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Contents

Federal Register

Vol. 83, No. 124

Wednesday, June 27, 2018

Agricultural Marketing Service
NOTICES
Meetings:
Plant Variety Protection Board, 30095

Agriculture Department
See Agricultural Marketing Service
See Food and Nutrition Service
See Forest Service
See Rural Business-Cooperative Service
See Rural Housing Service

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30178–30180

Coast Guard
RULES
Drawbridge Operations:
Removal of Obsolete Drawbridge Operating Regulations; Technical Amendment, 30036–30039
Safety and Security Zones:
New York Marine Inspection and Captain of the Port Zone, 30041–30044
Safety Zones:
Boaters Against Cancer Fireworks Display; Lake Ontario, Kendall, NY, 30046–30048
Lakewood Independence Day Fireworks, Lake Erie, Lakewood, OH, 30039–30041
Town of Hamburg July 3rd Party, Lake Erie, Blasdell, NY, 30044–30046
PROPOSED RULES
Special Local Regulations:
Ohio River, Owensboro, KY, 30089–30091

Commerce Department
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office
NOTICES
Cross-Agency Priority Goal:
Leveraging Data as Strategic Asset, 30113–30116

Community Living Administration
NOTICES
Program Application Instructions for Tribal Medicare Improvements for Patients and Providers Act Program Funds, 30180

Comptroller of the Currency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Loans in Areas Having Special Flood Hazards, 30220–30221

Defense Department
RULES
National Security Education Program Grants to Institutions of Higher Education, 30036
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30149
Manual for Courts-Martial, 30147–30149

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
College Assistance Migrant Program Annual Performance Report, 30150
High School Equivalency Program Annual Performance Report, 30150–30151
New Awards; Applications:
Native Hawaiian Career and Technical Education Program, 30151–30158
Training Program for Federal TRIO Programs, 30158–30161

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Alaska; Interstate Transport Requirements for 2012 Fine Particulate Matter National Ambient Air Quality Standard, 30048–30049
Outer Continental Shelf Air Regulations:
New Jersey State Requirements, 30050–30054
Reporting Requirements for TSCA Mercury Inventory:
Mercury, 30054–30077
NOTICES
Final Strategic Plan to Promote Development and Implementation of Alternative Test Methods Supporting Toxic Substances Control Act, 30167–30168
Guidance:
Creating Generic Names for Confidential Chemical Substance Identity Reporting under Toxic Substances Control Act, 30173–30174
Expanded Access to TSCA Confidential Business Information, 30171–30173
TSCA Chemical Substances:
Unique Identifier Assignment and Application Policy, 30168–30171

Equal Employment Opportunity Commission
RULES
Federal Sector Equal Employment Opportunity; CFR Correction, 30035

Federal Aviation Administration
RULES
Air Traffic Service (ATS) Routes; Modifications:
Routes in the Vicinity of Newberry, MI, 30032–30033
Routes in the Vicinity of Richmond, IN, 30031–30032
Regulatory Relief:
Aviation Training Devices; Pilot Certification, Training, and Pilot Schools; and Other Provisions, 30232–30284
Restricted Areas; Amendments:
R–2302; Flagstaff, AZ, 30033–30034

Restricted Areas; Revocations:
R–2530, Sierra Army Depot, CA, 30034–30035
NOTICES
Exemption Petitions; Summaries:
PlaneSense, Inc., 30212
Tarrant County College, 30212–30213
Requests to Release Airport Land:
Federal Grant Assurance Obligations for San Luis Obispo Airport, San Luis Obispo, CA, 30213–30214

Federal Communications Commission
RULES
IP CTS Modernization and Reform, 30082–30088
PROPOSED RULES
Petitions for Reconsiderations of Actions in Rulemaking Proceedings, 30091
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30174–30178

Federal Emergency Management Agency
NOTICES
Flood Hazard Determinations; Changes, 30187–30190

Federal Energy Regulatory Commission
NOTICES
Applications:
Town of Bedford, 30164
Combined Filings, 30164–30166
Complaints:
CXA La Paloma, LLC v. California Independent System Operator Corp., 30162
Environmental Impact Statements; Availability, etc.:
Midship Pipeline Co., LLC; Proposed Midcontinent Supply Header Interstate Pipeline Project, 30165
Filings:
American Municipal Power, Inc., 30162
Institutions of Section 206 Proceedings:
Ameren Illinois Co., et al., 30163–30164
Petitions for Declaratory Orders:
City of Falmouth, KY, 30161–30162
Requests under Blanket Authorizations:
Panhandle Eastern Pipe Line Co., LP, 30166–30167
Southern Star Central Gas Pipeline, Inc., 30162–30163

Federal Railroad Administration
NOTICES
Compliance Waivers; Petitions, 30214

Federal Reserve System
NOTICES
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 30178

Fish and Wildlife Service
PROPOSED RULES
Endangered and Threatened Wildlife and Plants:
90-Day Findings for Three Species, 30091–30094
NOTICES
Endangered and Threatened Species:
Proposed Low-Effect Habitat Conservation Plan for Sand Skink, Lake, County, FL; Availability, 30191

Food and Drug Administration
NOTICES
Meetings:
Comprehensive, Multi-Year Nutrition Innovation Strategy, 30180–30182

Food and Nutrition Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
School Nutrition and Meal Cost Study-II, 30095–30101

Forest Service
NOTICES
Land Management Plans:
Malheur, Umatilla, and Wallowa-Whitman National Forests in Oregon, Washington, and Idaho States, 30101–30102

General Services Administration
RULES
Federal Travel Regulations:
Removal of Meals and Incidental Expenses Deduction Table, Allocation of Meals and Incidental Expenses Rates to be Used in Making Deductions from Meals and Incidental Expenses Allowance, and Glossary of Acronyms, 30077–30079

Health and Human Services Department
See Centers for Disease Control and Prevention
See Community Living Administration
See Food and Drug Administration
See National Institutes of Health
RULES
National Health Service Corps Program, 30080–30081
Ricky Ray Hemophilia Relief Fund Program, 30081–30082
Rural Physician Training Grant Program, Definition of Underserved Rural Community, 30079–30080
NOTICES
Meetings:
Tick-Borne Disease Working Group, 30182–30183

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
RULES
Regulations Governing Conduct on Federal Property:
Temporary Extension of Applicability, 30031

Information Security Oversight Office
NOTICES
Meetings:
National Industrial Security Program Policy Advisory Committee, 30194–30195

Interior Department
See Fish and Wildlife Service
See Land Management Bureau

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30221–30223

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Drawn Stainless Steel Sinks from China, 30193

Joint Board for Enrollment of Actuaries
NOTICES
Meetings:
Advisory Committee, 30193–30194

Labor Department
See Occupational Safety and Health Administration
See Wage and Hour Division

Land Management Bureau
NOTICES
Plats of Surveys:
California, 30192–30193
Idaho, 30191–30192

Legal Services Corporation
NOTICES
Meetings; Sunshine Act, 30194

Maritime Administration
NOTICES
Funding Opportunities:
America's Marine Highway Projects, 30214–30218

National Archives and Records Administration
See Information Security Oversight Office

National Endowment for the Arts
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Final Descriptive Reports for Recipients of National Endowment for the Arts Grant Awards, 30195

National Foundation on the Arts and the Humanities
See National Endowment for the Arts

National Highway Traffic Safety Administration
NOTICES
Petitions for Decisions of Inconsequential Noncompliance:
Autocar Industries, LLC and Autocar, LLC, 30218–30220

National Institute of Standards and Technology
NOTICES
Charter Renewals:
Smart Grid Advisory Committee, 30116
Meetings:
Judges Panel of Malcolm Baldrige National Quality Award, 30116–30117
Prospective Grants of Exclusive Patent Licenses, 30116

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 30184–30186
Eunice Kennedy Shriver National Institute of Child Health and Human Development, 30183
National Center for Complementary and Integrative Health, 30183–30184
National Eye Institute, 30183
National Institute of Allergy and Infectious Diseases, 30184
National Institute of Mental Health, 30186–30187
National Institute on Drug Abuse, 30184

National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30117–30120
Meetings:
Evaluation of Old Woman Creek National Estuarine Research Reserve, 30118–30119
Evaluation of Sapelo Island National Estuarine Research Reserve, 30119
Evaluation of State Coastal Management Programs, 30118
Takes of Marine Mammals:
Incidental to Pile Driving Activities for Restoration of Pier 62, Seattle Waterfront, Elliott Bay, 30120–30145

Nuclear Regulatory Commission
NOTICES
License Amendment Applications:
Southern Nuclear Operating Co., Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Changes to Construction Fitness-for-Duty Commitments, 30199–30202
Licenses; Amendments;
Southern Nuclear Operating Co., Inc.; Vogtle Electric Generating Plant, Unit Nos. 3 and 4, 30195–30199
Meetings:
Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures, 30195

Occupational Safety and Health Administration
RULES
Occupational Safety and Health Standards; CFR Correction, 30035

Patent and Trademark Office
NOTICES
Patent Cooperation Treaty Collaborative Search and Examination Pilot Project between IP5 Offices, 30145–30147

Postal Regulatory Commission
NOTICES
New Postal Products, 30202–30203

Rural Business-Cooperative Service
NOTICES
Requests for Applications:
Rural Business Development Grant Program to Provide Technical Assistance for Rural Transportation Systems, 30102–30106

Rural Housing Service
NOTICES
Requests for Applications:
Farm Labor Housing Loans and Farm Labor Housing Grants for Off-Farm Housing for Fiscal Year 2018, 30106–30113

Securities and Exchange Commission
NOTICES
Applications:
Impact Shares Trust I, et al., 30208–30209
Filings:
Consolidated Tape Assn., 30209–30210
Joint Industry Plan, 30205–30206
Meetings; Sunshine Act, 30206
Self-Regulatory Organizations; Proposed Rule Changes:
National Futures Assn., 30203–30207

State Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Request for Department of State Personal Identification Card, 30211

Surface Transportation Board
NOTICES
Abandonment Exemptions:
CSX Transportation, Inc. in Fulton County, GA, 30211–30212

Transportation Department
See Federal Aviation Administration
See Federal Railroad Administration
See Maritime Administration
See National Highway Traffic Safety Administration

Treasury Department
See Comptroller of the Currency
See Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30223–30225

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30225–30226
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Reimbursement of Licensing or Certification Test Fees, 30226
Eating Disorders in Veterans: Prevalence, Comorbidity, Risk, and Healthcare Use, 30227
Request for Substitution of Claimant Upon Death of Claimant, 30226–30227
VBA Call Center Satisfaction Survey, 30227–30228
VHA Homeless Programs Project CHALENG (Community Homelessness Assessment, Local Education and Networking Groups) for Veterans, 30228–30229

Wage and Hour Division
RULES
Family and Medical Leave Act of 1993; CFR Correction, 30035

Separate Parts In This Issue

Part II
Transportation Department, Federal Aviation Administration, 30232–30284

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

6 CFR
Ch. I 30031

14 CFR
1 30232
60 30232
61 30232
63 30232
65 30232
71 (2 documents) 30031, 30032
73 (2 documents) 30033, 30034
91 30232
121 30232
135 30232
141 30232

29 CFR
825 30035
1614 30035
1910 30035

32 CFR
206 30036

33 CFR
117 30036
165 (4 documents) 30039, 30041, 30044, 30046

Proposed Rules:
100 30089

40 CFR
52 30048
55 30050
713 30054

41 CFR
300–3 30077
301–11 30077
Ch. 301 App. B 30077
Ch. 301 App. D 30077
302–9 30077
302–11 30077

42 CFR
5a 30079
23 30080
130 30081

47 CFR
64 30082

Proposed Rules:
54 30091
64 30091

50 CFR

Proposed Rules:
17 30091

Rules and Regulations

Federal Register
Vol. 83, No. 124
Wednesday, June 27, 2018

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

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chapter I

Temporary Extension of Applicability of Regulations Governing Conduct on Federal Property

AGENCY: Office of the Secretary, Department of Homeland Security (DHS).

ACTION: Notification of temporary extension of the applicability of regulations.

SUMMARY: This document announces that the Secretary of Homeland Security, pursuant to the Homeland Security Act of 2002, has temporarily extended the applicability of certain regulations governing conduct on federal property to a certain area within the United States Border Patrol's El Centro Sector allowing for their enforcement. This temporary administrative extension enables DHS to protect and secure federal property at or near the project area for replacement border barrier near the city of Calexico, California, including but not limited to, project sites, staging areas, access roads, and buildings temporarily erected to support construction activities, and to carry out DHS's statutory obligations to protect and secure the nation's borders. The project area for border barrier replacement is situated within a geographic area that starts at the Calexico West Port of Entry, and extends approximately three miles west along the southern U.S. border.

DATES: Pursuant to 40 U.S.C. 1315(d), the extension began on May 20, 2018 and will continue for the duration of the construction activities related to the border barrier replacement project near the city of Calexico, California.

FOR FURTHER INFORMATION CONTACT: Joshua A. Vayer, Division Director, Protective Operations Division, Federal Protective Service, *joshua.s.vayer@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 1706 of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135 (Nov. 25, 2002), as codified at 40 U.S.C. 1315, the Secretary of Homeland Security is responsible for protecting the buildings, grounds, and property owned, occupied, or secured by the federal government (including any agency, instrumentality, or wholly owned or mixed ownership corporation thereof) and the persons on the property. To carry out this mandate, the Department is authorized to enforce the applicable federal regulations for the protection of persons and property set forth in 41 CFR part 102–74, subpart C.[1] These regulations govern conduct on federal property and set forth the relevant criminal penalties. Although these regulations apply to all property under the authority of the General Services Administration and to all person entering in or on such property,[2] the Secretary of Homeland Security is authorized pursuant to 40 U.S.C. 1315(d)(2)(A) to extend the applicability of these regulations to any property owned or occupied by the federal government and to enforce them.

Temporary Administrative Extension of Applicability of Regulations Governing Conduct on Federal Property to Certain Areas in the Vicinity of the Border Near the City of Calexico

DHS is replacing existing border fence with bollard wall near the city of Calexico in the United States Border Patrol's El Centro Sector pursuant to several statutory and executive directives.[3] In order to protect and secure the property at or near the border barrier replacement project area, including, but not limited to, project sites, staging areas, access roads, and buildings temporarily erected to support construction activities, I temporarily extended the applicability, allowing the enforcement, of regulations governing the conduct of individuals on federal property to areas in or around the border barrier replacement project area, pursuant to 40 U.S.C. 1315(d)(2)(A). The project area for border barrier replacement wall and fence replacement is situated within a geographic area that starts at the Calexico West Port of Entry, and extends to approximately three miles west along the southern U.S. border. Specifically, I temporarily extended the applicability, allowing the enforcement, of the regulations in 41 CFR part 102–74, subpart C, for the protection and administration of property owned or occupied by the Federal Government and persons on the property at or near the border barrier replacement project area near the city of Calexico, California.

The regulations in 41 CFR part 102–74, subpart C, will remain applicable and enforceable at these locations for the duration of the construction related to the border barrier replacement near the city of Calexico, California.

Kirstjen M. Nielsen,

Secretary of Homeland Security.

[FR Doc. 2018–13725 Filed 6–26–18; 8:45 am]

BILLING CODE 4410–10–P

[1] Although these regulations were issued prior to the Homeland Security Act, per section 1512 of the Act, these regulations remain the relevant regulations for purposes of the protection and administration of property owned or occupied by the federal government.

[2] *See* 41 CFR 102–74.365.

[3] The statutory and executive directives relating to the construction of the border wall replacement fencing include, but are not limited to, section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104–208, Div. C, 110 Stat. 3009–546, 3009–554 (Sept. 30, 1996) (8 U.S.C. 1103 note), as amended by the REAL ID Act of 2005, Public Law 109–13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005) (8 U.S.C. 1103 note), the Secure Fence Act of 2006, Public Law 109–367, section 3, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1103 note), and the Department of Homeland Security Appropriations Act, 2008, Public Law 110–161, Div. E, Title V, section 564, 121 Stat. 2090 (Dec. 26, 2007) (8 U.S.C. 1103 note); Section 2 of the Secure Fence Act of 2006, Public Law l09–367, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1701 note); and E.O. 13767.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1144; Airspace Docket No. 16–AGL–30]

RIN 2120–AA66

Modification of Air Traffic Service (ATS) Routes in the Vicinity of Richmond, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** of May 29, 2018, that amends five VHF omnidirectional range (VOR) Federal airways (V–12, V–214, V340, V–467, and V517) and one low altitude area navigation (RNAV) route (T–213). This action removes V–467 as the FAA inadvertently listed the route as being amended when, in fact, it already has been removed in a previous rulemaking.

DATES: Effective date 0901 UTC September 13, 2018. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (83 FR 24403; May 29, 2018) for Docket No. FAA–2017–1144 amending VOR Federal airways V–12, V–214, V–340, V–467, and V–517, and low altitude RNAV route T–213. Subsequent to publication, the FAA identified that one VOR Federal airway, V–467, already has been removed in a previous rulemaking (83 FR 13404; March 29, 2018). This action removes reference to V–467 in the preamble and the regulatory text.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, Modification of Air Traffic Service (ATS) Routes in the Vicinity of Richmond, IN, published in the **Federal Register** of May 29, 2018 (83 FR 24403), FR Doc. 2018–11327, is corrected as follows:

§ 71.1 [Amended]

■ On page 24403, column 1, line 15; column 2, line 32; and column 3, line 11, remove the text ''V–467.'' On page 24403, column 3, lines 49 thru 56, remove the text that reads ''V–467: V–467 extends between the Richmond, IN, VORTAC and the Detroit, MI, VOR/DME. This rule removes the airway segment between the Richmond, IN, VORTAC and the Waterville, OH, VOR/DME. The unaffected portion of the existing airway remains as charted.''

