify that their documents relate to emergency activities authorized under the Act.

FOR FURTHER INFORMATION CONTACT: Amy Bunk, Director of Legal Affairs and Policy, or Miriam Vincent, Staff Attorney, Office of the Federal Register, National Archives and Records Administration, (202) 741–6030 or *Fedreg.legal@nara.gov.*

SUPPLEMENTARY INFORMATION: Due to the possibility of a lapse in appropriations and in accordance with the provisions of the Antideficiency Act, as amended by Public Law 101–508, 104 Stat. 1388 (31 U.S.C. 1341), the Office of the Federal Register (OFR) announces special procedures for agencies submitting documents for publication in the **Federal Register**.

In the event of an appropriations lapse, the OFR would be required to publish documents directly related to the performance of governmental functions necessary to address imminent threats to the safety of human life or protection of property. Since it would be impracticable for the OFR to make case-by-case determinations as to whether certain documents are directly related to activities that qualify for an exemption under the Antideficiency Act, the OFR will place responsibility on agencies submitting documents to certify that their documents relate to emergency activities authorized under the Act.

During a funding hiatus affecting one or more Federal agencies, the OFR will remain open to accept and process documents authorized to be published in the daily **Federal Register** in the absence of continuing appropriations. An agency wishing to submit a document to the OFR during a funding hiatus must attach a transmittal letter to the document which states that publication in the **Federal Register** is necessary to safeguard human life, protect property, or provide other emergency services consistent with the performance of functions and services exempted under the Antideficiency Act.

Under the August 16, 1995 opinion of the Office of Legal Counsel of the Department of Justice, exempt functions and services would include activities such as those related to the constitutional duties of the President, food and drug inspection, air traffic control, responses to natural or manmade disasters, law enforcement and supervision of financial markets. Documents related to normal or routine activities of Federal agencies, even if funded under prior year appropriations, will not be published.

At the onset of a funding hiatus, the OFR may suspend the regular three-day publication schedule to permit a limited number of exempt personnel to process emergency documents. Agency officials will be informed as to the schedule for filing and publishing individual documents.

Authority: The authority for this action is 44 U.S.C. 1502 and 1 CFR 2.4 and 5.1.

Oliver A. Potts,

Director of the Federal Register.

[FR Doc. 2018–26784 Filed 12–7–18; 8:45 am]

BILLING CODE 1301–00–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act: Notice of Agency Meeting

TIME AND DATE: 10:00 a.m., Thursday, December 13, 2018

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428

STATUS: Open

MATTERS TO BE CONSIDERED:

1. Final Report, NCUA Regulatory Reform Task Force.
2. Board Briefing, Blockchain and Distributed Ledger Technology.
3. NCUA Rules and Regulations, Technical Amendments.

CONTACT PERSON FOR MORE INFORMATION: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2018–26819 Filed 12–6–18; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 1 meeting of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference.

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate:

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Sherry Hale, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *hales@arts.gov,* or call 202/682–5696.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the

Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of July 5, 2016, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

The upcoming meeting is:

Our Town (*review of applications*): This meeting will be closed.

Date and time: December 17, 2018; 11:00 a.m. to 1:00 p.m.

Dated: December 4, 2018.

Sherry Hale,

Staff Assistant, National Endowment for the Arts.

[FR Doc. 2018–26655 Filed 12–7–18; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–280 and 50–281; NRC–2018–0247]

Virginia Electric and Power Company; Dominion Energy Virginia; Surry Power Station, Unit Nos. 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal application; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering an application for the subsequent license renewal of Renewed Facility Operating License Nos. DPR–32 and DPR–37, which authorize Virigina Electric and Power Company (Dominion Energy Virginia or the applicant) to operate Surry Power Station (SPS), Unit Nos. 1 and 2. The renewed licenses would authorize the applicant to operate SPS for an additional 20 years beyond the period specified in each of the current renewed licenses. The current renewed operating licenses for SPS expire as follows: Unit 1 on May 25, 2032, and Unit 2 on January 29, 2033.

DATES: A request for a hearing or petition for leave to intervene must be filed by February 5, 2019.

ADDRESSES: Please refer to Docket ID NRC–2018–0247 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–2018–0247. Address questions about NRC Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''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.

FOR FURTHER INFORMATION CONTACT: Emmanuel Sayoc, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4084, email: *Emmanuel.Sayoc@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated October 15, 2018 (ADAMS Package Accession No. ML18291A842), the NRC received an application from Virginia Electric and Power Company (Dominion Energy Virginia or the applicant), filed pursuant to Section 103 of the Atomic Energy Act of 1954, as amended (the Act), and part 54 of title 10 of the *Code of Federal Regulations* (10 CFR), to renew operating licenses for SPS at 2,587 megawatt thermal each. The SPS units are pressurized-water reactors designed by Westinghouse Electric Company and are located in Surry, Virginia. A notice of receipt of the subsequent license renewal application (SLRA) was published in the **Federal Register** (FR) on November 1, 2018 (83 FR 54948). The FRN incorrectly indicated the submission date of the application to be October 16, 2018; the correct date is October 15, 2018.

The NRC staff has determined that Dominion Energy Virginia has submitted sufficient information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, 51.45, and 51.53(c), to enable the staff to undertake a review of the application, and that the application is, therefore, acceptable for docketing. The current Docket Nos. 50–280 and 50–281 for Renewed Facility Operating License Nos. DPR–32 and DPR–37, respectively, will be retained. The determination to accept the SLRA for docketing does not constitute a determination that a subsequent renewed license should be issued, and does not preclude the NRC staff from requesting additional information as the review proceeds.

Before issuance of the requested subsequent renewed licenses, the NRC will have made the findings required by the Act, and the Commission's rules and regulations. In accordance with 10 CFR 54.29, the NRC may issue a subsequent renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to: (1) Managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review; and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed licenses will continue to be conducted in accordance with the current licensing basis and that any changes made to the plant's current licensing basis will comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement as a supplement to the Commission's NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants,'' dated June 2013. In considering the SLRA, the Commission must find that the applicable requirements of subpart A of 10 CFR part 51 have been satisfied, and that any matters raised under 10 CFR 2.335 have been addressed. Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold public scoping meetings. Detailed information regarding the environmental scoping meetings will be the subject of a separate **Federal Register** notice.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 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 hearing will be issued.

As required by 10 CFR 2.309, a 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 60 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.

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 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submission (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, in 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.

III. 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's 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 request (1) 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 request 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 a request for exemption 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.

Detailed information about the subsequent license renewal process can be found under the Nuclear Reactors icon at *http://www.nrc.gov/reactors/operating/licensing/renewal.html* on the NRC's website. Copies of the application to renew the operating licenses for SPS are available for public inspection at the NRC's PDR, and at *https://www.nrc.gov/reactors/operating/licensing/renewal/subsequent-license-renewal.html,* the NRC's website while the application is under review. The application may be accessed in ADAMS through the NRC Library on the internet at *http://www.nrc.gov/reading-rm/adams.html* under ADAMS Accession No. ML18291A842. As stated above, persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC's PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by email to *pdr.resources@nrc.gov.*

The NRC staff has verified that a copy of the SLRA is also available for inspection near the site at the Williamsburg Library, 515 Scotland St., Williamsburg, VA 23185.

Dated at Rockville, Maryland, this 4th day of December, 2018.

For the Nuclear Regulatory Commission.

Eric R. Oesterle,

Chief, License Renewal Project Branch, Division of Materials and License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–26614 Filed 12–7–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of 10, 17, 24, 31, 2018, January 7, 14, 2019.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of December 10, 2018—Tentative

There are no meetings scheduled for the week of December 10, 2018.

Week of December 17, 2018—Tentative

There are no meetings scheduled for the week of December 17, 2018.

Week of December 24, 2018—Tentative

There are no meetings scheduled for the week of December 24, 2018.

Week of December 31, 2018—Tentative

There are no meetings scheduled for the week of December 31, 2018.

Week of January 7, 2019—Tentative

There are no meetings scheduled for the week of January 7, 2019.

Week of January 14, 2019—Tentative

There are no meetings scheduled for the week of January 14, 2019.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–

287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or by email at *Wendy.Moore@nrc.gov* or *Diane.Garvin@nrc.gov.*

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

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–26820 Filed 12–6–18; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–219 and 72–15; NRC–2018–0237]

Oyster Creek Nuclear Generating Station; Consideration of Approval of Transfer of License and Conforming Amendment

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for direct transfer of license; reopening of comment period.

SUMMARY: On October 19, 2018, the U.S. Nuclear Regulatory Commission (NRC) solicited comments on ''Oyster Creek Nuclear Generating Station; Consideration of Approval of Transfer of License and Conforming Amendment.'' The public comment period closed on November 19, 2018. The NRC has decided to reopen the public comment period to allow more time for members of the public to develop and submit comments.