■ On page 22404, column 3, lines 39 and 40, under Paragraph 6010(a) Domestic VOR Federal Airways, remove the text that reads:

''**V–467 [Amended]**

From Waterville, OH; to Detroit, MI.''

Issued in Washington, DC, on June 20, 2018.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2018–13739 Filed 6–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0222; Airspace Docket No. 18–AGL–2]

RIN 2120–AA66

Modification of Air Traffic Service (ATS) Route in the Vicinity of Newberry, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies VHF Omnidirectional Range (VOR) Federal airway V–316 in the vicinity of Newberry, MI. The FAA is taking this action due to the planned decommissioning of the Newberry, MI, VOR/Distance Measuring Equipment (VOR/DME) navigation aid (NAVAID), which provides navigation guidance for portions of the above route. The Newberry VOR/DME is a non-federal NAVAID owned by the State of Michigan that is planned to be decommissioned in September 2018.

DATES: Effective date 0901 UTC, September 13, 2018. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11B, 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 7400.11B 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: Colby Abbott, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the route structure in the National Airspace System as necessary to preserve the safe and efficient flow of air traffic.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** for Docket No. FAA–2018–0222 (83 FR 12885; March 26, 2018) to amend VOR Federal airway V–316 due to the planned decommissioning of the Newberry, MI, VOR/DME. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document would be subsequently published in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas,

air traffic service routes, and reporting points.

The Rule

The FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 to modify VOR Federal airway V–316 due to the planned decommissioning of the Newberry, MI, VOR/DME. The V–316 change is described below.

V–316: V–316 extends between the Ironwood, MI, VOR/Tactical Air Navigation (VORTAC) and the Sudbury, ON, Canada, VOR/DME, excluding the airspace within Canada. The airway segment between the Sawyer, MI, VOR/DME and the Sault Ste Marie, MI, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

The radials in the route description below are unchanged and stated in True degrees.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of modifying VOR Federal airway V–316 near Newberry, MI qualifies for categorical exclusion under the National Environmental Policy Act and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, Paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

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 6010(a) Domestic VOR Federal Airways.

* * * * *

V–316

From Ironwood, MI; to Sawyer, MI. From Sault Ste Marie, MI; thence via Sault Ste Marie 091° radial to Elliot Lake, ON, Canada, NDB; thence to Sudbury, ON, Canada, via the 259° radial to Sudbury. The airspace within Canada is excluded.

Issued in Washington, DC, on June 20, 2018.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2018–13740 Filed 6–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2018–0520; Airspace Docket No. 18–AWP–9]

RIN 2120–AA66

Amendment of Restricted Area R–2302; Flagstaff, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action changes the time of designation and controlling agency of restricted area R–2302, Flagstaff AZ. The FAA is taking this administrative action in response to the United States Army's limited utilization of the airspace while updating the responsible controlling agency. There are no changes to the boundaries; designated altitudes; or activities conducted within the affected restricted area.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it administratively amends the time of designation and controlling agency for restricted area R–2302, Flagstaff, AZ.

History

The FAA evaluates utilization of special use airspace annually. For the past five years the utilization of restricted area R–2302 has declined steadily. The FAA in coordination with the United States Army, has concluded the restricted area is still needed, but at

an on-call basis only. Therefore, the airspace will be activated by a Notice to Airman (NOTAM), four hours in advance as opposed to active continuously Monday through Saturday from 0800 to 2400. Additionally, the controlling agency has changed from Albuquerque Air Traffic Control Center (ARTCC) to Phoenix Terminal Radar Approach Control (TRACON) due to a recent alignment of assigned airspace thus making the restricted area fall completely within Phoenix TRACONs assigned airspace.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by revising the time of designation and controlling agency listed for restricted area R–2302, Flagstaff, AZ. The time of designation is changed from ''active daily, 0800–2400 MST, Monday through Saturday;'' to ''intermittent by NOTAM only, 4 hours in advance, between 0800 to 2400 MST, Monday through Saturday''. Additionally, the controlling agency for R–2302 is changed from ''Albuquerque ARTCC'' to ''Phoenix TRACON''. These are administrative changes and do not affect the boundaries, designated altitudes, or activities conducted within the restricted area; therefore, notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of updating the time of designation and controlling agency for restricted area R–2302; Flagstaff, AZ, qualifies for categorical exclusion under the National Environmental Policy Act, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5.d, ''Modification of the technical description of special use airspace (SUA) that does not alter the dimensions, altitudes, or times of designation of the airspace (such as changes in designation of the controlling or using agency, or correction of typographical errors).'' This airspace action is an administrative change to the description of restricted area R–2302; Flagstaff, AZ, to update the time of designation and controlling agency name. It does not alter the dimensions, altitudes, time of designation, or use of the airspace. Therefore, this airspace action is not expected to result in any significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, this action has been reviewed for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis, and it is determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

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

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

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

§ 73.23 [Amended]

■ 2. Section 73.23 is amended as follows:

* * * * *

R–2302 Flagstaff, AZ [Amended]

By removing ''Time of designation. Active daily, 0800–2400 MST, Monday through Saturday'' and adding in their place ''Time of designation. Intermittent by NOTAM only, 4 hours in advance, between 0800 to 2400 MST, Monday–Saturday.

By removing ''Controlling agency. Albuquerque ARTCC,'' and adding in their place ''Controlling agency. FAA, Phoenix TRACON.''

* * * * *

Issued in Washington, DC, on June 20, 2018.

Rodger A. Dean, Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2018–13738 Filed 6–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2018–0476; Airspace Docket No. 18–AWP–8]

RIN 2120–AA66

Revocation of Restricted Area R–2530, Sierra Army Depot, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes restricted area R–2530 Sierra Army Depot, CA. This restricted area was originally established in 1963 for the purpose of neutralization of ammunition through a process known as burning. The United States Army has advised there are no future plans for this restricted area and has concurred with the FAA's plan for removal. Therefore, the FAA has determined that a valid requirement for the airspace no longer exists.

DATES: *Effective date:* July 27, 2018.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it returns restricted area R–2530 Sierra Army Depot, CA, as it is no longer needed for its designated purpose within the National Airspace System (NAS).

The Rule

This action amends 14 Code of Federal Regulations (CFR) part 73 by removing Restricted area R–2530 Sierra Army Depot, CA. The United States Army no longer has a use for the restricted area, which was originally established for neutralization of ammunition through a process known as burning. The process was considered a hazard to aircraft since an uncontrolled explosion may have occurred at any time during the burning operation. The FAA has determined that a valid requirement for the airspace no longer exists and the restricted area is being returned to the NAS.

Since this action reduces restricted airspace, the solicitation of comments would only delay the return of airspace to public use without offering any meaningful right or benefit to any segment of the public; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of revoking of R–2530 Sierra Army Depot, CA, qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 5–6.5.c, ''Actions to return all or part of special use airspace (SUA) to the National Airspace System (NAS), such as revocation of airspace, a decrease in dimensions, or a reduction in times of use (*e.g.,* from continuous to intermittent, or use by a Notice to Airmen (NOTAM)).'' This action returns restricted airspace to the NAS. Therefore, this airspace action is not expected to result in any significant environmental impacts. In accordance with FAAO 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, this action has been reviewed for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis, and it is determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

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

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

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

§ 73.25 [Amended]

■ 2. Section 73.25 is amended as follows:

* * * * *

R–2530 Sierra Army Depot, CA [Removed]

Issued in Washington, DC, on June 20, 2018.

Rodger A. Dean, Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2018–13737 Filed 6–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 825

The Family and Medical Leave Act of 1993

CFR Correction

■ In Title 29 of the Code of Federal Regulations, Parts 500 to 899, revised as of July 1, 2017, on page 821, in § 825.120, paragraph (a)(4) is amended as follows:

—Remove the third sentence of the paragraph;

—Add a sentence following the first sentence of the paragraph; and

—Add a sentence following the last sentence of the paragraph.

The additions read as follows:

§ 825.120 Leave for pregnancy or birth.

(a) * * *

(4) * * * Circumstances may require that FMLA leave begin before the actual date of birth of a child. * * * For example, a pregnant employee may be unable to report to work because of severe morning sickness.

* * * * *

[FR Doc. 2018–13908 Filed 6–26–18; 8:45 am]

BILLING CODE 1301–00–D

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1614

Federal Sector Equal Employment Opportunity

CFR Correction

In Title 29 of the Code of Federal Regulations, Parts 900 to 1899, revised as of July 1, 2017, on page 302, in § 1614.304, paragraph (b)(4) is reinstated to read as follows:

§ 1614.304 Contents of petition.

* * * * *

(b) * * *

(4) A copy of the decision issued by the MSPB; and

* * * * *

[FR Doc. 2018–13907 Filed 6–26–18; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Safety and Health Standards

CFR Correction

§ 1910.1043 [Amended]

■ In Title 29 of the Code of Federal Regulations, Part 1910 (§ 1910.1000 to end of part 1910), revised as of July 1, 2017, on page 297, paragraphs § 1910.1043(i)(1)(i)(A) through (F) are removed.

[FR Doc. 2018–13909 Filed 6–26–18; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 206

[Docket ID: DOD–2017–OS–0055]

RIN 0790–AJ93

National Security Education Program (NSEP) Grants to Institutions of Higher Education

AGENCY: Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Final rule.

SUMMARY: This final rule will remove DoD's regulation that relates to the administration of the Boren grants program as sections pertinent to the public were incorporated into the revision of DoD's regulation titled ''National Security Education Program (NSEP) and NSEP Service Agreement'' on December 5, 2016. This rule has been superseded, is unnecessary, and can be removed.

DATES: This rule is effective on June 27, 2018.

FOR FURTHER INFORMATION CONTACT: Dr. Sam Eisen at 571–256–0760.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since its content was incorporated into another CFR part for which public comment was taken.

The removal of this part eliminates text which has been superseded at 32 CFR part 208, therefore, it will not change the regulatory impact on the public. This removal is administrative in nature and does not result in a burden reduction or cost savings to the public.

DoD internal guidance concerning the administration of the Boren grants program will continue to be published in DoD Instruction 1025.02 available at *http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/102502_dodi_2017.pdf.*

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' therefore, E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs'' does not apply.

List of Subjects in 32 CFR Part 206

Colleges and universities, Grant programs—education.

PART 206—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 206 is removed.

Dated: June 21, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–13759 Filed 6–26–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0443]

RIN 1625–AA09

Drawbridge Operation Regulation; Technical Amendment; Removal of Obsolete Drawbridge Operating Regulations

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing operation regulations for 33 drawbridges across various waterways and in various locations, across the east coast and western rivers of the United States. These drawbridges have either been replaced with a fixed bridge, removed from the waterway, altered with CG approval in such a manner that the drawspan is no longer moveable or the approaching rail lines or roadways have been removed with the drawspan open to navigation and inoperable. These 33 operating regulations are no longer applicable or necessary.

DATES: This rule is effective June 27, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0443. 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 Mr. Chris Jaufmann, Office of Bridge Programs; United States Coast Guard Headquarters; telephone 202–372–1512, email *Josef.C.Jaufmann@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department Of Homeland Security
FR Federal Register
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this 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 notice and comment procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) due to the fact that the 33 drawbridges identified either do not exist or no longer function as a drawbridge. Therefore, their regulations are no longer applicable and need to be removed. It is unnecessary to publish a NPRM because drawbridge regulations are only used for bridges that have an operational span that is intended to be opened for the passage of waterway traffic. These bridges are no longer operational.

For the same reasons stated in the preceding paragraph, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The bridges at issue no longer have an operational span and therefore have no need of a drawbridge regulation. The removal of the regulation will not affect mariners currently operating on this waterway. Therefore, a delayed effective date is unnecessary.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The elimination of these drawbridges necessitates the removal of their corresponding drawbridge operation regulation in 33 CFR part 117 subpart B.

IV. Discussion of Final Rule

The Coast Guard is removing restrictions and the regulatory burdens related to the draw operations for these 33 bridges that no longer function as drawbridges. In the regulatory section of this final rule, the 33 bridges are presented numerically based on their section number and, if applicable, paragraph lettering under 33 CFR part 117 subpart B.

This final rule will update 33 CFR part 117 subpart B by removing language that governs the operating schedule of the aforementioned bridges, which in fact, in their current state, are no longer drawbridges. The removal of

these obsolete regulations will not affect waterway or land traffic.

The following bridges remain across their respective waterways and remain in use in their transportation function, however; have been converted to fixed bridges:

—§ 117.125(b) Black River; Black Rock, AR; Burlington Northern RR Bridge; Mile 68.4; Eighth Coast Guard District.
—§ 117.125(c) Black River; Pocahontas, AR; Arkansas State HWY Dept. Bridge; Mile 90.1; Eighth Coast Guard District.
—§ 117.125(e) Black River; Corning, AR; Union Pacific RR Bridge; Mile 144.4; Eighth Coast Guard District.
—§ 117.125(f) Black River; Corning, AR; Arkansas State HWY Dept. Bridge; Mile 152.2; Eighth Coast Guard District.
—§ 117.127 Current River; Biggers, AR; Arkansas Highway Bridge; Mile 10.2; Eight Coast Guard District
—§ 117.527 Kennebunk River; Between Kennebunk and Kennebunkport, ME; Dock Square Drawbridge; Mile 1; First Coast Guard District.
—§ 117.591(b) Charles River and its Tributaries; Boston, MA; Charleston Bridge; Mile 0.4; First Coast Guard District.
—§ 117.609(b) Mystic River; Somerville, MA; Wellington Bridge; Mile 2.5; First Coast Guard District.
—§ 117.613 North River; Norwell, MA; Plymouth County (Bridge Street) Bridge; Mile 4.0; First Coast Guard District.
—§ 117.738 Overpeck Creek; Ridgefield Park; Conrail and the New York, Susquehanna and Western Railroad Bridges; Mile 0.0; First Coast Guard District.

The following bridges are no longer functional drawbridges. These bridges have either had their operable drawspan removed or the bridge was removed in whole from the waterway:

—§ 117.125(d) Black River; Pocahontas, AR; Burlington Northern RR Bridge; Mile 90.4; Eighth Coast Guard District.
—§ 117.127 Current River; Biggers, AR; Burlington Northern RR Bridge; Mile 12.2; Eighth Coast Guard District.
—§ 117.272 Boot Key Harbor; Between Marathon and Boot Key, FL; Boot Key Harbor Drawbridge; Mile 0.13; Seventh Coast Guard District.
—§ 117.531(c)(2) Piscataqua River; Portsmouth, ME; Sarah M. Long (Route 1 Bypass) Secondary Recreation Draw; Mile 2.5; First Coast Guard District.
—§ 117.599 Fort Point Channel; Boston, MA; Northern Avenue Bridge; Mile 0.1; First Coast Guard District.
—§ 117.601 Malden River; Between Medford and Everett, MA; S16 Bridge; Mile 0.3; First Coast Guard District.

The following bridges remain in the waterway and are open to navigation. However, the rail line, including the bridge, are no longer in use.

—§ 117.139(a) White River; DeValls Bluff; AR; Chicago, Rock Island and Pacific Railroad Bridge; Mile 122; Eighth Coast Guard District.
—§ 117.521 Back Cove; Portland, ME; Canadian National Railroad Bridge; Mile 0.2; First Coast Guard District.
—§ 117.605(b) Merrimack River; Newburyport, MA; Massachusetts Bay Transportation Authority (MBTA) Railroad Bridge; Mile 3.4; First Coast Guard District.

The following drawbridges have been removed from the waterway and replaced with fixed bridges:

—§ 117.139(a) White River; DeValls Bluff, AR; US70 Highway Bridge; Mile 121.7; First Coast Guard District.
—§ 117.261(b) Atlantic Intracoastal Waterway from St. Mary's River to Key Largo; Jacksonville Beach, FL; McCormick Bridge; Mile 747.5; Seventh Coast Guard District.
—§ 117.261(qq) Atlantic Intracoastal Waterway from St. Mary's River to Key Largo; Key Largo, FL; Jewfish Creek; Mile 1134; Seventh Coast Guard District.
—§ 117.287(i) Gulf Intracoastal Waterway; Clearwater, FL; Belleair Beach Drawbridge; Mile 131.8; Seventh Coast Guard District.
—§ 117.309 Nassau Sound; Between Amelia Island and Talbot Island, FL; Fernandina Port Authority (SR–A–1–A) Bridge; Mile 0.4; Seventh Coast Guard District.
—§ 117.317(j) Okeechobee Waterway; Punta Rassa, FL; Sanibel Causeway Bridge; Mile 151; Seventh Coast Guard District.
—§ 117.483 Ouachita River; Harrisonburg, LA; S8 Bridge; Mile 57.5; Eight Coast Guard District.
—§ 117.529 Narraguagus River; Millbridge, ME; Highway Bridge; Mile 1.8; First Coast Guard District.
—§ 117.739(n)(1) Passaic River; Wallington, NJ; Gregory Avenue Bridge; Mile 14; First Coast Guard District.
—§ 117.779 Eastchester Bay (Arm of); Between Rodman Neck and City Island, NY; Highway Bridge; Mile 2.2; First Coast Guard District.
—§ 117.805 Peekskill (Annsville) Creek; Peekskill, NY; Conrail Bridge; Mile 0; First Coast Guard District.
—§ 117.1059(d) Snohomish River, Steamboat Slough, and Ebey Bay; Everett, WA; SR 2 Highway Bridges; Mile 6.9; Thirteenth Coast Guard District.
—§ 117.1059(h) Snohomish River, Steamboat Slough, and Ebey Bay; Marysville, WA; SR 529 Highway Bridge; Mile 1.6; Thirteenth Coast Guard District.

In accordance with § 117.1059(h), the drawtender at the SR 529 Highway Bridge across Ebey Slough, mile 1.6 at Marysville would control the openings at that bridge and the openings for the SR 529 Highway Bridge across the Snohomish River, mile 3.6 at Everett and the twin, SR 529 Highway Bridges across Steamboat Slough, mile 1.1 and 1.2 respectively near Marysville; Monday through Friday. The drawtender at SR 529 Highway Bridge across the Snohomish River, mile 3.6 at Everett would control bridge openings at all other times. Due to the replacement of the SR 529 Highway Bridge across Ebey Slough, mile 1.6 at Marysville with a fixed bridge, the duties of the drawtender were no longer needed and are now the full responsibility of the drawtender at the SR 529 Highway Bridge across the Snohomish River, mile 3.6 at Everett. Operation and contact information for the bridges remains the same and this action will not affect waterway and land traffic.

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.

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, it 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. *See* OMB's Memorandum ''Guidance Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs''' (April 5, 2017). DHS considers this final rule to be a deregulatory action.

As previously explained the above 33 listed bridges, have either been removed

from the waterway or converted/replaced to or by a fixed bridge. The removal of their operating schedules from 33 CFR 117 Subpart B will have no effect on the movement of waterway or land traffic, but will serve to remove an outdated and obsolete provision from the CFR.

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.

For the reasons stated in section IV.A above this final rule would not have a significant economic impact on any vessel owner or operator.

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

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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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.

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.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.125 to read as follows:

§ 117.125 Black River.

The Union Pacific Railroad Bridge, mile 3.4 at Paoquet need not open for the passage of vessels.

§ 117.127 [Removed]

■ 3. Remove § 117.127.

■ 4. Revise paragraph (a) in § 117.139 to read as follows:

§ 117.139 White River.

(a) The draws of the St. Louis Southwestern railroad bridge, mile 98.9 at Clarendon, the Missouri Pacific railroad bridge, mile 196.3 at Augusta and the Missouri Pacific railroad bridge, mile 254.8 at Newport, shall open on signal if at least eight hours notice is given. The draws of any of these bridges need not be opened for a vessel that arrives later than two hours after the time specified in the notice, unless a second notice of at least eight hours is given.

* * * * *

§ 117.261 [Amended]

■ 5. Amend § 117.261 by removing and reserving paragraphs (b) and (qq).

§ 117.272 [Removed]

■ 6. Remove § 117.272.

§ 117.287 [Amended]

■ 7. Amend § 117.287 by removing paragraph (i).

§ 117.309 [Removed]

■ 8. Remove § 117.309.

§ 117.317 [Amended]

■ 9. Amend § 117.317 by removing paragraph (j) and redesignating paragraph (k) as paragraph (j).

§ 117.483 [Removed]

■ 10. Remove § 117.483.

§ 117.521 [Removed]

■ 11. Remove § 117.521.

§ 117.527 [Removed]

■ 12. Remove § 117.527.

§ 117.529 [Removed]

■ 13. Remove § 117.529.

§ 117.531 [Amended]

■ 14. Amend § 117.531 by removing and reserving paragraph (c)(2).

§ 117.591 [Amended]

■ 15. Amend § 117.591 by removing paragraph (b) and redesignating paragraphs (c) through (f) as paragraphs (b) through (e).

§ 117.599 [Removed]

■ 16. Remove § 117.599.

§ 117.601 [Removed]

■ 17. Remove § 117.601.

§ 117.605 [Amended]

■ 18. Amend § 117.605 by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

■ 19. Revise § 117.609 to read as follows:

§ 117.609 Mystic River.

The draw of the S99 Alford Street Bridge, mile 1.4, shall open on signal; except that, Monday through Saturday, excluding holidays, the draw need not open for the passage of vessel traffic from 7:45 a.m. to 9 a.m., 9:10 a.m. to 10 a.m., and 5 p.m. to 6 p.m., daily. From November 1 through March 31, between 3 p.m. and 7 a.m., at least an eight-hour advance notice is required for bridge openings by calling the number posted at the bridge.

§ 117.613 [Removed]

■ 20. Remove § 117.613.

§ 117.738 [Removed]

■ 21. Remove § 117.738.

■ 22. Revise paragraph (n) in § 117.739 to read as follows:

§ 117.739 Passaic River.

* * * * *

(n) West Eighth Street Bridge, mile 15.3, at Garfield need not open for the passage of vessels.

* * * * *

§ 117.779 [Removed]

■ 23. Remove § 117.779.

§ 117.805 [Removed]

■ 24. Remove § 117.805.

■ 25. In § 117.1059:

■ a. Revise paragraph (c).

■ b. Remove paragraphs (d) and (h).

■ c. Redesignate paragraphs (e), (f) and (g) as (d), (e) and (f).

■ d. Revise newly redesignated paragraph (f).

The revisions read as follows:

§ 117.1059 Snohomish River, Steamboat Slough, and Ebey Slough.

* * * * *

(c) The draws of the twin, SR 529, highway bridges across the Snohomish River, mile 3.6, at Everett shall open on signal if notice is provided at least one hour in advance. Notice for openings shall be given by marine radio, telephone or other means to the drawtender at the twin, SR 529, Highway Bridges across the Snohomish River, mile 3.6. One signal opens both draws. During freshets, a drawtender shall be in constant attendance, and the draws shall open on signal when so ordered by the District Commander.

* * * * *

(f) The draws of the twin SR 529, highway bridges across Steamboat Slough, miles 1.1 and 1.2, near Marysville, shall open on signal if notice is provided at least four hours in advance. Notice for openings shall be given by marine radio or telephone to the drawtender at the twin, SR 529, Highway Bridges across the Snohomish River, mile 3.6. One signal opens both draws. During freshets, a drawtender shall be in constant attendance, and the draws shall open on signal when so ordered by the District Commander.

Brian L. Dunn,

Chief, Bridge Program, Coast Guard Headquarters.

[FR Doc. 2018–13760 Filed 6–26–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0467]

RIN 1625–AA00

Safety Zone; Lakewood Independence Day Fireworks; Lake Erie, Lakewood, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 420-foot radius of the launch site at Lakewood Park, Lakewood, OH. This safety zone is intended to restrict vessels from portions of Lake Erie during the Lakewood Independence Day fireworks display. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Buffalo.

DATES: This rule is effective from 9:45 p.m. until 10:45 p.m. on July 4, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0467 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Ryan Junod, Chief of Waterways Management, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216–937–0124, email *Ryan.S.Junod@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the event sponsor did not submit notice to the Coast Guard with sufficient time remaining before the event to publish an NPRM. Delaying the effective date would be contrary to the rule's objectives of enhancing safety of life on the navigable waters and protection of persons and vessels in the vicinity of the fireworks display.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to the rule's objectives of enhancing safety of life on the navigable waters and protection of persons and vessels in vicinity of the fireworks display.

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 Buffalo (COTP) has determined that a fireworks display presents significant risks to the public

safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display takes place.

IV. Discussion of the Rule

This rule establishes a safety zone on July 4, 2018, from 9:45 p.m. until 10:45 p.m. The safety zone will encompass all waters of Lake Erie; Lakewood, OH contained within 420-foot radius of: 41°29′50″ N, 081°47′52″ W.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

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 conclusion that this rule is not a significant regulatory action. We anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule establishes a temporary safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the

person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0467 to read as follows:

§ 165.T09–0467 Safety Zone; Lakewood Independence Day Fireworks; Lake Erie, Lakewood, OH.

(a) *Location.* This zone will encompass all U.S waterways within a 420-foot radius of the fireworks launch site located at position 41°29′50″ N, 081°47′52″ W, Lakewood, OH (NAD 83).

(b) *Enforcement period.* This regulation is effective and will be enforced from 9:45 p.m. until 10:45 p.m. on July 4, 2018.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: June 21, 2018.

Joseph S. Dufresne,

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

[FR Doc. 2018–13747 Filed 6–26–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2016–0799]

RIN 1625–AA87

Safety and Security Zones; New York Marine Inspection and Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the safety and security zone surrounding the bridge between Liberty State Park and Ellis Island in order to increase navigational safety in New York Harbor. This modification authorizes certain vessels to transit underneath the bridge, reducing vessel congestion in the adjacent Anchorage Channel. All other persons and vessels continue to be prohibited from accessing the zone unless authorized by the Captain of the Port New York or a designated representative.

DATES: This rule is effective on June 27, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2016–0799 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST1 Kristina Pundt, Waterways Management at U.S. Coast Guard Sector New York, telephone 718–354–4352, email *Kristina.H.Pundt@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
ANPRM Advance notice of proposed rulemaking
§ Section
U.S.C. United States Code
COTP Captain of the Port
NPS National Park Service

II. Background Information and Regulatory History

On November 27, 2002, the Coast Guard published a NPRM entitled, ''Safety and Security Zones; New York Marine Inspection and Captain of the Port Zone'' in the **Federal Register** (67 FR 70892). The NPRM proposed to establish a permanent safety and security zone encompassing all waters within 150 yards of Liberty Island, Ellis Island, and the bridge between Liberty State Park and Ellis Island. We received no comments on the proposed rule. No public hearing was requested and none was held. The current 150-yard permanent safety and security zone around the bridge between Liberty State Park and Ellis Island became effective in January 2003 as enacted by a final rule entitled, ''Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone'' published in the **Federal Register** (68 FR 2886, January 22, 2003).

On May 6, 2008, the Coast Guard published a NPRM entitled, ''Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port'' in the **Federal Register** (73 FR 24889). The NPRM proposed to modify several aspects of the permanent safety and security zone regulations within the New York Captain of the Port Zone. We received 15 comments regarding the proposed rule. A public meeting was requested to discuss the proposed expansion of the Liberty and Ellis Island safety and security zone to include all waters within 400 yards of these two islands and the bridge between Liberty State Park and Ellis Island. On February 12, 2009, the Coast Guard published a final rule entitled, ''Safety and Security Zones New York Marine Inspection Zone and Captain of the Port Zone'' in the **Federal Register** (74 FR 7184). However, based on the comments received, the Coast Guard did not expand the Liberty and Ellis Island safety and security zone. As a result, a public meeting was unnecessary and the zone remained 150 yards.

On November 3, 2016, the Coast Guard published an ANPRM entitled, ''Safety and Security Zones; New York Marine Inspection and Captain of the Port Zone'' in the **Federal Register** (81 FR 76545). The ANPRM solicited public comments on a potential rulemaking to modify the existing safety and security zone around the bridge between Liberty State Park and Ellis Island. In response to public requests, the comment period was reopened for an additional 60 day period on February 14, 2017 (82 FR 10558). We received 125 comments

regarding the advance notice of proposed rulemaking. Out of the 125 comments received, 123 comments were in support of modifying the existing safety and security zone around the bridge between Liberty State Park and Ellis Island, almost all of which emphasized improving navigation safety. The sole comment opposing modification of the zone, provided by the National Park Service, expressed security concerns regarding Ellis and Liberty Islands due to their historical symbolism. The singular neutral comment received was unclear as to the commenter's view on the proposed safety and security zone modification. The comment addressed the federal job hiring process and stated that all security zones should be eliminated, both of which are outside the purview of this rulemaking.

In response to the comments received on the above mentioned ANPRM, on April 20, 2018, the Coast Guard published a NPRM entitled, ''Safety and Security Zones; New York Marine Inspection and Captain of the Port Zone'' in the **Federal Register** (83 FR 17513). The NPRM solicited public comments on our proposed regulatory action related to the safety and security zone modification. During the comment period that ended May 21, 2018, we received 40 comments.

Under 5 U.S.C. 553(d)(1), the Coast Guard finds that an exception exists for making this rule effective less than 30 days after publication in the **Federal Register**. This safety and security zone modification allows greater access to a previously restricted area. Although the current regulation allows vessels to transit under the Ellis Island Bridge with COTP permission, this modification grants standing COTP approval for certain vessels to transit underneath the bridge during specific time periods. Thus, this modification lessens the regulatory burden on these vessels by allowing transit through the safety and security zone without needing to seek prior COTP permission. As this rule relieves a restriction, the Coast Guard finds that delaying the effective date of this rule is unnecessary.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP New York has determined that the vessel congestion in the Anchorage Channel presents a hazard to mariners within New York Harbor. The purpose of this safety and security zone modification is to increase navigational safety within New York Harbor. By permitting greater access for human powered vessels to transit underneath the bridge between Ellis Island and Liberty State Park, the vessel congestion in the adjacent Anchorage Channel will be reduced.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received 40 comments on our NPRM published April 20, 2018. Of the 40 comments received, 39 were in support of modifying the existing safety and security zone to allow transit underneath the Ellis Island Bridge, stating navigational safety will improve. The sole neutral comment addressed the United States' trade relations with China and is outside the purview of this rulemaking.

We received 25 comments recommending the 16 foot vessel length either be eliminated or increased. 10 comments noted that many kayaks are greater than 16 feet in length, with some of these comments specifically noting that many sea kayaks are 18 feet or longer. 4 comments discussed that many canoes or row gigs navigating this area are longer than 16 feet, ranging between 25 to 35 feet. We received other comments stating human powered vessels in New York Harbor can exceed 45 feet. Based on these comments, we are changing the regulatory text of the NPRM to reflect that human powered vessels with a length equal to or less than 25 feet may transit the zone. Increasing the permissible length to equal to or less than 25 feet balances the need for ensuring navigational safety and providing adequate security for Ellis and Liberty Islands. In addition, mariners with human powered vessels greater than 25 feet in length may request COTP permission to transit the zone and these requests will be evaluated on a case-by-case basis.

We received 15 comments regarding access to the safety and security zone during weekdays and throughout the year. These comments noted that the congestion in the Anchorage Channel poses a navigational safety concern to human powered vessels regardless of the day of the week or season of the year. Commenters further stated that many human powered vessel trips are based upon favorable tides and weather.

Due to agency resource constraints, pre-approved access to the zone cannot be extended to encompass all weekdays without compromising the required security posture necessary to protect these national symbols. Similarly, extending pre-approved access beyond the summer boating season poses an unacceptable risk due to the lack of sufficient resources to adequately maintain the required security presence such access demands. Vessel congestion in New York Harbor is greatest on weekend days during the summer months. Limiting pre-approval to certain vessels transiting the zone on weekends during the peak summer boating season, will help ensure adequate security for Ellis and Liberty Islands and well as increase navigational safety. Mariners may request COTP authorization to access the zone on weekdays and throughout the year and each request will be evaluated on a case-by-case basis.

We received 11 comments requesting an expansion of the time of day vessels are permitted to access the zone. Commenters requested vessels be permitted to transit from sunrise to sunset, one hour before sunrise and one hour after sunset, and 24 hour access to the zone. Commenters noted that many human powered vessel trips are based upon favorable tides, which do not necessary align with the times specified in the NRPM. The Coast Guard believes that security concerns warrant the need to limit the duration of time that transit is permissible. Visibility is greatly reduced outside of the times specified in the NPRM. Where there is reduced visibility the security threat is enhanced and necessitates limiting the pre-approved access of the zone during daylight hours. Also, due to Coast Guard and NPS resource constraints, adequate security is unable to be provided at all times. The most congested time of day in New York harbor is during the daytime. Providing pre-approved COTP access to the zone during the busiest time of day allows the Coast Guard to balance the navigational safety concerns faced by human powered vessel users with the security concerns of these historical landmarks.

We received 3 comments recommending there be a way to contact the agencies through use of a VHF radio, in addition to the phone number contact. The Coast Guard is changing the regulatory text of the NPRM to add VHF Channel 13 as an additional notification method.

Additional changes to the regulatory text between the NPRM and the Final Rule are incorporated below to improve understanding of the modification imposed by this rule. Based on the comments addressing concerns with the restriction on vessel length, weekday transit, and duration of time that transit is permissible, 33 CFR 165.169(b) provides that any person or vessel may request COTP authorization to access the zone throughout the year and each request will be evaluated on a case-by-case basis. The text in the NPRM referred to the zone as a ''security

zone.'' Per 33 CFR 165.169, it remains both a safety and security zone. Both the preamble and the regulatory text now reflect this fact.

This rule modifies an existing safety and security zone. The modification allows certain vessels to transit underneath the Ellis Island Bridge on weekends and Federally Observed Holidays on a Friday or Monday, beginning on Memorial Day Weekend through October 1, between one hour after sunrise and one hour before sunset. Vessels making this transit (a) must be able to safely navigate underneath the bridge, (b) be human powered vessels with a length equal to or less than 25 feet and (c) meet the horizontal and vertical navigational bridge clearances. This rule allows for pre-approved COTP permission to transit the zone when meeting the conditions listed in the regulatory text. In accordance with 33 CFR 165.169(b), any person or vessel may still request COTP permission to access the Ellis Island Bridge security zone at any time and each request will be considered on a case-by-case basis. The modified regulatory text is at the end of this document.