DATES: The comment period for the document published on October 19, 2018 (83 FR 53119), has been reopened. Comments must be filed by January 9, 2019. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0237. 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 listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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 G. Lamb, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3100, email: *John.Lamb@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0237. 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–2018–0237.

• *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 Application for Order Approving Direct Transfer of Renewed Facility Operating License and General License and Proposed Conforming License Amendment for Oyster Creek is available in ADAMS under Accession No. ML18243A489.

• *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–2018–0237 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. Discussion

On October 19, 2018, the NRC solicited comments on ''Oyster Creek Nuclear Generating Station; Consideration of Approval of Transfer of License and Conforming Amendment.'' The purpose of the original **Federal Register** notice (83 FR 53119; October 19, 2018) was to provide an opportunity to comment, request a hearing, and petition for leave to intervene. The public comment period closed on November 19, 2018. The NRC has decided to reopen the public comment period on this document until January 9, 2019, to allow more time for members of the public to develop and submit comments. The period to request a hearing and petition for leave to intervene is not being reopened.

Dated at Rockville, Maryland, this 4th day of December 2018.

For the Nuclear Regulatory Commission.

John G. Lamb,

Senior Project Manager, Special Projects and Process Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–26615 Filed 12–7–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Charter Renewal

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of renewal of the Charter of the Advisory Committee on Reactor Safeguards.

SUMMARY: The Advisory Committee on Reactor Safeguards (ACRS) was established by Section 29 of the Atomic Energy Act (AEA) of 1954, as amended. Its purpose is to provide advice to the Commission with regard to the hazards of proposed or existing reactor facilities, to review each application for a

construction permit or operating license for certain facilities specified in the AEA, and such other duties as the Commission may request. The AEA as amended by Public Law 100–456 also specifies that the Defense Nuclear Safety Board may obtain the advice and recommendations of the ACRS.

Membership on the Committee includes individuals experienced in reactor operations, management; probabilistic risk assessment; analysis of reactor accident phenomena; design of nuclear power plant structures, systems and components; materials science; and mechanical, civil, and electrical engineering.

The Nuclear Regulatory Commission has determined that renewal of the charter for the ACRS until December 3, 2020, is in the public interest in connection with the statutory responsibilities assigned to the ACRS. This action is being taken in accordance with the Federal Advisory Committee Act.

FOR FURTHER INFORMATION CONTACT: Russell E. Chazell, Office of the Secretary, NRC, Washington, DC 20555; telephone: (301) 415–7469 or at *russell.chazell@nrc.gov.*

Dated: December 3, 2018.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2018–26592 Filed 12–7–18; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2018–124; CP2017–201; MC2019–37 and CP2019–39; MC2019–37 and CP2019–39]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 10, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2018–124; *Filing Title:* USPS Notice of Amendment to Priority Mail & First-Class Package Service Contract 67, Filed Under Seal; *Filing Acceptance Date:* November 30, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* December 10, 2018.

2. *Docket No(s).:* CP2017–201; *Filing Title:* USPS Notice of Amendment to Priority Mail Express Contract 48, Filed Under Seal; *Filing Acceptance Date:* November 30, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* December 10, 2018.

3. *Docket No(s).:* MC2019–36 and CP2019–38; *Filing Title:* USPS Request to Add Priority Mail Contract 485 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 30, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* December 10, 2018.

4. *Docket No(s).:* MC2019–37 and CP2019–39; *Filing Title:* USPS Request to Add Priority Mail Contract 486 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 30, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* December 10, 2018.

This Notice will be published in the **Federal Register**.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2018–26603 Filed 12–7–18; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Investor Advisory Committee will hold a meeting on Thursday, December 13, 2018 at 9:00 a.m. (ET).

PLACE: The meeting will be held in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will begin at 9:00 a.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 8:30

a.m. Visitors will be subject to security checks. The meeting will be webcast on the Commission's website at *www.sec.gov.*

MATTERS TO BE CONSIDERED: On November 9, 2018, the Commission issued notice of the Committee meeting (Release No. 33–10573), indicating that the meeting is open to the public (except during that portion of the meeting reserved for an administrative work session during lunch), and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a quorum of the Commission may attend the meeting.

The agenda for the meeting includes: Welcome remarks; a discussion regarding disclosures on human capital (which may include a recommendation from the Investor as Owner subcommittee); a discussion regarding disclosures on sustainability and environmental, social, and governance (ESG) topics; a discussion regarding unpaid arbitration awards; subcommittee reports; and a nonpublic administrative work session during lunch.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: December 4, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–26737 Filed 12–6–18; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, December 13, 2018.

PLACE: The meeting will be held at the Commission's headquarters, 100 F Street, NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: December 6, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–26822 Filed 12–6–18; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33315; 812–14900]

Stone Ridge Trust II, et al.

December 4, 2018.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act, under sections 6(c) and 23(c) of the Act for an exemption from rule 23c-3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end management investment companies to issue multiple classes of shares and to impose early withdrawal charges and asset-based distribution fees and/or service fees with respect to certain classes.

APPLICANTS: Stone Ridge Trust II, Stone Ridge Trust III, Stone Ridge Trust IV and Stone Ridge Trust V (collectively, the ''Initial Funds'') and Stone Ridge Asset Management LLC (the ''Adviser'' and together with the Initial Funds, the ''Applicants'').

FILING DATES: The application was filed on April 27, 2018, and amended on August 31, 2018.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on December 31, 2018, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090; Applicants: 510 Madison Avenue, 21st Floor, New York, New York 10022.

FOR FURTHER INFORMATION CONTACT: Kyle R. Ahlgren, Senior Counsel, at (202) 551–6857, or Aaron Gilbride, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. Each of the Initial Funds is a Delaware statutory trust that is registered under the Act as a closed-end management investment company and operated as an interval fund pursuant to rule 23c-3 under the Act. The investment objective of Stone Ridge Trust II and Stone Ridge Trust IV is to achieve long-term capital appreciation. Stone Ridge Trust II pursues its investment objective primarily by investing in reinsurance-related securities, while Stone Ridge Trust IV, upon commencement of operations, will pursue its investment objective by investing all or substantially all of its assets in the Stone Ridge Reinsurance Interval Fund, which also invests in reinsurance-related securities. The investment objective of Stone Ridge Trust III is to achieve capital

appreciation, which it pursues primarily by receiving premiums in connection with its derivatives contracts. The investment objective of Stone Ridge Trust V is to achieve total return and current income, which it pursues primarily by buying and selling alternative lending-related securities that generate interest or other streams of payments.

2. The Adviser is a Delaware limited liability company and is an investment adviser registered with the Commission under the Investment Advisers Act of 1940. The Adviser serves as investment adviser to the Initial Funds.

3. Applicants seek an order to permit the Funds (as defined below) to issue multiple classes of shares, each having its own fee and expense structure and to impose early withdrawal charges (''EWCs'') and asset-based distribution and/or service fees with respect to certain classes.

4. Applicants request that the order also apply to any continuously-offered registered closed-end management investment company that has been previously organized or that may be organized in the future for which the Adviser or any entity controlling, controlled by, or under common control with the Adviser, or any successor in interest to any such entity,[1] acts as investment adviser and that operates as an interval fund pursuant to rule 23c-3 under the Act or provides periodic liquidity with respect to its shares pursuant to rule 13e-4 under the Securities Exchange Act of 1934, as amended (the ''Exchange Act'') (each, a ''Future Fund'' and together with the Initial Funds, the ''Funds'').[2]

5. Each Initial Fund, except Stone Ridge Trust IV, is currently offering its common shares of beneficial interest (''Initial Class Shares'') on a continuous basis. Applicants state that additional offerings by any Fund relying on the order may be on a private placement or public offering basis. Shares of the Funds will not be listed on any securities exchange, nor quoted on any quotation medium, and the Funds do not expect there to be a secondary trading market for their shares.

6. If the requested relief is granted, each Initial Fund intends to file an amendment to its registration statement to continuously offer at least one additional class of shares (''New Class Shares''). Each of the Initial Class Shares and the New Class Shares will have its own fee and expense structure. Because of the different distribution and/or service fees, services, and any other class expenses that may be attributable to each class of shares, the net income attributable to, and the dividends payable on, each class of shares may differ from each other.

7. Applicants state that, from time to time, the Funds may create additional classes of shares, the terms of which may differ from their other share classes in the following respects: (i) The amount of fees permitted by different distribution plans and/or different service fee arrangements; (ii) voting rights with respect to a distribution and/or service plan of a class; (iii) different class designations; (iv) the impact of any class expenses directly attributable to a particular class of shares allocated on a class basis as described in the application; (v) any differences in dividends and net asset value resulting from differences in fees under a distribution plan and/or service fee arrangement or in class expenses; (vi) any EWC or other sales load structure; and (vii) exchange or conversion privileges of the classes as permitted under the Act.