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 modification allowing increased access to a previously restricted area. While the current regulation allows vessels to transit under the Ellis Island Bridge with COTP authorization, this modification grants standing COTP approval for certain vessels to transit underneath the bridge during specific time periods. Thus, this modification lessens the regulatory burden on these vessels by allowing transit through the security zone without needing to seek prior COTP permission. Moreover, the Coast Guard will make the boating public aware of this modification through publication in the Local Notice to Mariners, enhancing public notice of the reduction of the regulatory burden on certain vessels.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule will 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 Order13132.

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.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule modifies a security zone surrounding the bridge between Liberty State Park and Ellis Island in order to permit greater vessel access. It is categorically excluded from

further review under paragraph L60(b) 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. In § 165.169, revise paragraph (a)(4) to read as follows:

§ 165.169 Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone.

(a) * * *

(4) *Liberty and Ellis Islands*—(i) *Location.* All waters within 150 yards of Liberty Island and Ellis Island, and the Ellis Island Bridge.

(ii) *Ellis Island Bridge.* In addition to any person or vessel authorized pursuant to paragraph (b) of this section, vessels may transit underneath the Ellis Island Bridge subject to the following conditions:

(A) Dates/Times: On weekends only, to include Federally Observed Holidays on a Friday or Monday, from Memorial Day Weekend through October 1 each year, between one hour after sunrise and one hour before sunset.

(B) Vessel types: Human powered vessels equal to or less than twenty five feet. Human powered vessels must be able to safely navigate under the bridge.

(C) Notification: Human powered vessels desiring to transit shall contact the United States Park Police Command Center at 212–363–3260 or VHF CH 13 regarding intentions of passage prior to entering the safety and security zone and transiting under the Ellis Island Bridge.

(D) Route: Transits through the safety and security zone and under the bridge shall occur only at the designated route marked with lights and signage.

(E) Passage: Vessels transiting under the Ellis Island Bridge shall make expeditious passage and not stop or loiter within the safety and security zone.

(iii) *Enforcement period.* The safety and security zone described in this subsection is effective at all times. Although certain vessels have permission to enter the safety and security zone to transit under the Ellis Island Bridge subject to the conditions outlined in paragraphs (a)(4)(ii)(A)–(E) of this section, the safety and security zone is in effect permanently and can be enforced at any time. When deemed necessary the COTP may rescind the permission granted in paragraphs (a)(4)(ii)(A)–(E) of this section for any period of time.

* * * * *

Dated: June 4, 2018.

M. H. Day,

Captain, U.S. Coast Guard, Captain of the Port New York.

[FR Doc. 2018–13863 Filed 6–26–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0595]

RIN 1625–AA00

Safety Zone; Town of Hamburg July 3rd Party, Lake Erie, Blasdell, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 420-foot radius of the launch site located at Woodlawn Beach, Lake Erie, Blasdell, NY. This safety zone is intended to restrict vessels from portions of Lake Erie during Town of Hamburg July 3rd Party. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Buffalo.

DATES: This rule is effective from 9:45 p.m. until 10:45 p.m. on July 3, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0595 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Michael Collet, Chief Waterways Management Division, U.S. Coast Guard; telephone 716–843–9322, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the event sponsor did not submit notice to the Coast Guard with sufficient time remaining before the event to publish an NPRM. Delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest by inhibiting the Coast Guard's ability to protect spectators and vessels form the hazards associated with a fireworks display.

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** because doing so would be impracticable and contrary to the public interest. Delaying the effective date would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of persons and vessels in vicinity of the fireworks display.

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 Buffalo (COTP) has determined that a fireworks display presents significant risks to the public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display takes place.

IV. Discussion of the Rule

This rule establishes a safety zone on July 3, 2018, from 9:45 p.m. until 10:45 p.m. The safety zone will encompass all waters of the Woodlawn Beach; Lake Erie, Blasdell, NY contained within 420-foot radius of: 42°47′27.34″ N, 078°51′19.67″ W.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

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 conclusion that this rule is not a significant regulatory action. We anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule establishes a temporary safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration

supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0595 to read as follows:

§ 165.T09–0595 Safety Zone; Town of Hamburg July 3rd Party, Lake Erie, Blasdell, NY.

(a) *Location.* The safety zone will encompass all waters of the Woodlawn Beach; Lake Erie, Blasdell, NY contained within a 420-foot radius of: 42°47′27.34″ N, 078°51′19.67″ W.

(b) *Enforcement period.* This regulation will be enforced from 9:45 p.m. until 10:45 p.m. on July 3, 2018.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: June 21, 2018.

Joseph S. Dufresne,

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

[FR Doc. 2018–13743 Filed 6–26–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0617]

RIN 1625–AA00

Safety Zone; Boaters Against Cancer Fireworks Display; Lake Ontario, Kendall, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 210-foot radius of the launch site located at Bald Eagle Marina, Kendall, NY. This safety zone is intended to restrict vessels from portions of the Lake Ontario during Boaters Against Cancer fireworks display. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Buffalo.

DATES: This rule is effective from 9:45 p.m. until 10:35 p.m. on June 30, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0617 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Michael Collet, Chief Waterways Management Division, U.S. Coast Guard; telephone 716–843–9322, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the event sponsor did not submit notice to the Coast Guard with sufficient time remaining before the event to publish an NPRM. Delaying the effective date would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of persons and vessels in vicinity of the fireworks display.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of persons and vessels in vicinity of the fireworks display.

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 Buffalo (COTP) has determined that a fireworks display presents significant risks to the public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display takes place.

IV. Discussion of the Rule

This rule establishes a safety zone on June 30, 2018, from 9:45 p.m. until 10:35 p.m. The safety zone will encompass all waters of Lake Ontario; Kendall, NY contained within 210-foot radius of: 43°22′02.04″ N, 078°01′48.06″ W.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

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 conclusion that this rule is not a significant regulatory action. We anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule establishes a temporary safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0617 to read as follows:

§ 165.T09–0617 Safety Zone; Boaters Against Cancer Fireworks Display; Lake Ontario, Kendall, NY.

(a) *Location.* The safety zone will encompass all waters of Lake Ontario; Kendall, NY contained within a 210-foot radius of: 43°22′02.04″ N, 078°01′48.06″ W.

(b) *Enforcement period.* This regulation will be enforced from 9:45 p.m. until 10:35 p.m. on June 30, 2018.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: June 20, 2018.

Joseph S. Dufresne,

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

[FR Doc. 2018–13735 Filed 6–26–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2017–0745; FRL–9980–00–Region 10]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Clean Air Act requires each State Implementation Plan (SIP) to contain adequate provisions prohibiting emissions that will have certain adverse air quality effects in other states. On March 10, 2016, the State of Alaska made a submission to the Environmental Protection Agency (EPA) to address these requirements. The EPA is approving the submission as meeting the requirement that each SIP contain adequate provisions to prohibit emissions that will contribute significantly to nonattainment or interfere with maintenance of the 2012 annual fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS).

DATES: This final rule is effective July 27, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2017–0745. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the ''For Further Information Contact'' section for additional availability information.

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background Information
II. Final Action
III. Statutory and Executive Order Reviews

I. Background Information

On May 2, 2018, the EPA proposed to approve Alaska's submission as meeting the requirement that each SIP contain adequate provisions to prohibit emissions that will contribute significantly to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS in any other state (83 FR 19191). An explanation of the Clean Air Act requirements, a detailed analysis of the submission, and the EPA's reasons for proposing approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for the proposal ended June 1, 2018. We received no adverse comments.[1]

II. Final Action

The EPA is approving Alaska's March 10, 2016, submission certifying that the current Alaska SIP is sufficient to meet the interstate transport requirements of Clean Air Act section 110(a)(2)(D)(i)(I) for the 2012 $PM_{2.5}$ NAAQS, as described in the proposal for this action.

III. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because actions such as SIP approvals are exempted under Executive Order 12866;
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

[1] We received two comments in support of our proposed approval. The first was submitted by the Alaska Department of Environmental Conservation. The second was submitted anonymously. The anonymous commenter suggested additional areas for EPA research, primarily regarding $PM_{2.5}$ impacts on environmental justice communities, but was overall supportive of our proposed approval.

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

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

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

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

• is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 27, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: June 14, 2018.

Chris Hladick,

Regional Administrator, Region 10.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart C—Alaska

■ 2. In § 52.70, amend the table in paragraph (e) by adding the entry ''Interstate Transport Requirements–2012 $PM_{2.5}$ NAAQS'' after the entry ''Infrastructure Requirements—2010 SO_2 NAAQS'' to read as follows:

§ 52.70 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
*	*	*	*	*
Infrastructure and Interstate Transport				
*	*	*	*	*
Interstate Transport Requirements—2012 $PM_{2.5}$ NAAQS.	Statewide	3/10/2016	6/27/2018, [Insert **Federal Register** citation].	Approves SIP for purposes of CAA section 110(a)(2)(D)(i)(I) for the 2012 $PM_{2.5}$ NAAQS.
Regulations Approved but not Incorporated by Reference				
*	*	*	*	*

[FR Doc. 2018–13721 Filed 6–26–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[EPA–R02–OAR–2017–0723; FRL–9977–64—Region 2]

Outer Continental Shelf Air Regulations Update To Include New Jersey State Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing the update of the Outer Continental Shelf (OCS) Air Regulations proposed in the **Federal Register** on February 13, 2018. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements for the corresponding onshore area (COA), which is typically the state geographically closest to the OCS source. The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the State of New Jersey is the COA. The intended effect of approving the updated OCS requirements for the State of New Jersey is to regulate emissions from OCS sources in accordance with the requirements onshore. The requirements discussed below are incorporated by reference into the Code of Federal Regulations and are listed in the appendix to the OCS air regulations.

DATES: *Effective Date:* This rule is effective on July 27, 2018.

The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of July 27, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2017–0723. The index to the docket is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region 2, 290 Broadway, New York, New York 10007.

FOR FURTHER INFORMATION CONTACT: Viorica Petriman, Air Programs Branch, Permitting Section, U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, New York 10007, (212) 637–4021, *petriman.viorica@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, the terms ''we,'' ''us,'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Proposed Action

On February 13, 2018 (83 FR 6136), EPA proposed to incorporate requirements into the OCS Air Regulations at 40 CFR part 55 [1] pertaining to the State of New Jersey. Section 328(a) of the CAA requires that for such sources located within 25 miles of a State's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the corresponding onshore area (COA). Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that the EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

To comply with the statutory mandate of Section 328(a)(1) of the CAA, the EPA must incorporate by reference all relevant state rules into part 55 so they can be applied to OCS sources located offshore. 40 CFR 55.12 specifies certain times at which part 55's incorporation by reference of a state's rules must be updated. One such time a consistency update must occur is when any OCS source applicant submits a Notice of Intent (NOI) under 40 CFR 55.4 for a new or a modified OCS source. 40 CFR 55.4(a) requires that any OCS source applicant must submit to EPA a NOI before performing any physical change or change in method of operation that results in an increase in emissions. EPA must conduct any necessary consistency update when it receives an NOI, and prior to receiving any application for a preconstruction permit from the OCS source applicant. 40 CFR 55.6(b)(2) and 55.12(f).

On December 21, 2017, the EPA received a NOI for a new OCS source off the coast of New Jersey. In today's action, the EPA is updating the ''New Jersey'' section of Appendix A to 40 CFR part 55 to incorporate by reference the relevant New Jersey air pollution control rules that are currently in effect.

EPA has evaluated the proposed regulations to ensure that they are rationally related to the attainment or maintenance of Federal or state ambient air quality standards (AAQS) or part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS, and that they are applicable to OCS sources. 40 CFR 55.1. The EPA has also evaluated the rules to ensure they are not arbitrary and capricious. 40 CFR 55.12(e). The EPA has excluded New Jersey's administrative or procedural rules,[2] and requirements that regulate toxics which are not related to the attainment and maintenance of Federal and State AAQS.

To comply with the statutory mandate of Section 328(a) of the CAA, the EPA must incorporate by reference applicable rules in effect for onshore sources into part 55. This limits EPA's flexibility in deciding which requirements will be incorporated into 40 CFR part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into 40 CFR part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the CAA. Inclusion in the OCS rule does not imply that a rule meets the requirements of the CAA for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period, which closed on March 15, 2018. During this period, we received 12 public comments. None of the comments are relevant to today's action, which simply incorporates by reference current New Jersey air pollution control rules into the OCS regulations applicable to all OCS sources and makes no findings regarding any specific OCS source. Thus, no EPA response to public comments is warranted.

III. EPA Action

In this document, EPA is taking final action to incorporate the proposed changes into 40 CFR part 55. EPA is approving this action under section 328(a)(1) of the Act, 42 U.S.C. 7627. Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore

[1] The reader may refer to the Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulations.

[2] Each COA, which has been delegated the authority to implement and enforce part 55, will use its administrative and procedural rules as onshore. However, in those instances where EPA has not delegated authority to implement and enforce part 55, as in New Jersey, EPA will use its own administrative and procedural requirements to implement the substantive requirements. See 40 CFR 55.14(c)(4).

requirements. To comply with this statutory mandate, the EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the NJDEP air rules that are applicable to OCS sources and which are described in the amendments to 40 CFR part 55 set forth below. The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region 2 Office. Please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore air control requirements. To comply with this statutory mandate, the EPA must incorporate applicable onshore rules into part 55 as they exist onshore. 42 U.S.C. 7627(a)(1); 40 CFR 55.12. Thus, in promulgating OCS consistency updates, the EPA's role is to maintain consistency between OCS regulations and the regulations of onshore areas, provided that they meet the criteria of the Clean Air Act. Accordingly, this action simply updates the existing OCS requirements to make them consistent with requirements onshore, without the exercise of any policy discretion by the EPA. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993); and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandate Reform Act of 1995 (Pub. L. 04–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this final rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), 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, nor does it impose substantial direct costs on tribal governments, nor preempt tribal law.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 27, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedures, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 19, 2018.

Peter D. Lopez,

Regional Administrator, Region 2.

For the reasons set out in the preamble, title 40 of the Code of Federal Regulations, part 55, is amended as follows:

PART 55—[AMENDED]

■ 1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101–549.

■ 2. Section 55.14 is amended by revising the sixth sentence in paragraph (e) introductory text and paragraph (e)(15)(i)(A) to read as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.

* * * * *

(e) * * * Copies of rules pertaining to particular states or local areas may be inspected or obtained from the EPA Docket Center—Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004 or the appropriate EPA regional offices: U.S. EPA, Region 1 (Massachusetts), One Congress Street, Boston, MA 02114–2023; U.S. EPA, Region 2 (New Jersey and New York), 290 Broadway, New York, NY 10007–1866; U.S. EPA, Region 3 (Delaware), 1650 Arch Street, Philadelphia, PA 19103, (215) 814–5000; U.S. EPA, Region 4 (Florida and North Carolina), 61 Forsyth Street, Atlanta, GA 30303; U.S. EPA, Region 9 (California), 75 Hawthorne Street, San Francisco, CA 94105; and U.S. EPA, Region 10 (Alaska), 1200 Sixth Avenue, Seattle, WA 98101. * * *

* * * * *

(15) * * *

(i) * * *

(A) State of New Jersey Requirements Applicable to OCS Sources, January 16, 2018.

* * * * *

■ 3. Appendix A to part 55 is amended by revising paragraph (a)(1) under the heading ''New Jersey'' to read as follows:

Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

* * * * *

NEW JERSEY

(a) * * *

(1) The following State of New Jersey requirements are applicable to OCS Sources, as of January 16, 2018. New Jersey State Department of Environmental Protection—New Jersey Administrative Code. The following sections of Title 7:

Chapter 27 Subchapter 2—Control and Prohibition of Open Burning (Effective 6/20/1994)

N.J.A.C. 7:27–2.1. Definitions
N.J.A.C. 7:27–2.2. Open burning for salvage operations
N.J.A.C. 7:27–2.3. Open burning of refuse
N.J.A.C. 7:27–2.4. General provisions
N.J.A.C. 7:27–2.6. Prescribed burning
N.J.A.C. 7:27–2.7. Emergencies
N.J.A.C. 7:27–2.8. Dangerous material
N.J.A.C. 7:27–2.12. Special permit
N.J.A.C. 7:27–2.13. Fees

Chapter 27 Subchapter 3—Control and Prohibition of Smoke From Combustion of Fuel (Effective 2/4/2002)

N.J.A.C. 7:27–3.1. Definitions
N.J.A.C. 7:27–3.2. Smoke emissions from stationary indirect heat exchangers
N.J.A.C. 7:27–3.3. Smoke emissions from marine installations
N.J.A.C. 7:27–3.4. Smoke emissions from the combustion of fuel in mobile sources
N.J.A.C. 7:27–3.5. Smoke emissions from stationary internal combustion engines and stationary turbine engines
N.J.A.C. 7:27–3.6. Stack test
N.J.A.C. 7:27–3.7. Exceptions

Chapter 27 Subchapter 4—Control and Prohibition of Particles From Combustion of Fuel (Effective 4/20/2009)

N.J.A.C. 7:27–4.1. Definitions
N.J.A.C. 7:27–4.2. Standards for the emission of particles
N.J.A.C. 7:27–4.3. Performance test principle
N.J.A.C. 7:27–4.4. Emissions tests
N.J.A.C. 7:27–4.6. Exceptions

Chapter 27 Subchapter 5—Prohibition of Air Pollution (Effective 10/12/1977)

N.J.A.C. 7:27–5.1. Definitions
N.J.A.C. 7:27–5.2. General provisions

Chapter 27 Subchapter 6—Control and Prohibition of Particles From Manufacturing Processes (Effective 6/12/1998)

N.J.A.C. 7:27–6.1. Definitions
N.J.A.C. 7:27–6.2. Standards for the emission of particles
N.J.A.C. 7:27–6.3. Performance test principles
N.J.A.C. 7:27–6.4. Emissions tests
N.J.A.C. 7:27–6.5. Variances
N.J.A.C. 7:27–6.7. Exceptions

Chapter 27 Subchapter 7—Sulfur (Effective 11/6/2017)

N.J.A.C. 7:27–7.1. Definitions
N.J.A.C. 7:27–7.2. Control and prohibition of air pollution from sulfur compounds

Chapter 27 Subchapter 8—Permits and Certificates for Minor Facilities (and Major Facilities Without an Operating Permit) (Effective 1/16/2018)

N.J.A.C. 7:27–8.1. Definitions
N.J.A.C. 7:27–8.2. Applicability
N.J.A.C. 7:27–8.3. General provisions
N.J.A.C. 7:27–8.4. How to apply, register, submit a notice, or renew
N.J.A.C. 7:27–8.5. Air quality impact analysis
N.J.A.C. 7:27–8.6. Service fees
N.J.A.C. 7:27–8.7. Operating certificates
N.J.A.C. 7:27–8.8. General permits
N.J.A.C. 7:27–8.9. Environmental improvement pilot tests
N.J.A.C. 7:27–8.11. Standards for issuing a permit
N.J.A.C. 7:27–8.12. State of the art
N.J.A.C. 7:27–8.13. Conditions of approval
N.J.A.C. 7:27–8.14. Denials
N.J.A.C. 7:27–8.15. Reporting requirements
N.J.A.C. 7:27–8.16. Revocation
N.J.A.C. 7:27–8.17. Changes to existing permits and certificates
N.J.A.C. 7:27–8.18. Permit revisions
N.J.A.C. 7:27–8.19. Compliance plan changes
N.J.A.C. 7:27–8.20. Seven-day notice changes
N.J.A.C. 7:27–8.21. Amendments
N.J.A.C. 7:27–8.23. Reconstruction
N.J.A.C. 7:27–8.24. Special provisions for construction but not operation
N.J.A.C. 7:27–8.25. Special provisions for pollution control equipment or pollution prevention process modifications
N.J.A.C. 7:27–8.27. Special facility-wide permit provisions
Appendix 1

Chapter 27 Subchapter 9—Sulfur in Fuels (Effective 9/20/2010)

N.J.A.C. 7:27–9.1. Definitions
N.J.A.C. 7:27–9.2. Sulfur content standards
N.J.A.C. 7:27–9.3. Exemptions
N.J.A.C. 7:27–9.4. Waiver of air quality modeling

Chapter 27 Subchapter 10—Sulfur in Solid Fuels (Effective 9/6/2011)

N.J.A.C. 7:27–10.1. Definitions
N.J.A.C. 7:27–10.2. Sulfur contents standards
N.J.A.C. 7:27–10.3. Expansion, reconstruction or construction of solid fuel burning units
N.J.A.C. 7:27–10.4. Exemptions
N.J.A.C. 7:27–10.5. SO_2 emission rate determinations

Chapter 27 Subchapter 11—Incinerators (Effective 5/4/1998)

N.J.A.C. 7:27–11.1. Definitions
N.J.A.C. 7:27–11.2. Construction standards
N.J.A.C. 7:27–11.3. Emission standards
N.J.A.C. 7:27–11.4. Permit to construct; certificate to operate
N.J.A.C. 7:27–11.5. Operation
N.J.A.C. 7:27–11.6. Exceptions

Chapter 27 Subchapter 12—Prevention and Control of Air Pollution Emergencies (Effective 5/20/1974)

N.J.A.C. 7:27–12.1. Definitions
N.J.A.C. 7:27–12.2. Emergency criteria
N.J.A.C. 7:27–12.3. Criteria for emergency termination
N.J.A.C. 7:27–12.4. Standby plans
N.J.A.C. 7:27–12.5. Standby orders
Table I Emission Reduction Objectives
Table II Emission Reduction Objectives
Table III Emission Reduction Objectives

Chapter 27 Subchapter 16—Control and Prohibition of Air Pollution by Volatile Organic Compounds (Effective 1/16/2018)

N.J.A.C. 7:27–16.1. Definitions
N.J.A.C. 7:27–16.1A. Purpose, scope, applicability, and severability
N.J.A.C. 7:27–16.2. VOC stationary storage tanks
N.J.A.C. 7:27–16.3. Gasoline transfer operations
N.J.A.C. 7:27–16.4. VOC transfer operations, other than gasoline
N.J.A.C. 7:27–16.5. Marine tank vessel loading and ballasting operations
N.J.A.C. 7:27–16.6. Open top tanks and solvent cleaning operations
N.J.A.C. 7:27–16.7. Surface coating and graphic arts operations
N.J.A.C. 7:27–16.8. Boilers
N.J.A.C. 7:27–16.9. Stationary combustion turbines
N.J.A.C. 7:27–16.10. Stationary reciprocating engines
N.J.A.C. 7:27–16.12. Surface coating operations at mobile equipment repair and refinishing facilities
N.J.A.C. 7:27–16.13. Flares
N.J.A.C. 7:27–16.16. Other source operations
N.J.A.C. 7:27–16.17. Alternative and facility-specific VOC control requirements
N.J.A.C. 7:27–16.18. Leak detection and repair
N.J.A.C. 7:27–16.19. Application of cutback and emulsified asphalts
N.J.A.C. 7:27–16.21. Natural gas pipelines
N.J.A.C. 7:27–16.22. Emission information, record keeping and testing
N.J.A.C. 7:27–16.23. Procedures for demonstrating compliance
N.J.A.C. 7:27–16.27. Exceptions
Appendix I
Appendix II

Chapter 27 Subchapter 18—Control and Prohibition of Air Pollution From New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rules) (Effective 11/6/2017)

N.J.A.C. 7:27–18.1. Definitions
N.J.A.C. 7:27–18.2. Facilities subject to this subchapter
N.J.A.C. 7:27–18.3. Standards for issuance of permits
N.J.A.C. 7:27–18.4. Air quality impact analysis
N.J.A.C. 7:27–18.5. Standards for use of emission reductions as emission offsets
N.J.A.C. 7:27–18.6. Emission offset postponement
N.J.A.C. 7:27–18.7. Determination of a net emission increase or a significant net emission increase
N.J.A.C. 7:27–18.8. Banking of emission reductions

N.J.A.C. 7:27–18.9. Secondary emissions
N.J.A.C. 7:27–18.10. Exemptions
N.J.A.C. 7:27–18.12. Civil or criminal penalties for failure to comply

Chapter 27 Subchapter 19—Control and Prohibition of Air Pollution From Oxides of Nitrogen (Effective 1/16/2018)

N.J.A.C. 7:27–19.1. Definitions
N.J.A.C. 7:27–19.2. Purpose, scope and applicability
N.J.A.C. 7:27–19.3. General provisions
N.J.A.C. 7:27–19.4. Boilers serving electric generating units
N.J.A.C. 7:27–19.5. Stationary combustion turbines
N.J.A.C. 7:27–19.6. Emissions averaging
N.J.A.C. 7:27–19.7. Industrial/commercial/institutional boilers and other indirect heat exchangers
N.J.A.C. 7:27–19.8. Stationary reciprocating engines
N.J.A.C. 7:27–19.11. Emergency generators—recordkeeping
N.J.A.C. 7:27–19.13. Alternative and facility-specific NO_X emission limits
N.J.A.C. 7:27–19.14. Procedures for obtaining approvals under this subchapter
N.J.A.C. 7:27–19.15. Procedures and deadlines for demonstrating compliance
N.J.A.C. 7:27–19.16. Adjusting combustion processes
N.J.A.C. 7:27–19.17. Source emissions testing
N.J.A.C. 7:27–19.18. Continuous emissions monitoring
N.J.A.C. 7:27–19.19. Recordkeeping and recording
N.J.A.C. 7:27–19.20. Fuel switching
N.J.A.C. 7:27–19.21. Phased compliance—repowering
N.J.A.C. 7:27–19.23. Phased compliance—use of innovative control technology
N.J.A.C. 7:27–19.25. Exemption for emergency use of fuel oil
N.J.A.C. 7:27–19.26. Penalties

Chapter 27 Subchapter 20—Used Oil Combustion (Effective 9/6/2011)

N.J.A.C. 7:27–20.1. Definitions
N.J.A.C. 7:27–20.2. General provisions
N.J.A.C. 7:27–20.3. Burning of on-specification used oil in space heaters covered by a registration
N.J.A.C. 7:27–20.4. Burning of on-specification used oil in space heaters covered by a permit
N.J.A.C. 7:27–20.5. Demonstration that used oil is on-specification
N.J.A.C. 7:27–20.6. Burning of on-specification oil in other combustion units
N.J.A.C. 7:27–20.7. Burning of off-specification used oil
N.J.A.C. 7:27–20.8. Ash standard
N.J.A.C. 7:27–20.9. Exception

Chapter 27 Subchapter 21—Emission Statements (Effective 1/16/2018)

N.J.A.C. 7:27–21.1. Definitions
N.J.A.C. 7:27–21.2. Applicability
N.J.A.C. 7:27–21.3. General provisions
N.J.A.C. 7:27–21.4. Procedures for submitting an emission statement
N.J.A.C. 7:27–21.5. Required contents of an emission statement
N.J.A.C. 7:27–21.6. Methods to be used for quantifying actual emissions
N.J.A.C. 7:27–21.7. Recordkeeping requirements
N.J.A.C. 7:27–21.8. Certification of information
N.J.A.C. 7:27–21.9. Request for extensions
N.J.A.C. 7:27–21.10. Determination of non-applicability
N.J.A.C. 7:27–21.11. Severability
Appendix 1

Chapter 27 Subchapter 22—Operating Permits (Effective 1/16/2018)

N.J.A.C. 7:27–22.1. Definitions
N.J.A.C. 7:27–22.2. Applicability
N.J.A.C. 7:27–22.3. General provisions
N.J.A.C. 7:27–22.4. General application procedures
N.J.A.C. 7:27–22.5. Application procedures for initial operating permits
N.J.A.C. 7:27–22.6. Operating permit application contents
N.J.A.C. 7:27–22.7. Application shield
N.J.A.C. 7:27–22.8. Air quality simulation modeling and risk assessment
N.J.A.C. 7:27–22.9. Compliance plans
N.J.A.C. 7:27–22.10. Completeness reviews
N.J.A.C. 7:27–22.11. Public comment
N.J.A.C. 7:27–22.12. EPA comment
N.J.A.C. 7:27–22.13. Final action on an application
N.J.A.C. 7:27–22.14. General operating permits
N.J.A.C. 7:27–22.15. Temporary facility operating permits
N.J.A.C. 7:27–22.16. Operating permit contents
N.J.A.C. 7:27–22.17. Permit shield
N.J.A.C. 7:27–22.18. Source emissions testing and monitoring
N.J.A.C. 7:27–22.19. Recordkeeping, reporting and compliance certification
N.J.A.C. 7:27–22.20. Administrative amendments
N.J.A.C. 7:27–22.21. Changes to insignificant source operations
N.J.A.C. 7:27–22.22. Seven-day-notice changes
N.J.A.C. 7:27–22.23. Minor modifications
N.J.A.C. 7:27–22.24. Significant modifications
N.J.A.C. 7:27–22.24A. Reconstruction
N.J.A.C. 7:27–22.25. Department initiated operating permit modifications
N.J.A.C. 7:27–22.26. MACT and GACT standards
N.J.A.C. 7:27–22.27. Operating scenarios
N.J.A.C. 7:27–22.28A. Emissions trading
N.J.A.C. 7:27–22.28B. Facility-specific emissions averaging programs
N.J.A.C. 7:27–22.29. Facilities subject to acid deposition control
N.J.A.C. 7:27–22.30. Renewals
N.J.A.C. 7:27–22.31. Fees
N.J.A.C. 7:27–22.32. Hearings and appeals
N.J.A.C. 7:27–22.33. Preconstruction review
N.J.A.C. 7:27–22.34. Early reduction of HAP emissions
N.J.A.C. 7:27–22.35. Advances in the art of air pollution
Appendix
Table A

Chapter 27B Subchapter 1—Sampling and Analytical Procedures for Determining Emissions of Particles From Manufacturing Processes and From Combustion of Fuels (Effective 6/21/1976)

N.J.A.C. 7:27B–1.1. Definitions
N.J.A.C. 7:27B–1.2. Acceptable test methods
N.J.A.C. 7:27B–1.3. Operating conditions during the test
N.J.A.C. 7:27B–1.4. Sampling facilities to be provided by the person responsible for emissions
N.J.A.C. 7:27B–1.5. Sampling train
N.J.A.C. 7:27B–1.6. Performance test principle
N.J.A.C. 7:27B–1.7. General testing requirements
N.J.A.C. 7:27B–1.8. Required test data
N.J.A.C. 7:27B–1.9. Preparation for sampling
N.J.A.C. 7:27B–1.10. Sampling
N.J.A.C. 7:27B–1.11. Sample recovery
N.J.A.C. 7:27B–1.12. Analysis
N.J.A.C. 7:27B–1.13. Calculations
N.J.A.C. 7:27B–1.14. Validation of test

Chapter 27B Subchapter 2—Procedures for Visual Determination of the Opacity (Percent) and Shade or Appearance (Ringelmann Number) of Emissions From Sources (Effective 6/21/1976)

N.J.A.C. 7:27B–2.1. Definitions
N.J.A.C. 7:27B–2.2. Acceptable observation methods
N.J.A.C. 7:27B–2.3. Observation principle
N.J.A.C. 7:27B–2.4. General observation requirements
N.J.A.C. 7:27B–2.5. Required observation data
N.J.A.C. 7:27B–2.6. Certification
References
Appendix

Chapter 27B Subchapter 3—Air Test Method 3: Sampling and Analytical Procedures for the Determination of Volatile Organic Compounds From Source Operations (Effective 12/1/2008)

N.J.A.C. 7:27B–3.1. Definitions
N.J.A.C. 7:27B–3.2. Sampling and analytical protocol: Acceptable test methods
N.J.A.C. 7:27B–3.3. Operating conditions during the test
N.J.A.C. 7:27B–3.4. Sampling facilities
N.J.A.C. 7:27B–3.5. Source operations and applicable test methods
N.J.A.C. 7:27B–3.6. Procedures for the determinations of vapor pressures of a single known VOC or mixtures of known and/or unknown VOC
N.J.A.C. 7:27B–3.7. Procedures for the direct measurement of volatile organic compounds using a flame ionization detector (FID), a photoionization detector (PID) or a non-dispersive infrared analyzer (NDIR)
N.J.A.C. 7:27B–3.8. Procedures for the direct measurement of volatile organic compounds using a gas chromatograph (GC) with a flame ionization detector (FID) or other suitable detector
N.J.A.C. 7:27B–3.9. Procedures for the sampling and remote analysis of known volatile organic compounds using a gas chromatograph (GC) with a flame ionization detector (FID) or other suitable detector

N.J.A.C. 7:27B–3.10. Procedures for the determination of volatile organic compounds in surface coating formulations
N.J.A.C. 7:27B–3.11. Procedures for the determination of volatile organic compounds emitted from transfer operations using a flame ionization detector (FID) or non-dispersive infrared analyzer (NDIR)
N.J.A.C. 7:27B–3.12. Procedures for the determination of volatile organic compounds in cutback and emulsified asphalts
N.J.A.C. 7:27B–3.13. Procedures for the determination of leak tightness of gasoline delivery vessels
N.J.A.C. 7:27B–3.14. Procedures for the direct detection of fugitive volatile organic compound leaks
N.J.A.C. 7:27B–3.15. Procedures for the direct detection of fugitive volatile organic compound leaks from gasoline tank trucks and vapor collection systems using a combustible gas detector
N.J.A.C. 7:27B–3.18. Test methods and sources incorporated by reference

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 713

[EPA–HQ–OPPT–2017–0421; FRL–9979–74]

RIN 2070–AK22

Mercury; Reporting Requirements for the TSCA Mercury Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: As required under section 8(b)(10)(D) of the Toxic Substances Control Act (TSCA), EPA is finalizing reporting requirements for applicable persons to provide information to assist in the preparation of an ''inventory of mercury supply, use, and trade in the United States,'' where ''mercury'' is defined as ''elemental mercury'' and ''a mercury compound.'' The requirements apply to any person who manufactures (including imports) mercury or mercury-added products, or otherwise intentionally uses mercury in a manufacturing process. Based on the inventory of information collected, the Agency is directed to ''identify any manufacturing processes or products that intentionally add mercury; and . . . recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use.'' At this time, EPA is not making such identifications or recommendations.