8. Applicants state that each Initial Fund has adopted a fundamental policy to repurchase a specified percentage of its shares (no less than 5% and no more than 25%) at net asset value on a periodic basis. Such repurchase offers will be conducted pursuant to rule 23c–3 under the Act. Each of the other Funds will likewise adopt fundamental investment policies and make periodic repurchase offers to its shareholders in compliance with rule 23c–3 or will provide periodic liquidity with respect to its shares pursuant to rule 13e-4 under the Exchange Act.[3] Any repurchase offers made by the Funds will be made to all holders of shares of each such Fund as of the selected record date.

9. Applicants represent that any asset-based service and/or distribution fees for each class of shares of the Funds will comply with the provisions of FINRA Rule 2341 (formerly NASD rule 2380(d)) (the ''FINRA Sales Charge Rule'').[4] Applicants also represent that each Fund will include in its prospectus disclosure the fees, expenses and other characteristics of each class of shares offered for sale by the prospectus, as is required for open-end multi-class funds under Form N–1A.[5] As is required for open-end funds, each Fund will disclose fund expenses borne by shareholders during the reporting period in shareholder reports, and describe in their prospectuses any arrangements that result in breakpoints in, or elimination of, sales loads.[6] In addition, applicants will comply with applicable enhanced fee disclosure requirements for fund of funds, including registered funds of hedge funds.[7]

10. Each Fund will comply with any requirements that the Commission or FINRA may adopt regarding disclosure at the point of sale and in transaction confirmations about the costs and conflicts of interest arising out of the distribution of open-end investment company shares, and regarding prospectus disclosure of sales loads and revenue sharing arrangements, as if those requirements applied to each Fund. In addition, each Fund will contractually require that any distributor of the Fund's shares comply with such requirements in connection with the distribution of such Fund's shares.

11. Each Fund will allocate all expenses incurred by it among the various classes of shares based on the net assets of that Fund attributable to each such class, except that the net asset value and expenses of each class will reflect the expenses associated with the distribution and/or service plan of that class (if any), service fees attributable to that class (if any), including transfer agency fees, and any other incremental expenses of that class. Expenses of a Fund allocated to a particular class of shares will be borne on a pro rata basis by each outstanding share of that class. Applicants state that each Fund will

[1] A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] Applicants represent that any of the Funds relying on this relief in the future will do so in a manner consistent with the terms and conditions of the application. Applicants further represent that each entity presently intending to rely on the requested relief is listed as an Applicant.

[3] Applicants submit that rule 23c–3 and Regulation M under the Exchange Act permit an interval fund to make repurchase offers to repurchase its shares while engaging in a continuous offering of its shares pursuant to Rule 415 under the Securities Act of 1933, as amended.

[4] Any reference in the application to the FINRA Sales Charge Rule includes any successor or replacement to the FINRA Sales Charge Rule.

[5] In all respects other than class by class disclosure, each Fund will comply with the requirements of Form N–2.

[6] *See* Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Investment Company Act Release No. 26372 (Feb. 27, 2004) (adopting release) (requiring open-end investment companies to disclose fund expenses in shareholder reports); and Disclosure of Breakpoint Discounts by Mutual Funds, Investment Company Act Release No. 26464 (June 7, 2004) (adopting release) (requiring open-end investment companies to provide prospectus disclosure of certain sales load information).

[7] Fund of Funds Investments, Investment Company Act Rel. Nos. 26198 (Oct. 1, 2003) (proposing release) and 27399 (Jun. 20, 2006) (adopting release). See also Rules 12d1–1, *et seq.* of the Act.

comply with the provisions of rule 18f-3 under the Act as if it were an open-end investment company.

12. Applicants state that each Fund may impose an EWC on shares submitted for repurchase that have been held less than a specified period and may grant waivers of the EWCs on repurchases in connection with certain categories of shareholders or transactions established from time to time. Applicants state that each Fund will apply the EWC (and any waivers, scheduled variations or eliminations of the EWC) uniformly to all shareholders in a given class and consistently with the requirements of rule 22d–1 under the Act as if the Funds were open-end investment companies.

13. Each Fund that operates or will operate as an interval fund pursuant to rule 23c–3 under the Act may offer its shareholders an exchange feature under which the shareholders of the Fund may, in connection with such Fund's periodic repurchase offers, exchange their shares of the Fund for shares of the same class of (i) registered open-end investment companies or (ii) other registered closed–end investment companies that comply with rule 23c–3 under the Act and continuously offer their shares at net asset value, that are in the Fund's group of investment companies (collectively, the ''Other Funds''). Shares of a Fund operating pursuant to rule 23c–3 that are exchanged for shares of Other Funds will be included as part of the amount of the repurchase offer amount for such Fund as specified in rule 23c–3 under the Act. Any exchange option will comply with rule 11a–3 under the Act, as if the Fund were an open-end investment company subject to rule 11a–3. In complying with rule 11a–3, each Fund will treat an EWC as if it were a contingent deferred sales load (''CDSL'').

Applicants' Legal Analysis

Multiple Classes of Shares

1. Section 18(a)(2) of the Act provides that a closed–end investment company may not issue or sell a senior security that is a stock unless certain requirements are met. Applicants acknowledge that the creation of multiple classes of shares of the Funds may violate section 18(a)(2) because the Funds may not meet such requirements with respect to a class of shares that may be a senior security.

2. Section 18(c) of the Act provides, in relevant part, that a closed–end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants acknowledge that the creation of multiple classes of shares of the Funds may be prohibited by section 18(c), as a class may have priority over another class as to payment of dividends because shareholders of different classes would pay different fees and expenses.

3. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants acknowledge that multiple classes of shares of the Funds may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act, or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(a)(2), 18(c) and 18(i) to permit the Funds to issue multiple classes of shares.

5. Applicants submit that the proposed allocation of expenses relating to distribution and/or services and voting rights is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit a Fund to facilitate the distribution of its securities and provide investors with a broader choice of shareholder services. Applicants assert that the proposed closed–end investment company multiple class structure does not raise concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures. Applicants state that each Fund will comply with the provisions of rule 18f–3 as if it were an open-end investment company.

Early Withdrawal Charges

1. Section 23(c) of the Act provides, in relevant part, that no registered closed–end investment company shall purchase securities of which it is the issuer, except: (a) on a securities exchange or other open market; (b) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (c) under other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

2. Rule 23c–3 under the Act permits a registered closed–end investment company (an ''interval fund'') to make repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the interval fund. Rule 23c–3(b)(1) under the Act permits an interval fund to deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is paid to the interval fund and is reasonably intended to compensate the fund for expenses directly related to the repurchase.

3. Section 23(c)(3) provides that the Commission may issue an order that would permit a closed–end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Applicants state that the Initial Funds do not currently charge a repurchase fee, but a Fund may impose an early repurchase fee at a rate of no greater than 2 percent of the aggregate net asset value of a shareholder's shares repurchased by the Fund (an ''Early Repurchase Fee'') if the interval between the date of purchase of the shares and the valuation date with respect to the repurchase of those shares is less than one year. Applicants represent that any Early Repurchase Fee imposed by a Fund will apply equally to all New Class Shares and to all classes of shares of such Fund, consistent with section 18 of the Act and rule 18f–3 thereunder.

4. Applicants request relief under section 6(c), discussed above, and section 23(c)(3) from rule 23c–3 to the extent necessary for the Funds to impose EWCs on shares of the Funds submitted for repurchase that have been held for less than a specified period.

5. Applicants state that the EWCs they intend to impose are functionally similar to CDSLs imposed by open-end investment companies under rule 6c–10 under the Act. Rule 6c–10 permits open-end investment companies to impose CDSLs, subject to certain conditions. Applicants note that rule 6c–10 is grounded in policy considerations supporting the employment of CDSLs where there are adequate safeguards for the investor, and state that the same policy considerations support imposition of EWCs in the interval fund context. In addition, applicants state that EWCs may be necessary for the

distributor to recover distribution costs. Applicants represent that any EWC imposed by the Funds will comply with rule 6c–10 under the Act as if the rule were applicable to closed–end funds. Applicants further represent that each Fund will disclose EWCs in accordance with the requirements of Form N–1A concerning CDSLs as if the Fund were an open-end investment company.

Asset-Based Distribution and/or Service Fees

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d–1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

2. Rule 17d–3 under the Act provides an exemption from section 17(d) and rule 17d–1 to permit open-end investment companies to enter into distribution arrangements pursuant to rule 12b–1 under the Act. Applicants request an order under section 17(d) and rule 17d–1 under the Act to the extent necessary to permit the Funds to impose asset-based distribution and/or service fees. Applicants represent that the Funds will comply with rules 12b–1 and 17d–3 as if those rules applied to closed–end investment companies.

3. For the reasons stated above, applicants submit that the exemptions requested are necessary and appropriate in the public interest and are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants further submit that the relief requested pursuant to section 23(c)(3) will be consistent with the protection of investors and will insure that applicants do not unfairly discriminate against any holders of the class of securities to be purchased. Finally, applicants state that the Funds' imposition of asset-based distribution and/or service fees is consistent with the provisions, policies and purposes of the Act and does not involve participation on a basis different from or less advantageous than that of other participants.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Each Fund relying on the order will comply with the provisions of rules 6c–10, 12b–1, 17d–3, 18f–3, 22d–1, and, where applicable, 11a–3 under the Act, as amended from time to time, as if those rules applied to closed–end management investment companies, and will comply with the FINRA Sales Charge Rule, as amended from time to time, as if that rule applied to all closed–end management investment companies.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–26668 Filed 12–7–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Commission will host the SEC Government-Business Forum on Small Business Capital Formation on Wednesday, December 12, 2018, beginning at 9:00 a.m. Eastern Time.

PLACE: The forum will be held at the Fawcett Center on the campus of The Ohio State University, 2400 Olentangy River Road, Columbus, Ohio 43210.

STATUS: This meeting will be open to the public. The meeting will be webcast on the Commission's website at *www.sec.gov.*

MATTERS TO BE CONSIDERED: The forum will include remarks by SEC Commissioners and two morning panel discussions that Commissioners will attend. The panel discussions will explore how capital formation options are working for small businesses, such as those in the Midwest, and capital formation and diversity. This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: December 4, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–26738 Filed 12–6–18; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84714; File No. SR–IEX–2018–22]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Conform IEX Rule 5.160 to FinCEN's Final Rule on Customer Due Diligence Requirements for Financial Institutions

December 3, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on November 20, 2018, the Investors Exchange LLC (''IEX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[4] and Rule 19b–4 thereunder,[5] IEX is filing with the Commission a proposed rule change to amend IEX Rule 5.160 (Anti-Money Laundering Compliance Program) to reflect the Financial Crimes Enforcement Network's (''FinCEN'') adoption of a final rule on Customer Due Diligence Requirements for Financial Institutions (''CDD Rule''). Specifically, the proposed amendments would conform IEX Rule 5.160 to the CDD Rule's amendments to the minimum regulatory requirements for Member' anti-money laundering (''AML'') compliance programs by requiring such programs to include risk-based procedures for conducting ongoing customer due diligence. This ongoing customer due diligence element for AML programs includes: (1) Understanding the nature and purpose

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CRF 240.19b–4.

of customer relationships for the purpose of developing a customer risk profile; and (2) conducting ongoing monitoring to identify and report suspicious transactions and, on a risk basis, to maintain and update customer information. The Exchange has designated this rule change as ''non-controversial'' under Section 19(b)(3)(A) of the Act[6] and provided the Commission with the notice required by Rule 19b–4(f)(6) thereunder.[7] The text of the proposed rule change is available at the Exchange's website at *www.iextrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statement may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

I. Background

The Bank Secrecy Act[8] (''BSA''), among other things, requires financial institutions,[9] including broker-dealers, to develop and implement AML programs that, at a minimum, meet the statutorily enumerated ''four pillars.''[10] These four pillars currently require broker-dealers to have written AML programs that include, at a minimum:

- The establishment and implementation of policies, procedures and internal controls reasonably designed to achieve compliance with the applicable provisions of the BSA and implementing regulations;
- independent testing for compliance by broker-dealer personnel or a qualified outside party;
- designation of an individual or individuals responsible for implementing and monitoring the operations and internal controls of the AML program; and
- ongoing training for appropriate persons.[11]

In addition to meeting the BSA's requirements with respect to AML programs, Exchange Members[12] must also comply with IEX Rule 5.160, which incorporates the BSA's four pillars, as well as requiring Members' AML programs to establish and implement policies and procedures that can be reasonably expected to detect and cause the reporting of suspicious transactions.

Pursuant to Rule 17d–2 under the Act,[13] the Exchange and the Financial Industry Regulatory Authority, Inc. (''FINRA'') entered into an agreement to allocate regulatory responsibility for common rules (the ''17d–2 Agreement'').[14] The 17d–2 Agreement covers common members of the Exchange and FINRA, and allocates to FINRA regulatory responsibility, with respect to common members for Exchange rules and certain federal securities laws, rules and regulation that the Exchange certifies are identical or substantially similar to FINRA rules.[15] IEX Rule 5.160 is substantially similar to FINRA Rule 3310, and therefore among the common rules included in the 17d–2 Agreement.

On May 11, 2016, FinCEN, the bureau of the Department of the Treasury responsible for administering the BSA and its implementing regulations, issued the CDD Rule[16] to clarify and strengthen customer due diligence for covered financial institutions,[17] including broker-dealers. In its CDD Rule, FinCEN identifies four components of customer due diligence: (1) Customer identification and verification; (2) beneficial ownership identification and verification; (3) understanding the nature and purpose of customer relationships; and (4) ongoing monitoring for reporting suspicious transactions and, on a risk basis, maintaining and updating customer information.[18] As the first component is already required to be part of a broker-dealer's AML program under the BSA, the CDD Rule focuses on the other three components.

Specifically, the CDD Rule focuses particularly on the second component by adding a new requirement that covered financial institutions identify and verify the identity of the beneficial owners of all legal entity customers at the time a new account is opened, subject to certain exclusions and exemptions.[19] The CDD Rule also addresses the third and fourth components, which FinCEN states ''are already implicitly required for covered financial institutions to comply with their suspicious activity reporting requirements,'' by amending the existing AML program rules for covered financial institutions to explicitly require these components to be included in AML programs as a new ''fifth pillar.''

On November 21, 2017, FINRA published Regulatory Notice 17–40 to provide guidance to member firms regarding their obligations under FINRA Rule 3310 in light of the adoption of FinCEN's CDD Rule.[20] In addition, the Notice summarized the CDD Rule's impact on member firms, including the addition of the new fifth pillar required for member firms' AML programs. FINRA also recently amended FINRA Rule 3310 to explicitly incorporate the fifth pillar.[21] This proposed rule change amends IEX Rule 5.160 to harmonize

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4.

[8] 31 U.S.C. 5311 *et seq.*

[9] *See* 31 U.S.C. 5312(a)(2) (defining ''financial institution'').

[10] 31 U.S.C. 5318(h)(1).

[11] 31 CFR 1023.210(b).

[12] *See* IEX Rule 1.160(s).

[13] 17 CFR 240.17d–2.

[14] *See,* Securities Exchange Act Release No. 78434 (July 28, 2016), 81 FR 51256 (August 3, 2016) (File No. 4–700).

[15] Pursuant to the 17d–2 Agreement, the Exchange allocated to FINRA the following: (i) Examination of common members of the Exchange and FINRA for compliance with certain federal securities laws, rules and regulations and rules of the Exchange that the Exchange certifies are identical or substantially similar to FINRA rules; (ii) investigation of common members of the Exchange and FINRA for violations of certain federal securities laws, rules and regulations, or Exchange rules that the Exchange certifies as identical or substantially identical to a FINRA rule; and (iii) enforcement of compliance by common members with certain federal securities laws, rules and regulations, and the rules of the Exchange that the Exchange certifies as identical or substantially similar to FINRA rules.

[16] FinCEN Customer Due Diligence Requirements for Financial Institutions; CDD Rule, 81 FR 29397 (May 11, 2016) (CDD Rule Release); 82 FR 45182 (September 28, 2017) (making technical correcting amendments to the final CDD Rule published on May 11, 2016). FinCEN is authorized to impose AML program requirements on financial institutions and to require financial institutions to maintain procedures to ensure compliance with the BSA and associated regulations. 31 U.S.C. 5318(h)(2) and (a)(2). The CDD Rule is the result of the rulemaking process FinCEN initiated in March 2012. *See* 77 FR 13046 (March 5, 2012) (Advance Notice of Proposed Rulemaking) and 79 FR 45151 (Aug. 4, 2014) (Notice of Proposed Rulemaking).

[17] *See* 31 CFR 1010.230(f) (defining ''covered financial institution'').

[18] *See* CDD Rule Release at 29398.

[19] *See* 31 CFR 1010.230(d) (defining ''beneficial owner'') and 31 CFR 1010.230(e) (defining ''legal entity customer'').

[20] As noted above, the Exchange allocated regulatory responsibility for IEX Rule 5.160 to FINRA pursuant the 17d–2 Agreement. Thus, FINRA's Regulatory Notice 17–40 was applicable to IEX Members.

[21] *See* Securities Exchange Act Release No. 83154 (May 2, 2018), 83 FR 20906 (May 8, 2018) (File No. SR–FINRA–2018–016).

with the FINRA rule change and incorporate the fifth pillar.