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

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0421, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 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 OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Thomas Groeneveld, National Program Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–1188; email address: *groeneveld.thomas@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture (including import) mercury or mercury-added products, or if you otherwise intentionally use mercury in a manufacturing process. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include the following:

- Gold ore mining (NAICS code 212221).
- Lead ore and zinc ore mining (NAICS code 212231).
- All other metal ore mining (NAICS code 212299).
- Asphalt shingle and coating materials manufacturing (NAICS code 324122).
- Synthetic dye and pigment manufacturing (NAICS code 325130).
- Other basic inorganic chemical manufacturing (NAICS code 325180).
- All other basic organic chemical manufacturing (NAICS code 325199).
- Plastics material and resin manufacturing (NAICS code 325211).
- Pesticide and other agricultural chemical manufacturing (NAICS code 325320).
- Medicinal and botanical manufacturing (NAICS code 325411).
- Pharmaceutical preparation manufacturing (NAICS code 325412).
- Biological product (except diagnostic) manufacturing (NAICS code 325414).
- Paint and coating manufacturing (NAICS code 325510).
- Adhesive manufacturing (NAICS code 325520).
- Custom compounding of purchased resins (NAICS code 325991).
- Photographic film, paper, plate, and chemical manufacturing (NAICS code 325992).
- All other miscellaneous chemical product and preparation manufacturing (NAICS code 325998).
- Unlaminated plastics film and sheet (except packaging) manufacturing (NAICS code 326113).
- Unlaminated plastics profile shape manufacturing (NAICS code 326121).
- Urethane and other foam product (except polystyrene) manufacturing (NAICS code 326150).
- All other plastics product manufacturing (NAICS code 326199).
- Tire manufacturing (NAICS code 326211).
- All other rubber product manufacturing (NAICS code 326299).
- Iron and steel mills and ferroalloy manufacturing (NAICS code 331110).
- Rolled steel shape manufacturing (NAICS code 331221).
- Alumina refining and primary aluminum production (NAICS code 331313).
- Secondary smelting and alloying of aluminum (NAICS code 331314).
- Nonferrous metal (except aluminum) smelting and refining (NAICS code 331410).
- Secondary smelting, refining, and alloying of nonferrous metal (except copper and aluminum) (NAICS code 331492).
- Iron foundries (NAICS code 331511).
- Steel foundries (except investment) (NAICS code 331513).
- Fabricated structural metal manufacturing (NAICS code 332312).
- Industrial valve manufacturing (NAICS code 332911).
- Ammunition except small arms manufacturing (NAICS code 332993).
- Small arms, ordnance, and ordnance accessories manufacturing (NAICS code 332994).

- All other miscellaneous fabricated metal product manufacturing (NAICS code 332999).
- Food product machinery manufacturing (NAICS code 333294).
- Office machinery manufacturing (NAICS code 333313).
- Other commercial and service industry machinery manufacturing (NAICS code 333319).
- Heating equipment (except warm air furnaces) manufacturing (NAICS code 333414).
- Air-conditioning and warm air heating equipment and commercial and industrial refrigeration equipment manufacturing (NAICS code 333415).
- Pump and pumping equipment manufacturing (NAICS code 333911).
- Bare printed circuit board manufacturing (NAICS code 334412).
- Semiconductor and related device manufacturing (NAICS code 334413).
- Other electronic component manufacturing (NAICS code 334419).
- Electromedical and electrotherapeutic apparatus manufacturing (NAICS code 334510).
- Search, detection, navigation, guidance, aeronautical, and nautical system and instrument manufacturing (NAICS code 334511).
- Automatic environmental control manufacturing for residential, commercial, and appliance use (NAICS code 334512).
- Instruments and related products manufacturing for measuring, displaying, and controlling industrial process variables (NAICS code 334513).
- Totalizing fluid meter and counting device manufacturing (NAICS code 334514).
- Instrument manufacturing for measuring and testing electricity and electrical signals (NAICS code 334515).
- Analytical laboratory instrument manufacturing (NAICS code 334516).
- Watch, clock, and part manufacturing (NAICS code 334518).
- Other measuring and controlling device manufacturing (NAICS code 334519).
- Electric lamp bulb and part manufacturing (NAICS code 335110).
- Commercial, industrial, and institutional electric lighting fixture manufacturing (NAICS code 335122).
- Other lighting equipment manufacturing (NAICS code 335129).
- Electric house wares and household fan manufacturing (NAICS code 335211).
- Household vacuum cleaner manufacturing (NAICS code 335212).
- Household cooking appliance manufacturing (NAICS code 335221).
- Household refrigerator and home freezer manufacturing (NAICS code 335222).
- Household laundry equipment manufacturing (NAICS code 335224).
- Other major household appliance manufacturing (NAICS code 335228).
- Switchgear and switchboard apparatus manufacturing (NAICS code 335313).
- Relay and industrial control manufacturing (NAICS code 335314).
- Primary battery manufacturing (NAICS code 335912).
- Current-carrying wiring device manufacturing (NAICS code 335931).
- All other miscellaneous electrical equipment and component manufacturing (NAICS code 335999).
- Automobile manufacturing (NAICS code 336111).
- Light truck and utility vehicle manufacturing (NAICS code 336112).
- Heavy duty truck manufacturing (NAICS code 336120).
- Motor home manufacturing (NAICS code 336213).
- Travel trailer and camper manufacturing (NAICS code 336214).
- Other aircraft parts and auxiliary equipment manufacturing (NAICS code 336413).
- Boat building (NAICS code 336612).
- Motorcycles and parts manufacturing (NAICS code 336991).
- Surgical and medical instrument manufacturing (NAICS code 339112).
- Costume jewelry and novelty manufacturing (NAICS code 339914).
- Game, toy, and children's vehicle manufacturing (NAICS code 339932).
- Sign manufacturing (NAICS code 339950).
- Other chemical and allied products merchant wholesalers (NAICS code 424690).
- Research and development in the physical, engineering, and life sciences (except biotechnology) (NAICS code 541712).
- Hazardous waste treatment and disposal (NAICS code 562211).
- Other nonhazardous waste treatment and disposal (NAICS code 562219).
- Materials recovery facilities (NAICS code 562920).
- National security (NAICS code 928110).

B. What action is the Agency taking?

EPA is issuing a final rule under TSCA section 8(b)(10) to require reporting to assist in the preparation of ''an inventory of mercury supply, use, and trade in the United States,'' where ''mercury'' is defined as ''elemental mercury'' and ''a mercury compound.'' Hereinafter ''mercury'' will refer to both elemental mercury and mercury compounds collectively, except where separately identified. This final rule requires reporting from any person who manufactures (including imports) mercury or mercury-added products, or otherwise intentionally uses mercury in a manufacturing process. EPA published its initial inventory report in the **Federal Register** on March 29, 2017 (Ref. 1), which noted data gaps and limitations encountered by the Agency in its historic reliance on publicly available data on the mercury market in the United States. As stated in the initial inventory report, ''[f]uture triennial inventories of mercury supply, use, and trade are expected to include data collected directly from persons who manufacture or import mercury or mercury-added products, or otherwise intentionally use mercury in a manufacturing process'' (Ref. 1). These reporting requirements will help the Agency narrow such data gaps, prepare subsequent, triennial publications of the inventory, and execute the mandate to ''identify any manufacturing processes or products that intentionally add mercury; and . . . recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use'' (15 U.S.C. 2607(b)(10)(C)).

In addition, this information could be used by the U.S. Government to assist in its national reporting regarding its implementation of the Minamata Convention on Mercury (Minamata Convention), to which the United States is a Party (Ref. 2). The Minamata Convention is an international environmental agreement that has as its objective the protection of human health and the environment from anthropogenic emissions and releases of elemental mercury and mercury compounds. Article 21 of the Convention requires Parties to include in their national reports, among other information, information demonstrating that the Party has met the requirements of Article 3 on Mercury Supply Sources and Trade and of Article 5 on Manufacturing Processes in Which Mercury or Mercury Compounds Are Used. EPA intends to use the collected information from the mercury inventory to implement TSCA and assist in its national reporting for the Minamata Convention as well as to shape the Agency's efforts to reduce the use of mercury in commerce. In so doing, the Agency will conduct a timely evaluation and refinement of these reporting requirements so that they are efficient and non-duplicative for reporters.

EPA issued the proposed rule for this action in the **Federal Register** on October 26, 2017 with a December 26, 2017 deadline for comments (Ref. 3); in response to two requests, the deadline

was extended to January 11, 2018 (Ref. 4). Based on comments received, the Agency modified the regulatory text to improve the logic and flow of sections, to clarify various terms and reporting requirements, and to eliminate several quantitative reporting requirements. Such issues are discussed in greater detail in Unit III. and the *Response to Comments* document for this rule (Ref. 5).

The reporting requirements for supply, use, and trade of mercury include activities that are established TSCA terms: Manufacture, import, distribution in commerce, storage, and export. The reporting requirements also apply to otherwise intentional use of mercury in a manufacturing process. Persons who manufacture (including import) mercury or mercury-added products, or otherwise intentionally use mercury in a manufacturing process, are required to report amounts of mercury in pounds (lbs.) used in such activities during a designated reporting year. Reporters also are required to identify specific mercury compounds, mercury-added products, manufacturing processes, and how mercury is used in manufacturing processes, as applicable, from preselected lists. For certain activities, reporters are required to provide additional, contextual data (*e.g.,* NAICS codes for mercury or mercury-added products distributed in commerce).

The finalized reporting requirements do not apply to: (1) Persons who do not first manufacture, import, or otherwise intentionally use mercury; (2) persons who only generate, handle, or manage mercury-containing waste; (3) persons who only manufacture mercury as an impurity; and (4) persons engaged in activities involving mercury not with the purpose of obtaining an immediate or eventual commercial advantage (see Unit III.D.2.). Within the category of persons who must report, there are certain persons who are not required to provide specific data elements. To avoid reporting that is unnecessary or duplicative, the Agency is finalizing certain exemptions for persons who already report for mercury and mercury-added products to the TSCA section 8(a) Chemical Data Reporting (CDR) rule and the Interstate Mercury Education and Reduction Clearinghouse (IMERC) Mercury-added Products Database, respectively. Such reporters are not required to respond to certain data elements of the mercury reporting application that are comparable to data they also report in response to CDR and IMERC reporting requirements.

C. Why is the Agency taking this action?

EPA is issuing this final rule under TSCA section 8(b)(10) to require reporting to assist in the preparation of the statutorily-required inventory of mercury supply, use, and trade in the United States. As indicated in the initial inventory report (Ref. 1), this final rule will support future triennial publications of the mercury inventory by establishing reporting requirements and an electronic application and database to collect, store, and analyze information provided by applicable respondents. In administering this mercury inventory, the Agency will ''identify any manufacturing processes or products that intentionally add mercury; and . . . recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use'' (15 U.S.C. 2607(b)(10)(C)).

D. What is the Agency's authority for taking this action?

EPA is issuing this rule pursuant to TSCA section 8(b)(10)(D) to implement the direction at TSCA section 8(b)(10)(B) that ''[n]ot later than April 1, 2017, and every 3 years thereafter, the Administrator shall carry out and publish in the **Federal Register** an inventory of mercury supply, use, and trade in the United States.'' TSCA section 8(b)(10)(D) requires EPA to promulgate a final rule by June 22, 2018 that establishes reporting requirements applicable to any person who manufactures mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process to assist in the preparation of the inventory.

In addition, the Paperwork Reduction Act (PRA) requires Federal agencies to manage information resources to reduce information collection burdens on the public; increase program efficiency and effectiveness; and improve the integrity, quality, and utility of information to all users within and outside an agency, including capabilities for ensuring dissemination of public information, public access to Federal Government information, and protections for privacy and security (44 U.S.C. 3506).

TSCA section 2 expresses the intent of Congress that EPA carry out TSCA in a reasonable and prudent manner and in consideration of the impacts that any action taken under TSCA may have on the environment, the economy, and society. EPA will manage and leverage its information resources, including information technology, and the Agency is requiring the use of electronic reporting to implement the mercury inventory reporting requirements of TSCA section 8(b)(10)(D) in a reasonable and prudent manner.

E. What are the estimated incremental impacts of the final rule?

EPA prepared an economic analysis of the potential impacts associated with this rulemaking (Ref. 6). The chief benefit of the final rule is the collection of detailed data on mercury, which will serve as a basis to recommend actions to further reduce mercury use in the United States, as required at TSCA section 8(b)(10)(C). Another benefit is the use of information collected under the final rule to help the United States implement its obligations under the Minamata Convention. While there are no quantified benefits for the final rule, the statutory mandate specifically calls for and authorizes a rule to support an inventory of mercury supply, use, and trade in the United States, to identify any manufacturing processes or products that intentionally add mercury, and to recommend actions to achieve further reductions in mercury use. As described in the Agency's economic analysis, unquantified benefits include providing increased information on mercury and assisting in the reduction of mercury use (Ref. 6). To the extent that the information gathered through this rule is used to reduce mercury use, benefits to society may result from a reduction in exposure.

TABLE 1—SUMMARY OF COSTS AND BENEFITS

Category	Description
Benefits	The final rule will provide information on mercury and mercury-added products to which the Agency (and the public) does not currently have access. To the extent that the information gathered through this final rule is used to reduce mercury use, benefits to society may result from a reduction in risk.

TABLE 1—SUMMARY OF COSTS AND BENEFITS—Continued

Category	Description
Costs	Estimated industry costs and burden total $5.83 million and 72,600 hours (for 750 respondents) for the first year of reporting, with an individual estimate of $7,800 and 97 hours. For future triennial reporting cycles, industry costs and burden will be $4.04 million and 50,200 hours, with an individual estimate of $5,400 and 67 hours. These estimates include compliance determination, rule familiarization, CBI substantiation, electronic reporting, and recordkeeping, in addition to completing reporting requirements.
Effects on State, Local, and Tribal Governments.	Government entities are not expected to be subject to the rule's requirements, which apply to entities that manufacture (including import) mercury or mercury-added products, or otherwise intentionally use mercury in a manufacturing process. The final rule does not have a significant intergovernmental mandate, significant or unique effect on small governments, or have Federalism implications.
Small Entity Impacts	The final rule will impact 211 companies that meet the U.S. Small Business Administration (SBA) definitions for their respective NAICS classifications: Four small entities (1.85%) are expected to incur impacts of 1% percent or greater. No small entity assessed is expected to incur an impact of greater than 3%. Five companies could not be verified as small entities. Even if the entities whose status is ''undetermined'' were assumed to be impacted small entities, this would result in only nine entities (4.17%). Therefore, EPA certifies that this action will not have a significant economic impact on a substantial number of small entities.
Environmental Justice and Protection of Children.	The information obtained from the reporting required by this final rule will be used to inform the Agency's decision-making process regarding chemicals to which minority or low-income populations or children may be disproportionately exposed. This information will also assist the Agency and others in determining whether elemental mercury and mercury compounds addressed in this final rule present potential risks, allowing the Agency and others to take appropriate action to investigate and mitigate those risks.

II. Background

A. Recent Amendments to TSCA and the Initial Inventory

The Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act) (Pub. L. 114–182, 130 Stat. 448), enacted on June 22, 2016, implemented reforms to TSCA (15 U.S.C. 2601 *et seq.*). Among other changes to TSCA, the Lautenberg Act amended TSCA section 8(b) to require EPA to establish: (1) An inventory of mercury supply, use, and trade in the United States; and (2) reporting requirements by rule applicable to any person who manufactures mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process not later than June 22, 2018 (15 U.S.C. 2607(b)(10)). Information collected per the reporting requirements will be used to periodically update the mercury inventory; identify any manufacturing processes or products that intentionally add mercury; and recommend actions, including proposed revisions of federal law or regulations, to achieve further reductions in mercury use (15 U.S.C. 2607(b)(10)(B) and (C)). The Lautenberg Act also added certain mercury compounds to the TSCA section 12(c) ban on export of elemental mercury and authorized EPA to ban the export of additional mercury compounds by rule. Additional information on the Lautenberg Act is available on EPA's website at *https://www.epa.gov/assessing-and-managing-chemicalsunder-tsca/frank-r-lautenberg-chemical-safety-21st-century-act.*

Prior to developing its initial inventory, EPA reviewed federal and state reports and databases, among other sources, to assemble a collection of available information on mercury, mercury-added products, and manufacturing processes involving mercury (Ref. 1). In reviewing data obtained, the Agency found that its baseline of data lacked the specificity and level of detail required to develop a mercury inventory responsive to TSCA section 8(b)(10)(D) or to be useful to inform mercury use reduction efforts for both the public and private sectors (Ref. 1). In 2015, to develop its understanding of domestic mercury supply and trade, the Agency collected information on the quantity of mercury sold in the United States for the years 2010 and 2013 from five companies identified as the primary recyclers and distributors of mercury in the United States (Ref. 7), which revealed a gap between available data on the amount of mercury within sold mercury-added products and the amount of bulk elemental mercury sold in the United States. Additional Agency research identified a data gap for the amount of mercury in exported mercury-added products. The Agency also is seeking to identify and differentiate between the amount of mercury in imported versus domestically manufactured mercury-added products. EPA is committed to further addressing such data gaps and considers the national mercury inventory mandated by Congress to be an instrumental means to establish the requisite body of information to support achievement of that goal.