II. IEX Rule 5.160 and Amendment to Minimum Requirements for Members' AML Programs

Section 352 of the USA PATRIOT Act of 2001 [22] amended the BSA to require broker-dealers to develop and implement AML programs that include the four pillars mentioned above. Consistent with Section 352 of the PATRIOT Act, and incorporating the four pillars, IEX Rule 5.160 requires each Member to develop and implement a written AML program reasonably designed to achieve and monitor the Member's compliance with the BSA and implementing regulations. Among other requirements, IEX Rule 5.160 requires that each member firm, at a minimum: (1) Establish and implement policies and procedures that can be reasonably expected to detect and cause the reporting of suspicious transactions; (2) establish and implement policies, procedures, and internal controls reasonably designed to achieve compliance with the BSA and implementing regulations; (3) provide for annual (on a calendar-year basis) independent testing for compliance to be conducted by Member personnel or a qualified outside party; [23] (4) designate and identify to IEX an individual or individuals (*i.e.,* AML compliance person(s)) who will be responsible for implementing and monitoring the day-to-day operations and internal controls of the AML program and provide prompt notification to IEX of any changes to the designation; and (5) provide ongoing training for appropriate persons.

FinCEN's CDD Rule does not change the requirements of IEX Rule 5.160 and Members must continue to comply with its requirements.[24] However, FinCEN's CDD Rule amends the minimum regulatory requirements for broker-dealers' AML programs by explicitly requiring such programs to include risk-based procedures for conducting ongoing customer due diligence.[25] Accordingly, IEX is proposing to amend IEX Rule 5.160 to incorporate this ongoing customer due diligence element, or ''fifth pillar'' required for AML programs. Thus, proposed Rule 5.160(f) would provide that the AML programs required by this Rule shall, at a minimum include appropriate risk-based procedures for conducting ongoing customer due diligence, to include, but not be limited to: (1) Understanding the nature and purpose of customer relationships for the purpose of developing a customer risk profile; and (2) conducting ongoing monitoring to identify and report suspicious transactions and, on a risk basis, to maintain and update customer information.

As stated in the CDD Rule, these provisions are not new and merely codify existing expectations for Members to adequately identify and report suspicious transactions as required under the BSA and encapsulate practices generally already undertaken by securities firms to know and understand their customers.[26] The proposed rule change simply incorporates into IEX Rule 5.160 the ongoing customer due diligence element, or ''fifth pillar,'' required for AML programs by the CDD Rule to aid Members in complying with the CDD Rule's requirements. However, to the extent that these elements, which are briefly summarized below, are not already included in Members' AML programs, the CDD Rule requires Members to update their AML programs to explicitly incorporate them.

III. Summary of Fifth Pillar's Requirements

Understanding the Nature and Purpose of Customer Relationships

FinCEN states in the CDD Rule that firms must necessarily have an understanding of the nature and purpose of the customer relationship in order to determine whether a transaction is potentially suspicious and, in turn, to fulfill their SAR obligations.[27] To that end, the CDD Rule requires that firms understand the nature and purpose of the customer relationship in order to develop a customer risk profile. The customer risk profile refers to information gathered about a customer to form the baseline against which customer activity is assessed for suspicious transaction reporting.[28] Information relevant to understanding the nature and purpose of the customer relationship may be self-evident and, depending on the facts and circumstances, may include such information as the type of customer, account or service offered, and the customer's income, net worth, domicile, or principal occupation or business, as well as, in the case of existing customers, the customer's history of activity.[29] The CDD Rule also does not prescribe a particular form of the customer risk profile.[30] Instead, the CDD Rule states that depending on the firm and the nature of its business, a customer risk profile may consist of individualized risk scoring, placement of customers into risk categories or another means of assessing customer risk that allows firms to understand the risk posed by the customer and to demonstrate that understanding.[31]

The CDD Rule also addresses the interplay of understanding the nature and purpose of customer relationships with the ongoing monitoring obligation discussed below. The CDD Rule explains that firms are not necessarily required or expected to integrate customer information or the customer risk profile into existing transaction monitoring systems (for example, to serve as the baseline for identifying and assessing suspicious transactions on a contemporaneous basis).[32] Rather, FinCEN expects firms to use the customer information and customer risk profile as appropriate during the course of complying with their obligations under the BSA in order to determine whether a particular flagged transaction is suspicious.[33]

Conduct Ongoing Monitoring

As with the requirement to understand the nature and purpose of the customer relationship, the requirement to conduct ongoing monitoring to identify and report suspicious transactions and, on a risk basis, to maintain and update customer information, merely adopts existing supervisory and regulatory expectations as explicit minimum standards of customer due diligence required for firms' AML programs.[34] If, in the course of its normal monitoring for suspicious activity, the Member detects information that is relevant to assessing

[22] Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56, 115 Stat. 272 (2001).

[23] If a Member does not execute transactions for customers or otherwise hold customer accounts or act as an introducing broker with respect to customer accounts (*e.g.,* engages solely in proprietary trading or conducts business only with other broker-dealers), then ''independent testing'' is required every two years. *See* IEX Rule 5.160(c). However, a Member should conduct more frequent testing than required if circumstances warrant. *See* Supplementary Material .01(a).

[24] FinCEN notes that broker-dealers must continue to comply with FINRA Rules, notwithstanding differences between the CDD Rule and FINRA Rule 3310, which is substantially identical to IEX Rule 5.160. *See* CDD Rule Release 29421, n. 85.

[25] *See* CDD Rule Release at 29420; 31 CFR 1023.210.

[26] *See id.* at 29419.

[27] *See id.* at 29421.

[28] *See id.* at 29422.

[29] See id.

[30] See id.

[31] See id.

[32] See id.

[33] See id.

[34] *See id.* at 29402.

the customer's risk profile, the Member must update the customer information, including the information regarding the beneficial owners of legal entity customers.[35] However, there is no expectation that the Member update customer information, including beneficial ownership information, on an ongoing or continuous basis.[36]

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b)[37] of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act[38] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the Exchange believes the proposed rule change will aid Members in complying with the CDD Rule's requirement that Members' AML programs include risk-based procedures for conducting ongoing customer due diligence by also incorporating the requirement into IEX Rule 5.160.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change simply incorporates into IEX Rule 5.160 the ongoing customer due diligence element, or ''fifth pillar,'' required for AML programs by the CDD Rule. Regardless of the proposed rule change, to the extent that the elements of the fifth pillar are not already included in Members' AML programs, the CDD Rule requires Members to update their AML programs to explicitly incorporate them. In addition, as stated in the CDD Rule, these elements are already implicitly required for covered financial institutions to comply with their suspicious activity reporting requirements. Further, all IEX Members that have customers are required to be members of FINRA pursuant to Rule 15b9–1 under the Exchange Act,[39] and are therefore already subject to the requirements of the proposed rule change pursuant to FINRA Rule 3310. IEX is not imposing any additional direct or indirect burdens on member firms or their customers through this proposal, and as such the proposal imposes no new burdens on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)[40] of the Act and Rule 19b–4(f)(6)[41] thereunder. Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19–4(f)(6) thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[42] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–IEX–2018–22 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–IEX–2018–22. This file number should be included in the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Section, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the IEX's principal office and on its internet website at *www.iextrading.com.* All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–IEX–2018–22 and should be submitted on or before December 31, 2018. For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[43]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–26593 Filed 12–7–18; 8:45 am]

BILLING CODE 8011–01–P

[35] *See id.* at 29420–21. *See also FINRA Regulatory Notice* 17–40 (discussing identifying and verifying the identity of beneficial owners of legal entity customers).

[36] See id.

[37] 15 U.S.C. 78f.

[38] 15 U.S.C. 78f(b)(5).

[39] 17 CFR 240.15b9–1.

[40] 15 U.S.C. 78s(b)(3)(A).

[41] 17 CFR 240.19b–4(f)(6).

[42] 15 U.S.C. 78s(b)(2)(B).

[43] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15798 and #15799; California Disaster Number CA–00295]

Presidential Declaration Amendment of a Major Disaster for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of California (FEMA–4407–DR), dated 11/12/2018.

Incident: Wildfires.

Incident Period: 11/08/2018 through 11/25/2018.

DATES: Issued on 11/26/2018.

Physical Loan Application Deadline Date: 01/11/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 08/12/2019.

ADDRESS: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of CALIFORNIA, dated 11/12/2018, is hereby amended to establish the incident period for this disaster as beginning 11/08/2018 and continuing through 11/25/2018.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–26682 Filed 12–7–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10630]

Request for Information for the 2019 Trafficking in Persons Report

AGENCY: Department of State.

ACTION: Request for information.

SUMMARY: The Department of State (''the Department'') requests written information to assist in reporting on the degree to which the United States and foreign governments meet the minimum standards for the elimination of trafficking in persons (''minimum standards'') that are prescribed by the Trafficking Victims Protection Act (''TVPA''). This information will assist in the preparation of the *Trafficking in Persons Report* (''*TIP Report*'') that the Department submits annually to the U.S. Congress on government efforts to meet the minimum standards. Foreign governments that do not meet the minimum standards and are not making significant efforts to do so may be subject to restrictions on nonhumanitarian, nontrade-related foreign assistance from the United States, as defined by the TVPA.

DATES: Submissions must be received by 5 p.m. on January 15, 2019.

ADDRESSES: Written submissions and supporting documentation may be submitted by the following methods:

- *Email (preferred): tipreport@state.gov* for submissions related to foreign governments and *tipreportUS@state.gov* for submissions related to the United States.
- *Facsimile (fax):* 202–453–8562.
- *Mail, Express Delivery, Hand Delivery and Messenger Service:* U.S. Department of State, Office to Monitor and Combat Trafficking in Persons (J/TIP), 2201 C Street NW, SA–09 Suite NE3054, Washington, DC 20520–0903. Please note that materials submitted by mail may be delayed due to security screenings and processing.

Scope of Interest: The Department requests information relevant to assessing the United States' and foreign governments' efforts to meet the minimum standards for the elimination of trafficking in persons during the reporting period (April 1, 2018–March 31, 2019). The minimum standards are listed in the *Background* section or can be found here. Submissions must include information relevant to efforts to meet the minimum standards and should include, but need not be limited to, answering the questions in the *Information Sought* section. Submissions need not include answers to all the questions; only those questions for which the submitter has direct professional experience should be answered and that experience should be noted. For any critique or deficiency described, please provide a recommendation to remedy it. Note the country or countries that are the focus of the submission.

Submissions may include written narratives that answer the questions presented in this Notice, research, studies, statistics, fieldwork, training materials, evaluations, assessments, and other relevant evidence of local, state/provincial, and federal/central government efforts. To the extent possible, precise dates and numbers of officials or citizens affected should be included.

Written narratives providing factual information should provide citations of sources, and copies of and links to the source material should be provided. Please send electronic copies of the entire submission, including source material. If primary sources are used, such as research studies, interviews, direct observations, or other sources of quantitative or qualitative data, provide details on the research or data-gathering methodology and any supporting documentation. The Department does not include in the *TIP Report,* and is therefore not seeking, information on prostitution, migrant smuggling, visa fraud, or child abuse, unless such conduct occurs in the context of trafficking in persons as defined in the TVPA.

Confidentiality: Please provide the name, phone number, and email address of a single point of contact for any submission. It is Department practice not to identify in the *TIP Report* information concerning sources to safeguard those sources. Please note, however, that any information submitted to the Department may be releasable pursuant to the provisions of the Freedom of Information Act or other applicable law. Submissions related to the United States will be shared with U.S. government agencies, as will submissions relevant to efforts by other U.S. government agencies.

Response: This is a request for information only; there will be no response to submissions.

SUPPLEMENTARY INFORMATION:

I. Background

The TIP Report: The *TIP Report* is the most comprehensive worldwide report on governments' efforts to combat trafficking in persons. It represents an annually updated, global look at the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it. The U.S. government uses the *Report* to engage in diplomacy, to encourage partnership in creating and implementing laws and policies to combat trafficking, and to target resources on prevention, protection, and prosecution programs. Worldwide, the *Report* is used by international organizations, foreign governments, and nongovernmental organizations as a tool to examine where resources are most needed. Prosecuting traffickers, protecting victims, and preventing trafficking are the ultimate goals of the

Report and of the U.S government's anti-trafficking policy.

The Department prepares the *TIP Report* using information from across the U.S. government, foreign government officials, nongovernmental and international organizations, survivors of trafficking in persons, published reports, and research trips to every region. The *Report* focuses on concrete actions that governments take to fight trafficking in persons, including prosecutions, convictions, and sentences for traffickers, as well as victim protection measures and prevention efforts. Each *Report* narrative also includes recommendations for each country. These recommendations are used to assist the Department in measuring governments' progress from one year to the next and determining whether governments meet the minimum standards for the elimination of trafficking in persons or are making significant efforts to do so.

The TVPA creates a four-tier ranking system. Tier placement is based principally on the extent of government action to combat trafficking. The Department first evaluates whether the government fully meets the TVPA's minimum standards for the elimination of trafficking. Governments that do so are placed on Tier 1. For other governments, the Department considers the extent of such efforts. Governments that are making significant efforts to meet the minimum standards are placed on Tier 2. Governments that do not fully meet the minimum standards and are not making significant efforts to do so are placed on Tier 3. Finally, the Department considers Special Watch List criteria and, when applicable, places countries on Tier 2 Watch List. For more information, the 2018 *TIP Report* can be found at *www.state.gov/j/tip/rls/tiprpt/2018/index.htm.*

Since the inception of the *TIP Report* in 2001, the number of countries included and ranked has more than doubled; the 2018 *TIP Report* included 187 countries and territories. Around the world, the *TIP Report* and the promising practices reflected therein have inspired legislation, national action plans, policy implementation, program funding, protection mechanisms that complement prosecution efforts, and a stronger global understanding of this crime.

Since 2003, the primary reporting on the United States' anti-trafficking activities has been through the annual Attorney General's Report to Congress and Assessment of U.S. Government Activities to Combat Human Trafficking (''AG Report'') mandated by section 105 of the TVPA (22 U.S.C. 7103(d)(7)). Since 2010, the *TIP Report,* through a collaborative interagency process, has included an assessment of U.S. government anti-trafficking efforts in light of the minimum standards to eliminate trafficking in persons set forth by the TVPA.

II. Minimum Standards for the Elimination of Trafficking in Persons

The TVPA sets forth the minimum standards for the elimination of trafficking in persons as follows:

(1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

(4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

The following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

(1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country, including, as appropriate, requiring incarceration of individuals convicted of such acts. For purposes of the preceding sentence, suspended or significantly reduced sentences for convictions of principal actors in cases of severe forms of trafficking in persons shall be considered, on a case-by-case basis, whether to be considered as an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.

(2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, including by providing training to law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches that focus on the needs of the victims.

(3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons, measures to establish the identity of local populations, including birth registration, citizenship, and nationality, measures to ensure that its nationals who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, a transparent system for remediating or punishing such public officials as a deterrent, measures to prevent the use of forced labor or child labor in violation of international standards, effective bilateral, multilateral, or regional information sharing and cooperation arrangements with other countries, and effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting.

(4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons and has entered into bilateral, multilateral, or regional

law enforcement cooperation and coordination arrangements with other countries.

(5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).

(6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.

(7) Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials, including diplomats and soldiers, who participate in or facilitate severe forms of trafficking in persons, including nationals of the country who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and takes all appropriate measures against officials who condone such trafficking. A government's failure to appropriately address public allegations against such public officials, especially once such officials have returned to their home countries, shall be considered inaction under these criteria. After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.

(8) Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.

(9) Whether the government has entered into effective, transparent partnerships, cooperative arrangements, or agreements that have resulted in concrete and measurable outcomes with

(A) Domestic civil society organizations, private sector entities, or international nongovernmental organizations, or into multilateral or regional arrangements or agreements, to assist the government's efforts to prevent trafficking, protect victims, and punish traffickers; or

(B) the United States toward agreed goals and objectives in the collective fight against trafficking.

(10) Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.

(11) Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.

(12) Whether the government of the country has made serious and sustained efforts to reduce the demand for

(A) commercial sex acts; and

(B) participation in international sex tourism by nationals of the country.

III. Information Sought Relevant to the Minimum Standards

Submissions should include, but need not be limited to, answers to relevant questions below for which the submitter has direct professional experience. Citations to source material should also be provided. Note the country or countries that are the focus of the submission. Please see the *Scope of Interest* section above for detailed information regarding submission requirements.

1. How have trafficking methods and trends changed in the past 12 months? For example, are there victims from new countries of origin? Have new vulnerable groups at risk of human trafficking emerged? Is internal trafficking or child trafficking increasing? Has sex trafficking changed, for example from brothels to private apartments? Is labor trafficking now occurring in additional types of industries or agricultural operations? Is forced begging a problem? Does child sex tourism occur in the country or involve its nationals abroad, and if so, what are their destination countries?

2. What were the government's major accomplishments in addressing human trafficking?

3. What were the greatest deficiencies in the government's anti-trafficking efforts? What were the limitations on the government's ability to address human trafficking problems in practice?

4. In what ways have the government's efforts to combat trafficking in persons changed in the past year? What new laws, regulations, policies, and implementation strategies exist (*e.g.,* substantive criminal laws and procedures, mechanisms for civil remedies, and victim-witness security, generally and in relation to court proceedings)? Have government policies undermined or otherwise negatively impacted anti-trafficking efforts within that country?

5. Please provide observations regarding the implementation of existing laws, policies, and procedures. Are there laws criminalizing those who knowingly solicit or patronize a trafficking victim to perform a commercial sex act and what are the prescribed penalties?