B. Stakeholder Involvement

In developing the proposed rule, the Agency coordinated with the Northeast Waste Management Officials' Association, which administers the IMERC database, as directed by TSCA section 8(b)(10)(D)(ii).

C. Public Comments

During the public comment period (October 26, 2017 to January 11, 2018) for the proposed rule, EPA received 89 comments. After careful review, the Agency determined that 27 of those comments were substantively or procedurally relevant to the proposed rule, while 55 comments were not applicable, germane, or responsive. EPA received six comments generally supportive of the proposed rule and one comment related to mercury use, but exceeded the Agency's understanding of the statutory scope of ''mercury supply, use, and trade in the United States.'' All comments received are identified by docket identification (ID) number EPA–HQ–OPPT–2017–0421 and available at *https://www.regulations.gov.* Included in this docket is the *Response to Comments* document for this rule (Ref. 5).

III. Provisions of This Final Rule

This final rule provides for the collection of information that allows EPA to implement statutory requirements at TSCA section 8(b)(10)(B), which directs that ''[n]ot later than April 1, 2017, and every 3 years thereafter, the Administrator shall carry out and publish in the **Federal Register** an inventory of mercury supply, use, and trade in the United States''. Based on the inventory, the Agency is directed to ''identify any manufacturing processes or products that intentionally add mercury; and . . .

recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use.'' EPA's rationale for fulfilling specific statutory provisions and terms, including summaries of public comments received and Agency responses and determinations for the final rule, are set forth by topic as follows. Some of these issues are discussed in greater detail in the *Response to Comments* document for this rule (Ref. 5), which is available at docket ID number EPA–HQ–OPPT–2017–0421 at *https://www.regulations.gov.*

A. Definition of Mercury

TSCA section 8(b)(10)(A) states ''notwithstanding [TSCA] section 3(2)(B), the term 'mercury' means . . . elemental mercury; and . . . a mercury compound.'' As such, the definition for mercury at TSCA section 8(b)(10)(A) supersedes the exclusions for ''chemical substances'' described in TSCA section 3(2)(B) that would otherwise apply to mercury, mercury-added products, or otherwise intentional uses of mercury in manufacturing processes. For example, any ''drug, cosmetic, or device'' as described in TSCA section 3(2)(B)(vi), should such items contain mercury, are not excluded from reporting under this final rule.

The Agency proposed that where EPA distinguishes between elemental mercury and mercury compounds, elemental mercury be limited to elemental mercury as described by its Chemical Abstracts Service Registry Number (CASRN 7439–97–6) and mercury compounds be inclusive of all instances where elemental mercury or a mercury compound is reacted with another chemical substance. Examples of mercury compounds in the TSCA Chemical Substance Inventory are listed in Table 2.

TABLE 2—LIST OF MERCURY COMPOUNDS

Chemical Abstracts Service Registry No.	Mercury compound
10045–94–0	Nitric acid, mercury(2+) salt (2:1).
100–57–2	Mercury, hydroxyphenyl-.
10112–91–1	Mercury chloride (Hg2Cl2).
10124–48–8	Mercury amide chloride (Hg(NH2)Cl).
103–27–5	Mercury, phenyl(propanoato-.kappa.O)-.
10415–75–5	Nitric acid, mercury(1+) salt (1:1).
104–60–9	Mercury, (9-octadecenoato-.kappa.O)phenyl-.
1191–80–6	9-Octadecenoic acid (9Z)-, mercury(2+) salt (2:1).
12068–90–5	Mercury telluride (HgTe).
13170–76–8	Hexanoic acid, 2-ethyl-, mercury(2+) salt (2:1).
13302–00–6	Mercury, (2-ethylhexanoato-.kappa.O)phenyl-.
1335–31–5	Mercury cyanide oxide (Hg2(CN)2O).
1344–48–5	Mercury sulfide (HgS).
1345–09–1	Cadmium mercury sulfide.
13876–85–2	Mercurate(2-), tetraiodo-, copper(1+) (1:2), (T-4)-.
138–85–2	Mercurate(1-), (4-carboxylatophenyl)hydroxy-, sodium (1:1).
141–51–5	Mercury, iodo(iodomethyl)-.
14783–59–6	Mercury, bis[(2-phenyldiazenecarbothioic acid-.kappa.S) 2-phenylhydrazidato-.kappa.N2]-, (T-4)-.
15385–58–7	Mercury, dibromodi-, (Hg-Hg).
15785–93–0	Mercury, chloro[4-[(2,4-dinitrophenyl)amino]phenyl]-.
15829–53–5	Mercury oxide (Hg2O).
1600–27–7	Acetic acid, mercury(2+) salt (2:1).
1785–43–9	Mercury, chloro(ethanethiolato)-.
19447–62–2	Mercury, (acetato-.kappa.O)[4-[2-[4-(dimethylamino)phenyl]diazenyl]phenyl]-.
20582–71–2	Mercurate(2-), tetrachloro-, potassium (1:2), (T-4)-.
20601–83–6	Mercury selenide (HgSe).
21908–53–2	Mercury oxide (HgO).
22450–90–4	Mercury(1+), amminephenyl-, acetate (1:1).
24579–90–6	Mercury, chloro(2-hydroxy-5-nitrophenyl)-.
24806–32–4	Mercury, [.mu.-[2-dodecylbutanedioato(2-).kappa.O1:.kappa.O4]]diphenyldi-.
26545–49–3	Mercury, (neodecanoato-.kappa.O)phenyl-.
27685–51–4	Cobaltate(2-), tetrakis(thiocyanato-.kappa.N)-, mercury(2+) (1:1), (T-4)-.
29870–72–2	Cadmium mercury telluride ((Cd,Hg)Te).
3294–57–3	Mercury, phenyl(trichloromethyl)-.
33770–60–4	Mercury, [3,6-dichloro-4,5-di(hydroxy-.kappa.O)-3,5cyclohexadiene-1,2-dionato(2-)]-.
3570–80–7	Mercury, bis(acetato-.kappa.O)[.mu.-(3′,6′-dihydroxy-3oxospiro[isobenzofuran-1(3H),9′-[9H]xanthene]-2′,7′diyl)]di-.
537–64–4	Mercury, bis(4-methylphenyl)-.
539–43–5	Mercury, chloro(4-methylphenyl)-.
54–64–8	Mercurate(1-), ethyl[2-(mercapto-.kappa.S)benzoato(2-).kappa.O]-, sodium (1:1).
55–68–5	Mercury, (nitrato-.kappa.O)phenyl-.
56724–82–4	Mercury, phenyl[(2-phenyldiazenecarbothioic acid.kappa.S) 2-phenylhydrazidato-.kappa.N2]-.
587–85–9	Mercury, diphenyl-.
592–04–1	Mercury cyanide (Hg(CN)2).
592–85–8	Thiocyanic acid, mercury(2+) salt (2:1).
593–74–8	Mercury, dimethyl-.
59–85–8	Mercurate(1-), (4-carboxylatophenyl)chloro-, hydrogen.
623–07–4	Mercury, chloro(4-hydroxyphenyl)-.
62–38–4	Mercury, (acetato-.kappa.O)phenyl-.
62638–02–2	Cyclohexanebutanoic acid, mercury(2+) salt (2:1).
627–44–1	Mercury, diethyl-.
6283–24–5	Mercury, (acetato-.kappa.O)(4-aminophenyl)-.
628–86–4	Mercury, bis(fulminato-.kappa.C)-.

TABLE 2—LIST OF MERCURY COMPOUNDS—Continued

Chemical Abstracts Service Registry No.	Mercury compound
629–35–6	Mercury, dibutyl-.
63325–16–6	Mercurate(2-), tetraiodo-, (T-4)-, hydrogen, compd. with 5-iodo-2-pyridinamine (1:2:2).
63468–53–1	Mercury, (acetato-.kappa.O)(2-hydroxy-5-nitrophenyl)-.
63549–47–3	Mercury, bis(acetato-.kappa.O)(benzenamine)-.
68201–97–8	Mercury, (acetato-.kappa.O)diamminephenyl-, (T-4)-.
72379–35–2	Mercurate(1-), triiodo-, hydrogen, compd. with 3-methyl2(3H)-benzothiazolimine (1:1:1).
7439–97–6	Mercury.
7487–94–7	Mercury chloride (HgCl2).
7546–30–7	Mercury chloride (HgCl).
7616–83–3	Perchloric acid, mercury(2+) salt (2:1).
7774–29–0	Mercury iodide (HgI2).
7783–33–7	Mercurate(2-), tetraiodo-, potassium (1:2), (T-4)-.
7783–35–9	Sulfuric acid, mercury(2+) salt (1:1).
7783–39–3	Mercury fluoride (HgF2).
7789–47–1	Mercury bromide (HgBr2).
90–03–9	Mercury, chloro(2-hydroxyphenyl)-.
94070–93–6	Mercury, [.mu.-[(oxydi-2,1-ethanediyl 1,2benzenedicarboxylato-.kappa.O2)(2-)]]diphenyldi-.

The Agency received a comment requesting an explanation for the Agency decision to not adopt the definition for ''mercury compound'' used by the Minamata Convention (''any substance consisting of atoms of mercury and one or more atoms of other chemical elements that can be separated into different components only by chemical reactions'') (Ref. 8). Another commenter requested that the Agency clarify whether there is a concentration limit for classifying a material as elemental mercury and if EPA intends to require parties to report the manufacture or use of all mercury compounds, or only those that are listed on the TSCA Inventory (Ref. 9).

Consistent with the discussion in the proposed rule, the Agency did not define specific terms for purposes of the mercury inventory in the regulatory text. Instead, the Agency considered and synthesized descriptions of applicable definitions found in TSCA and implementing regulations, as well as the Minamata Convention. To that end, EPA proposed that ''elemental mercury be limited to elemental mercury (CASRN 7439–97–6) and mercury compounds be inclusive of all instances where elemental mercury or a mercury compound is reacted with another chemical substance'' (Ref. 3). In regard to the definition of ''mercury compound'' set forth in the Minamata Convention, EPA finds the language in the proposed rule to be clear and comparable to the definition under the Minamata Convention. EPA is therefore retaining its proposed characterization. EPA also provides an extensive, though not comprehensive, list of compounds for which reporting is required based on CASRN. EPA's statutory obligations are to prepare the mercury inventory (15 U.S.C. 2607(b)(10)(B)) and to develop identifications and recommendations to reduce the use of mercury (15 U.S.C. 2607(b)(10)(C)); nonetheless, EPA believes the resulting reporting will assist the United States in implementing the Minamata Convention.

In regard to establishing a concentration limit for elemental mercury, the statutory text at TSCA section 8(b)(10)(A)(i) uses the term ''elemental mercury'' without qualification. Therefore, the Agency believes that it is appropriate to identify elemental mercury by use of its CASRN and without a concentration limit.

B. Explanation of Supply, Use, and Trade

1. Overview of the Proposed Scope. Pursuant to TSCA section 8(b)(10)(B), EPA interprets the scope of the mercury inventory to include activities within the domestic and global commodity mercury market that fall under ''supply, use, and trade of mercury in the United States.'' An inventory that adequately accounts for mercury in supply, use, and trade includes activities of persons who must report as described in TSCA section 8(b)(10)(D)(i): Manufacture, import, and otherwise intentionally use mercury in a manufacturing process. As such, the Agency proposed that persons required to report to the mercury inventory also include information on distribution in commerce, storage, and export to provide for the requisite inventory of mercury supply, use, and trade in the United States (Ref. 3).

2. Comments Related to Terminology. The Agency received comments requesting clarification of the descriptions of various terms, including: Mercury handled as waste, including elemental mercury destined for long-term storage; otherwise intentionally use mercury in a manufacturing process; impurities present in a final product; commercial purposes; mercury-added products and components; and ''persons.'' As described in Unit III.A., the Agency did not define specific terms for purposes of the mercury inventory in the regulatory text. Instead, the Agency considered and synthesized descriptions of applicable definitions found in TSCA and implementing regulations, as well as the Minamata Convention.

- *Mercury Handled as Waste, Including Elemental Mercury Destined for Long-Term Storage.* EPA received comments on reporting of mercury by facilities that certify that their stored elemental mercury will not be sold,[1] including instances where mercury is produced as a mining byproduct and is managed as a hazardous waste (Ref. 10; Ref. 11; Ref. 12). Other comments addressed imported mercury-containing materials or wastes from which mercury can be recovered. Commenters emphasized that any exemption should

[1] Under section 6939f(g)(2) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6939f(g)(2)), U.S. Department of Energy is required to establish a facility by 2019 ''for the purpose of long-term management and storage of elemental mercury generated within the United States.'' Until that facility is operational, the elemental mercury can be stored at facilities with RCRA permits, or onsite at some mining operations that generate elemental mercury. In both cases, the facility is allowed to store elemental mercury waste (without regard to the RCRA prohibition on hazardous waste storage in lieu of treatment and disposal) until the planned DOE facility is operational and accepts elemental mercury for long-term management and storage. All facilities or companies storing waste in this manner, whether in the mining sector or not, are required to certify in writing to the DOE that they will store the mercury under certain conditions set forth in RCRA, including not selling the mercury.

only apply to mercury that is clearly not intended to be used for commercial purposes (Ref. 10; Ref. 11).

EPA agrees with the commenters that elemental mercury waste, whether generated from mining or another process, that is being stored (or accumulated on-site and destined for storage) for eventual transfer to the DOE long-term mercury storage facility, should not be subject to the reporting requirements because it is waste, which is exempt from this rule in accordance with TSCA section 8(10)(D)(iii). If any person manufactures elemental mercury, including recovery from waste or as a byproduct from mining or any other activity, and has not made the decision to store it for transfer to the DOE storage facility or to otherwise handle it as waste, then that person must report that mercury. The Agency considers such mercury to be a commodity, not waste, and, therefore, part of the U.S. mercury supply.

EPA partially agrees with the comment that any mercury available for sale or otherwise available for commercial use including incidentally produced mercury should be captured in the inventory. Mercury produced as a byproduct and sold or otherwise made available for commercial use, for example by mines, must be reported (unless managed as waste), even if it may be considered incidentally produced. However, mercury that is present after the production of a commodity (*e.g.,* coal ash or cement), but serves no function in the final product, is not subject to reporting requirements set forth by this rule.

EPA agrees with the same commenter that if mercury-containing materials or waste are imported into the United States and the mercury is then recovered from such materials/waste, then this mercury must be reported upon recovery unless the mercury is immediately managed as waste under RCRA. An importer of such material or waste would only report the mercury if it is the same entity that recovers the mercury.

• *Otherwise Intentionally Use Mercury in a Manufacturing Process.* Commenters suggested that defining ''otherwise intentionally use mercury in a manufacturing process'' in the regulatory text would clarify reporting requirements (Ref. 13) and requested that EPA limit ''manufacturing process'' to the actual chemistry performed during such a process (Ref. 14).

In general, the Agency agrees with these comments. Notwithstanding differences in the statutory text (*i.e.,* ''add'' and ''uses'' in the context of how the mercury is used in a manufacturing process (see 15 U.S.C. 2607(b)(10)(C)(i) and (D)(i)), EPA believes that Congress meant to emphasize instances where persons intentionally introduce mercury into U.S. supply, use, and trade. As such, EPA agrees with commenters that, in the context of intentional use of mercury in a manufacturing process, it is the intentional use of elemental mercury or a mercury compound for a specific purpose (*e.g.,* a catalyst, cathode, reactant, reagent, etc.) that triggers reporting requirements. The Agency also appreciates the suggestion of how it might qualify persons and activities subject to reporting requirements by adding ''intentional'' in applicable regulatory text. However, to the extent that terms in the regulatory text are drawn from 15 U.S.C. 2602 and 2607(b)(10), the Agency prefers to align with the statutory terms as much as possible. EPA further clarified interpretations of these terms in this rule. Forthcoming support and outreach materials, which will be available on the EPA website six months prior to the reporting deadline, also will attempt to illustrate such terms and issues.

• *Impurities Present in a Final Product.* The Agency received comments regarding inconsistencies related to if and how impurities would be reported by persons who intentionally use mercury in a manufacturing process. The commenters argue that EPA's proposal to not require reporting of impurities for manufactured mercury and mercury-added products is inconsistent with the requirement to report impurities in end products that result from the intentional use of mercury in a manufacturing process (Ref. 8; Ref. 15). The commenters opined that reporting mercury present as an impurity (*i.e.,* reporting unintentional presence) would be overly burdensome, unreasonable, and would not add any real value to the mercury inventory (Ref. 8; Ref. 15).

In the proposed rule, the Agency described impurities in regard to whether ''such chemical substances are intentionally generated and whether such substances are used for commercial purposes.'' In order to clarify, EPA finds the definition of ''impurity'' at 40 CFR 704.3 to be instructive: ''chemical substance which is unintentionally present with another chemical substance.'' Thus, after reconsideration, the Agency determined that to require reporting of amounts of mercury unintentionally present in a final product would contradict the logic set forth by the Agency regarding the intentional addition of mercury where mercury remains present in the final product for a particular purpose (Ref. 3). EPA believes the quantity of mercury used in the manufacturing process, how the mercury is used and for what purpose, to which NAICS code a final product is distributed, and to which country(ies) the final product is exported provide adequate information about manufacturing processes that involve the intentional use of mercury to support the supply, use, and trade national inventory. Thus, the unintentional quantity of mercury in final products that result from such processes is not required. Should the Agency need additional information regarding any mercury present as an impurity, it may seek such information from the reporter, as necessary. Therefore, the Agency is not requiring the reporting of impurities for the mercury inventory and revised the regulatory text accordingly.