6. Are the anti-trafficking laws and sentences strict enough to reflect the nature of the crime (*e.g.,* commensurate with crimes such as rape or kidnapping)?

7. Please provide observations on overall anti-trafficking law enforcement efforts and the efforts of police and prosecutors to pursue trafficking cases. Were any trafficking cases investigated and/or prosecuted, and any traffickers convicted during the reporting period? Is the government equally vigorous in pursuing labor trafficking and sex trafficking? Please note any efforts to investigate and prosecute suspects for knowingly soliciting or patronizing a sex trafficking victim to perform a commercial sex act.

8. Do government officials understand the nature of all forms of trafficking? If not, please provide examples of misconceptions or misunderstandings.

9. Do judges appear appropriately knowledgeable and sensitized to trafficking cases? What sentences have courts imposed upon traffickers? How common are suspended sentences and prison time of less than one year for convicted traffickers? How does this compare to other crimes such as rape and kidnapping?

10. What was the extent of official complicity in trafficking crimes? Were officials, government contractors, or government grantees operating as traffickers (whether subjecting persons to forced labor and/or sex trafficking

offenses) or taking actions that may facilitate trafficking (including accepting bribes to allow undocumented border crossings or suspending active investigations of suspected traffickers, etc.)? Were there examples of trafficking occurring in state institutions (*e.g.,* prisons, child foster homes, institutions for mentally or physically disabled persons)? What proactive measures did the government take to prevent official complicity in trafficking in persons crimes? How did the government respond to reports of complicity that arose during the reporting period? Has the government made efforts to investigate, prosecute, convict, and sentence complicit officials?

11. Has the government vigorously investigated, prosecuted, convicted, and sentenced nationals of the country deployed abroad as part of a diplomatic, peacekeeping, or other similar mission who engage in or facilitate trafficking, including domestic servitude?

12. Has the government investigated, prosecuted, convicted, and sentenced members of organized crime groups that are involved in trafficking?

13. Did government officials engage in, support, or otherwise facilitate the unlawful recruitment and use of children in armed forces or security forces? [NOTE: This can include combat roles as well as support roles, but please be specific in this regard if possible.] Did any government-supported organizations or armed groups engage in the unlawful recruitment and use of children in such roles?

14. Please provide observations regarding government efforts to address the issue of unlawful child soldiering. Describe the government's efforts to disarm and demobilize child soldiers, to reintegrate former child soldiers, and to monitor the wellbeing of such children after reintegration.

15. Did the government make a coordinated, proactive effort to identify victims of all forms of trafficking? Did officials effectively coordinate among one another and with relevant nongovernmental organizations to refer victims to care? Is there any screening conducted before deportation or when detaining migrants, including unaccompanied minors, to determine whether individuals were subjected to trafficking? Were such individuals referred for protections services? Does the government also partner with nongovernmental organizations to conduct screenings? What happens if a potential case of human trafficking is identified?

16. What victim services are provided (legal, medical, food, shelter, interpretation, mental health care, employment, training, etc.)? Who provides these services? If nongovernment organizations provide the services, does the government support their work either financially or otherwise? Are these service providers required to be trained on human trafficking and victim identification?

17. What was the overall quality of victim care? How could victim services be improved? Was government funding for trafficking victim protection and assistance adequate? Are there gaps in access to victim services? Are services available regardless of geographic location within the country? Are services victim-centered and trauma-informed?

18. Are services provided adequately to victims of both labor and sex trafficking? Adults and children, including men and boys? Citizens and noncitizens? LGBTI persons? Persons with disabilities? Were such benefits linked to whether a victim assisted law enforcement or participated in a trial, or whether a trafficker was convicted? Could adult victims leave shelters at will? Could victims seek employment and work while receiving assistance?

19. Do service providers and law enforcement work together cooperatively, for instance to share information about trafficking trends or to plan for services after a raid? What is the level of cooperation, communication, and trust between service providers and law enforcement?

20. Were there means by which victims could obtain restitution from the government or file civil suits against traffickers for restitution, and did this happen in practice? Did prosecutors request restitution in all cases where it was required?

21. How did the government encourage victims to assist in the investigation and prosecution of trafficking? How did the government protect victims during the trial process? If a victim was a material witness in a court case, was the victim permitted to obtain employment, move freely about the country, or leave the country pending trial proceedings? How did the government work to ensure victims were not re-traumatized during participation in trial proceedings? Can victims provide testimony via video or written statements? Were victims' identities kept confidential as part of such proceedings?

22. Did the government provide, through a formal policy or otherwise, temporary or permanent residency status, or other relief from deportation, for foreign victims of human trafficking who may face retribution or hardship in the countries to which they would be deported? Were victims given the opportunity to seek legal employment while in this temporary or permanent residency? Were such benefits linked to whether a victim assisted law enforcement, participated in a trial or whether there was a successful prosecution? Does the government repatriate victims who wish to return home? Does the government assist with third country resettlement? Are victims awaiting repatriation or third country resettlement offered services? Are victims indeed repatriated or are they deported?

23. Does the government effectively assist its nationals exploited abroad? Does the government work to ensure victims receive adequate assistance and support for their repatriation while in destination countries? Does the government provide adequate assistance to repatriated victims after their return to their countries of origin, and if so, what forms of assistance?

24. Does the government inappropriately detain or imprison identified trafficking victims? Does the government punish, penalize, or detain trafficking victims for unlawful acts committed as a result of being subjected to trafficking, such as forgery of documents, illegal immigration, unauthorized employment, prostitution, theft, or drug production or transport? Does law enforcement screen for trafficking victims when arresting individuals in prostitution?

25. What efforts has the government made to prevent human trafficking? Are there laws prohibiting employers or labor agents from confiscating workers' passports or travel documents, switching contracts without the workers' consent, or withholding payment of salaries as a means of keeping workers in a state of compelled service? Are these laws implemented to hold violators accountable and/or are such crimes investigated by law enforcement as potential indicators of trafficking?

26. Do authorities conduct criminal investigations when indicators of trafficking are identified in the context of labor inspections?

27. Does the government operate a hotline for potential victims? If so, how many calls did the hotline receive? What are the hours of operation? What languages are spoken? How many victims were identified as a result of calls to the hotline? Were any investigations initiated as a result of calls to the hotline?

28. Has the government entered into effective bilateral, multilateral, or regional information-sharing and cooperation arrangements that have

resulted in concrete and measureable outcomes?

29. Did the government provide assistance to other governments in combating trafficking in persons through trainings or other assistance programs?

30. Does the government have effective policies or laws regulating foreign labor recruitment, including the activities of recruitment agencies and individual recruiters, both licensed and unlicensed? What efforts did the government make to punish labor recruiters or brokers involved in the recruitment of workers through knowingly fraudulent offers of employment (including misrepresenting wages, working conditions, location, or nature of the job), charging workers of excessive fees for migration or job placement, retention of identity documents with an aim to control job seekers, or recruitment of workers in hazardous or unsafe work? What steps did the government take to minimize the trafficking risks faced by migrant workers departing from or arriving in the country and to raise awareness among potential labor migrants about the risks of human trafficking, legal limits on recruitment fees, or their rights while abroad? What agreements does the government have with either sending or receiving countries of migrant labor regarding safe and responsible recruitment? Are domestic workers (both nationals of the country and foreigners) protected under existing labor laws?

31. What measures has the government taken to reduce the participation by nationals of the country in international and domestic child sex tourism? If any of the country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws allow the prosecution of suspected sex tourists for crimes committed abroad?

32. What measures did the government take to establish the identity of local populations, including birth registration and issuance of documentation, citizenship, and nationality?

33. Did the government fund any anti-trafficking information, education, or awareness campaigns? Were these campaigns targeting potential trafficking victims and/or the demand for commercial sex or goods produced with forced labor? Does the government provide financial support to nongovernment organizations working to promote public awareness?

34. Were there government policies, regulations, and agreements relating to migration, labor, trade, and investment that had an impact, positive or negative, on forced labor or sex trafficking or vulnerabilities to such crimes? Please describe how this has impacted anti-trafficking efforts.

35. Please provide additional information and/or recommendations to improve the government's anti-trafficking efforts.

36. Please highlight effective strategies and practices that other governments could consider adopting.

Joel F. Maybury,

Deputy Director, Office to Monitor and Combat Trafficking in Persons, Department of State.

[FR Doc. 2018–26617 Filed 12–7–18; 8:45 am]

BILLING CODE 4710–17–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2018–0178]

Waiver Request for Aquaculture Support Operations for the 2019 Calendar Year: COLBY PERCE, RONJA CARRIER, SADIE JANE, MISS MILDRED 1

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: Pursuant to a delegation of authority from the Secretary of Transportation, the Maritime Administrator is authorized to issue waivers allowing documented vessels with registry endorsements or foreign flag vessels to be used in operations that treat aquaculture fish or protect aquaculture fish from disease, parasitic infestation, or other threats to their health when suitable vessels of the United States are not available that could perform those services. A request for such a waiver has been received by the Maritime Administration (MARAD). This notice is being published to solicit comments intended to assist MARAD in determining whether suitable vessels of the United States are available that could perform the required services. If no suitable U.S.-flag vessels are available, the Maritime Administrator may issue a waiver in accordance with USCG regulations on Aquaculture at 46 CFR part 106. A brief description of the proposed aquaculture support service is listed in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before January 9, 2019.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2018–0178 by any of the following methods:

- *On-line via the Federal Electronic Portal: http://www.regulations.gov.* Search using ''MARAD–2018–0178'' and follow the instructions for submitting comments.
- *Mail/Hand-Delivery/Courier:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590. Submit comments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

Reference Materials and Docket Information: You may view the complete application, including the aquaculture support technical service requirements, and all public comments at the DOT Docket on-line via *http://www.regulations.gov.* Search using ''MARAD–2018–0178.'' All comments received will be posted without change to the docket, including any personal information provided. The Docket Management Facility is open 9:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

If you have questions on viewing the Docket, call Docket Operations, telephone: (800) 647–5527.

SUPPLEMENTARY INFORMATION: As a result of the enactment of the Coast Guard Authorization Act of 2010, codified at 46 U.S.C. 12102, the Secretary of Transportation has the discretionary authority to issue waivers allowing documented vessels with registry endorsements or foreign flag vessels to be used in operations that treat aquaculture fish for or protect aquaculture fish from disease, parasitic infestation, or other threats to their health when suitable vessels of the United States are not available that could perform those services. The Secretary has delegated this authority to the Maritime Administrator. Pursuant to this authority, MARAD is providing notice of the service requirements proposed by Cooke Aquaculture (Cooke) in order to make a U.S.-flag vessel availability determination. Specifics can be found in Cooke's application letter posted in the docket.

To comply with USCG Aquaculture Support regulations at 46 CFR part 106, Cooke is seeking a MARAD Aquaculture Waiver to operate the vessels, COLBY

PERCE, RONJA CARRIER, SADIE JANE, and the MISS MILDRED 1 as follows:

Intended Commercial Use of Vessel: ''to use highly-specialized foreign-flag vessels referred to as a ''wellboat'' (or ''live fish carrier'') to treat Cooke's swimming inventory of farmed Atlantic salmon in the company's salt-water grow-out pens off Maine's North Atlantic Coast. This treatment prevents against parasitic infestation by sea lice that is highly destructive to the salmon's health.''

Geographic Region: ''off Maine's North Atlantic Coast''

Requested Time Period: ''2019 calendar year, from January 1, 2019 to December 31, 2019''

Interested parties may submit comments providing detailed information relating to the availability of U.S.-flag vessels to perform the required aquaculture support services. If MARAD determines, in accordance with 46 U.S.C. 12102(d)(1) and MARAD's regulations at 46 CFR part 388, that suitable U.S.-flag vessels are available to perform the required services, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria set forth in 46 CFR 388.4.

Privacy Act

In accordance with 5 U.S.C. 553(c), MARAD solicits comments from the public to inform its process to determine the availability of suitable vessels. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(w).

* * * * *

Dated: December 3, 2018.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–26589 Filed 12–7–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning taxation of gain or loss from certain nonfunctional currency transactions.

DATES: Written comments should be received on or before February 8, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to LaNita Van Dyke, at (202) 317–6009, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION: Currently, the IRS is seeking comments concerning the following information collection tools, reporting, and record-keeping requirements.

Title: Taxation of Gain or Loss from Certain Nonfunctional Currency Transactions (Section 988 Transactions).

OMB Number: 1545–1131.

Regulation: TD 8400.

Abstract: Internal Revenue Code sections 988(c)(1)(D) and (E) allow taxpayers to make elections concerning the taxation of exchange gain or loss on certain foreign currency denominated transactions. In addition, Code sections 988(a)(1)(B) and 988(d) require taxpayers to identify transactions which generate capital gain or loss or which are hedges of other transactions. This regulation provides guidance on making the elections and complying with the identification rules.

Current Actions: There are no changes to the previously approved burden of this existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Time per Respondent: 40 min.

Estimated Total Annual Burden Hours: 3,333.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: November 26, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–26625 Filed 12–7–18; 8:45 am]

BILLING CODE 4830–01–P

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Federal Register

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *http://www.archives.gov/federal-register/laws*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO's Federal Digital System (FDsys) at *http://www.gpo.gov/fdsys*. Some laws may not yet be available.

S. 140/P.L. 115–282
Frank LoBiondo Coast Guard Authorization Act of 2018 (Dec. 4, 2018; 132 Stat. 4192)

H.R. 606/P.L. 115–283
To designate the facility of the United States Postal Service located at 1025 Nevin Avenue in Richmond, California, as the ''Harold D. McCraw, Sr., Post Office Building''. (Dec. 6, 2018; 132 Stat. 4367)

H.R. 1209/P.L. 115–284
To designate the facility of the United States Postal Service located at 901 N. Francisco Avenue, Mission, Texas, as the ''Mission Veterans Post Office Building''. (Dec. 6, 2018; 132 Stat. 4368)

H.R. 2979/P.L. 115–285
To designate the facility of the United States Postal Service located at 390 West 5th Street in San Bernardino, California, as the ''Jack H. Brown Post Office Building''. (Dec. 6, 2018; 132 Stat. 4369)

H.R. 3230/P.L. 115–286
To designate the facility of the United States Postal Service located at 915 Center Avenue in Payette, Idaho, as the ''Harmon Killebrew Post Office Building''. (Dec. 6, 2018; 132 Stat. 4370)

H.R. 4890/P.L. 115–287
To designate the facility of the United States Postal Service located at 9801 Apollo Drive in Upper Marlboro, Maryland, as the ''Wayne K. Curry Post Office Building''. (Dec. 6, 2018; 132 Stat. 4371)

H.R. 4913/P.L. 115–288
To designate the facility of the United States Postal Service located at 816 East Salisbury Parkway in Salisbury, Maryland, as the ''Sgt. Maj. Wardell B. Turner Post Office Building''. (Dec. 6, 2018; 132 Stat. 4372)

H.R. 4946/P.L. 115–289
To designate the facility of the United States Postal Service located at 1075 North Tustin Street in Orange, California, as the ''Specialist Trevor A. Win'E Post Office''. (Dec. 6, 2018; 132 Stat. 4373)

H.R. 4960/P.L. 115–290
To designate the facility of the United States Postal Service located at 511 East Walnut Street in Columbia, Missouri, as the ''Spc. Sterling William Wyatt Post Office Building''. (Dec. 6, 2018; 132 Stat. 4374)

H.R. 5349/P.L. 115–291
To designate the facility of the United States Postal Service located at 1325 Autumn Avenue in Memphis, Tennessee, as the ''Judge Russell B. Sugarmon Post Office Building''. (Dec. 6, 2018; 132 Stat. 4375)

H.R. 5504/P.L. 115–292
To designate the facility of the United States Postal Service located at 4801 West Van Giesen Street in West Richland, Washington, as the ''Sergeant Dietrich Schmieman Post Office Building''. (Dec. 6, 2018; 132 Stat. 4376)

H.R. 5737/P.L. 115–293
To designate the facility of the United States Postal Service located at 108 West D Street in Alpha, Illinois, as the ''Captain Joshua E. Steele Post Office''. (Dec. 6, 2018; 132 Stat. 4377)

H.R. 5784/P.L. 115–294
To designate the facility of the United States Postal Service located at 2650 North Doctor Martin Luther King Jr. Drive in Milwaukee, Wisconsin, shall be known and designated as the ''Vel R. Phillips Post Office Building''. (Dec. 6, 2018; 132 Stat. 4378)

H.R. 5868/P.L. 115–295
To designate the facility of the United States Postal Service located at 530 Claremont Avenue in Ashland, Ohio, as the ''Bill Harris Post Office''. (Dec. 6, 2018; 132 Stat. 4379)

H.R. 5935/P.L. 115–296
To designate the facility of the United States Postal Service located at 1355 North Meridian Road in Harristown, Illinois, as the ''Logan S. Palmer Post Office''. (Dec. 6, 2018; 132 Stat. 4380)

H.R. 6116/P.L. 115–297
To designate the facility of the United States Postal Service located at 362 North Ross Street in Beaverton, Michigan, as the ''Colonel Alfred Asch Post Office''. (Dec. 6, 2018; 132 Stat. 4381)

H.J. Res. 143/P.L. 115–298
Making further continuing appropriations for fiscal year 2019, and for other purposes. (Dec. 7, 2018; 132 Stat. 4382)

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