• *Commercial Purposes.* The Agency received a comment that requested clarity on the use of ''commercial purpose,'' particularly within the context of the proposed rule preamble, which discussed certain byproducts and impurities the Agency proposed excluding from reporting (Ref. 11). Another commenter suggested that EPA's intentions would be clearer if it specified that to be reportable, the activities (*e.g.,* manufacture, import, otherwise intentionally use mercury in a manufacturing process) must be for commercial purposes (Ref. 10).

In the proposed rule, the Agency discussed its attempt to build on existing regulatory text applicable to TSCA section 8 reporting (Ref. 3). TSCA section 8(f) states ''[f]or purposes of [TSCA section 8], the terms 'manufacture' and 'process' mean manufacture or process for commercial purposes.'' Thus, EPA reads ''for commercial purposes'' to apply to the TSCA section 8(b)(10)(D)(i) terms ''manufactures'' (including imports) and ''otherwise intentionally uses mercury in a manufacturing process'' (*i.e.,* comparable to ''process'' as defined at TSCA section 3(13)).

As used in 40 CFR 704.3, the terms defined with ''for commercial purposes'' incorporate ''. . . with the purpose of obtaining an immediate or eventual commercial advantage . . .'' for certain persons (*e.g.,* manufacturers, importers, and processors). In the proposed rule, the Agency described its rationale for instances where mercury would not be reported by focusing on ''whether such chemical substances are intentionally generated and whether [byproducts and impurities] are used for commercial purposes'' (Ref. 3). In the proposed regulatory text, however, EPA used a structure that used both sets of terms in

the same sentence (*e.g.,* ''purpose of obtaining . . . commercial advantage'' (must be reported) and ''not used for commercial purposes'' (not to be reported)). Based on comments received, the Agency amended the regulatory text to clarify this concept.

The Agency determined that the terms ''with the purpose of obtaining an immediate or eventual commercial advantage'' are more consistent with the statutory mandate at 15 U.S.C. 2607(b)(10)(C)(i) to ''identify any manufacturing processes or products that *intentionally* add mercury'' (emphasis added). EPA believes such terms (*e.g.,* ''with the purpose of obtaining'') more accurately align with the Agency's emphasis on the intent of persons required to report as opposed to ''for commercial purposes.'' In addition, the Agency interprets ''commercial advantage'' to extend to benefits beyond profits, such as not incurring additional operational costs by continuing to use mercury rather than use non-mercury substances or technologies. Thus, to be required to report to the mercury inventory, persons must intentionally engage in activities that introduce mercury into supply, use, and trade in the United States with the purpose of obtaining an immediate or eventual commercial advantage. This interpretation and revised descriptions of supply, use and trade activities are discussed further in Unit III.B.5.

In the regulatory text of the final rule, therefore, the Agency omitted the use of ''commercial purposes'' and clarified how ''with the purpose of obtaining an immediate or eventual commercial advantage'' applies to activities for which reporting is required, as well as persons who must report.

• *Mercury-added Products and Components.* A commenter recommended that the Agency adopt the definition of the term ''mercury-added product'' as set forth in the Minamata Convention (Ref. 16), while another commenter requested that EPA clarify the distinction related to a ''product that contains a component that is a mercury-added product'' (Ref. 17). Other commenters requested clarifications, such as: Whether certain uses of mercury qualified as a component that is a mercury-added product (Ref. 9; Ref. 13; Ref. 17); how reporting requirements would apply to manufacturers who first incorporate mercury into a product versus subsequent manufacturers of products that contain the original mercury-added product (*e.g.,* the manufacture or import of Thimerosal (a mercury-containing preservative) and the manufacture or import of a vaccine containing Thimerosal) (Ref. 13); distinguishing between mercury-containing products involving chemical synthesis, alloy generating, blending and mixing operations versus articles with mercury-containing components (Ref. 9); and whether the proposed exemption for imported products that contain a component that is a mercury-added product would apply to exported products (Ref. 18).

In the proposed rule, EPA did not define ''mercury-added product,'' but provided examples of intentional addition of mercury to a product by persons who manufacture a mercury-added product: ''inserting mercury into a switch or battery, or mixing a mercury compound with other substances to formulate a topical antiseptic'' (Ref. 3). In addition to the definition of ''mercury-added product'' in Article 2 of the Minamata Convention (*i.e.,* ''a product or product component that contains mercury or a mercury compound that was intentionally added''), EPA also considered IMERC's definition, which is ''any formulated or fabricated product that contains mercury, a mercury compound, or a component containing mercury, when the mercury is intentionally added to the product (or component) for any reason.'' The Agency sees merit in both definitions, but believes the definition in the Minamata Convention is more consistent with EPA's interpretation of the instruction at 15 U.S.C. 2607(b)(10)(C)(i) to ''identify any manufacturing processes or products that intentionally add mercury.'' The Agency is of the view that the manufacture (other than import) of a mercury-added product is the ''intentional addition of mercury where mercury remains present in the final product for a particular purpose'' (Ref. 3). In other words, the intentional addition of mercury is the essential act by a manufacturer (other than importer) who makes a mercury-added product and, thus, triggers applicable reporting requirements.

In regard to a ''component,'' EPA views this term as being similar to the definition of ''article'' in 40 CFR 704.3. The Agency views the inclusion of a mercury-added product that is a component within an assembled product differently from the act of intentionally inserting mercury (*i.e.,* chemical substance) into the component itself. As a result, the Agency is not requiring information to be reported on the manufacture (including import) of assembled products that include a component that is a mercury-added product. The Agency's rationale for reporting requirements applicable to products that contain a component that is a mercury-added product is provided in Unit III.D.1.b.

The example of the manufacture and use of Thimerosal illustrates when something is or is not a component. EPA agrees that only the domestic manufacturer who intentionally adds mercury to a product, or an importer who imports a product where mercury (*e.g.,* chemical substance) was inserted into the product, would report under this rule; subsequent manufacturers (including importers) of products that contain the original mercury-added product as a component would not report under this rule. Thimerosal is a mercury compound (*e.g.,* listed under CASRN 54–64–8 on EPA's TSCA Chemical Substance Inventory list), and is subject to reporting as a mercury compound or, if intentionally combined with other substances, is subject to reporting as a mercury-added product because the mercury compound is being intentionally added to the product. Therefore, Thimerosal is not a component.

• *Persons.* One commenter requested that the Agency specify the basis for defining what ''person'' means in the context of who may be subject to reporting (Ref. 19). EPA finds the definition at 40 CFR 704.3 to be instructive, in which a ''person'' includes ''any individual, firm, company, corporation, joint venture, partnership, sole proprietorship, association, or any other business entity; any State or political subdivision thereof; any municipality; any interstate body; and any department, agency, or instrumentality of the Federal Government.''

3. Requests for Exemptions or Exclusions from Reporting. The Agency also received specific requests for exemptions from reporting to the mercury inventory, including: Specific industry sectors (Ref. 16; Ref. 20; Ref. 21); specific activities (Ref. 22); use of tools and equipment (Ref. 14); distribution of products originating from others (Ref. 9); replacement parts (Ref. 16; Ref. 17); recycled waste (Ref. 17); and products excluded from the Minamata Convention on Mercury (Ref. 9). Given the level of specificity of such requests and explanation of Agency determinations, these discussions are set forth in the *Response to Comments* document for this rule (Ref. 5).

4. Exports of Certain Mercury Compounds. In regard to certain exports of mercury, the Agency notes that the export of elemental mercury has been prohibited since January 1, 2013 (15 U.S.C. 2611(c)(1)) and therefore the Agency is not requiring reporting on the export of elemental mercury from the

United States. TSCA, as of January 1, 2020, will also prohibit the export of certain mercury compounds: Mercury (I) chloride or calomel; mercury (II) oxide; mercury (II) sulfate; mercury (II) nitrate; and cinnabar or mercury sulphide (the statute uses the term ''mercury sulphide'' which is an alternative spelling of ''mercury sulfide'' as found in Table 2) (15 U.S.C. 2611(c)(7)).

In the proposed rule, the Agency noted that the inventory would benefit from the recent totals of at least one cycle of reporting prior to the effective date of the prohibition for exporting mercury compounds subject to TSCA section 12(c)(7) to measure trends in supply, use, and trade and provide a baseline for comparison of the changes in the amounts of other mercury compounds exported after the 2020 effective date (Ref. 3). The Agency received comments supporting the collection of such data: (1) To fulfill the express Congressional mandate to provide data on trade; (2) to determine the precise impact of the mercury compound export ban and associated trends, which would allow EPA to recommend whether the export ban should be further expanded to other compounds; and (3) to uphold obligations of the United States under the Minamata Convention (Ref. 11; Ref. 12). Thus, the Agency requires one-time reporting for those five compounds. Conversely, reporting for exports of mercury compounds that are not prohibited from export by TSCA section 12(c)(7) is required for every collection period. EPA previously determined that mercury-added products (including those containing elemental mercury or mercury compounds prohibited from export) generally are not prohibited from export and, therefore, are subject to the reporting requirements set forth in this rule.

5. Revised Descriptions of Supply, Use and Trade Activities. Based on comments received and the discussion presented elsewhere in Unit III.D., EPA modified the specific descriptions of supply, use, and trade activities to more accurately reflect the language of TSCA section 8(f) and the Agency's interpretation of the statutory mandate at TSCA section 8(b)(10)(C)(i). Thus, the Agency is requiring reporting of the following activities when intentionally undertaken to introduce mercury into supply, use, and trade in the United States with the purpose of obtaining an immediate or eventual commercial advantage:

- Import of mercury;
- Manufacture (other than import) of mercury;
- Import of a mercury-added product;
- Manufacture (other than import) of a mercury-added product; or
- Intentional use of mercury in a manufacturing process.

In addition, the following activities are part of supply, use, and trade of mercury:

- Distribution in commerce, including domestic sale or transfer, of mercury;
- Distribution in commerce, including domestic sale or transfer, of mercury-added products or products that result from the intentional use of mercury in a manufacturing process;
- Storage of mercury;
- Export of a mercury compound (unless specifically prohibited); or
- Export of mercury-added products or products that result from the intentional use of mercury in a manufacturing process.

As described in greater detail in Unit III.D., persons must first engage in the manufacture (including import) of mercury or mercury-added products or otherwise intentionally use mercury in a manufacturing process to be required to report to the mercury inventory.

C. Coordination With Existing Reporting Programs

TSCA section 8(b)(10)(D)(ii) directs the Agency to ''coordinate the reporting . . . with the Interstate Mercury Education and Reduction Clearinghouse'' to avoid duplication. Furthermore, TSCA section 8(a)(5)(a) states ''[i]n carrying out [TSCA section 8], the Administrator shall, to the extent feasible . . . not require reporting which is unnecessary or duplicative.'' The Agency seeks to avoid collecting data on mercury that would duplicate information already reported to existing state and federal programs, and to coordinate with and complement those reporting programs as much as possible. While developing this rule (Ref. 3), EPA reviewed four data collection systems applicable to supply, use, and trade of mercury (including mercury-added products and mercury used in manufacturing processes):

- The IMERC Mercury-added Products Database, an online reporting database managed by the Northeast Waste Management Officials' Association (NEWMOA), which provides publicly available, national data on mercury used in products;
- The TSCA section 8(a) Chemical Data Reporting rule, which collects manufacturing, processing, and use information on certain chemical substances manufactured (including imported) in the United States;
- The Toxics Release Inventory (TRI) program, which collects data on toxic chemical releases to air, water and land from industrial facilities and pollution prevention activities in the United States; and
- The U.S. International Trade Commission Interactive Trade DataWeb (USITC DataWeb), which provides U.S. international trade statistics and U.S. tariff data to the public.

After reviewing these reporting programs, EPA designed the reporting requirements in this rule to be least burdensome for reporters already familiar with IMERC, CDR, TRI, and USITC DataWeb protocols (Ref. 3). Therefore, the Agency is incorporating comparable reporting concepts and tools from each program, as well as not requiring reporting in certain instances to increase the efficacy while decreasing the burden to the greatest extent practicable for reporting to a national mercury inventory.

1. Reporting Requirements for Existing CDR and IMERC Reporters. The Agency received several comments related to persons who submit mercury-related information to the Chemical Data Reporting database or the IMERC Mercury-added Products Database. In regard to reporting requirements applicable to both CDR and IMERC reporters, two commenters identified discrepancies (*e.g.,* non-alignment of reporting year/frequency and efforts to prohibit duplicative reporting) in the Agency's bifurcated reporting requirements for persons currently required to report to the IMERC Mercury-Added Products Database and under the CDR rule, and those who are not (Ref. 11; Ref. 12). Another commenter expressed concerns regarding the non-alignment of EPA and IMERC reporting years (Ref. 23). Some commenters argued that reporting such information to multiple systems would not be economically burdensome because the costs are relatively small and would not be duplicative because the reporting to different systems would occur in different years (Ref. 11; Ref. 12). Of particular concern to one commenter was a possible negative impact on the accuracy of the mercury inventory and the EPA's ability to make recommendations to reduce the use of mercury (Ref. 11). Conversely, two commenters supported the proposed approach to not require reporting from persons reporting comparable information to IMERC, although one commenter also supported alignment of the reporting years and requested that EPA codify a full exemption for manufacturers, including importers, that already report to IMERC (Ref. 17; Ref. 24). Finally, the Agency received comments recommending that EPA

adopt IMERC's submission deadline for reporting (April 1, 2020 and every three years thereafter) (Ref. 9; Ref. 18; Ref. 23; Ref. 24). Such issues are discussed in greater detail in the *Response to Comments* document for this rule (Ref. 5).

As discussed in the proposed rule, EPA cited TSCA section 8(a)(5)(A) as a basis for avoiding the collection of data that duplicated information already reported to the four data collection systems applicable to the supply, use, and trade of mercury: IMERC, CDR, TRI, and USITC DataWeb (Ref. 3). The Agency considered multiple, existing reporting systems that gather comparable data related to mercury pursuant to statutory text (15 U.S.C. 2607(a)(5)(A)). EPA also considered provisions of TSCA section 8(a)(5) that direct the Agency to ''minimize the cost of compliance with this section and the rules issued thereunder on small manufacturers and processors; and . . . apply any reporting obligations to those persons likely to have information relevant to the effective implementation of this subchapter'' (15 U.S.C. 2607(a)(5)(B) and (C)). In regard to comments arguing that requiring reporting for comparable data in two different systems is not duplicative if the reporting occurs in different years, the Agency maintains that this is a duplication of effort and EPA does not agree with the commenters' argument that the addition or avoidance of burden is not significant if it is relatively small. The language at TSCA section 8(a)(5) directs the Agency avoid duplicative reporting and reduce burden ''to the extent feasible.'' Because EPA is able to obtain comparable data via EPA's CDR program or in coordination with IMERC, the Agency finds not requiring the reporting of overlapping reporting to the mercury inventory to be a feasible approach. To the extent that data elements may not align per differences in reporting years and frequency, the Agency does not view such discrepancies to be prohibitive of its ability to carry out statutory obligations at TSCA sections 8(b)(10)(B) and (C).

Based on comments received, the Agency is clarifying that a person who currently reports to CDR or IMERC is not categorically exempt from the mercury inventory reporting requirements set forth in this rule. Instead, the bifurcated reporting structure is designed to omit only those quantitative data elements already collected by CDR and IMERC to avoid duplication in the collection, calculation, verification, review, certification, reporting, and maintenance of records pursuant to TSCA section 8(a)(5). The Agency's goal is to create a ''comprehensive inventory such that existing data gaps would be eliminated, where feasible [and] . . . complement amounts of quantitative mercury data already collected by, but without overlapping with, reporting requirements,'' as well as ''decrease the burden of reporting to the greatest extent practicable'' (Ref. 3). These goals are guided by statutory mandates not only in TSCA section 8(b)(10), but also in TSCA section 8(a)(5). Thus, while recognizing that there is a non-alignment of CDR and IMERC reporting years, the Agency believes supplementing data reported through this rule with data from CDR and IMERC creates a totality of available data that will provide an adequate basis to observe long-term trends in mercury supply, use, and trade. As such, the Agency determined that requiring reporting for comparable data to two systems would be duplicative even if the CDR and IMERC data represent information from different years. Therefore, requiring duplicative data to be reported from reporters who also report to CDR and IMERC would result in additional burden and is unnecessary.

Finally, EPA understands the interest in aligning with IMERC's submission deadline. However, the statutorily mandated publication date for the mercury inventory was April 1, 2017 and every three years thereafter, which falls on IMERC's data submission date. EPA has a legal responsibility to publish on or before the date set forth in TSCA section 8(b)(10)(B), which means that EPA must publish the inventory on or before the day IMERC reporters must submit data to IMERC. While mindful of incongruities in reporting frequency and years, EPA believes that the reporting schedule and achieve this goal to the greatest extent practicable. As a result, the reporting requirements, including efforts to incorporate data collected by CDR and IMERC while avoiding overlap among CDR and IMERC data elements, will enhance its ability to collect and publish robust data on mercury supply, use, and trade in the United States (15 U.S.C. 2607(b)(10)(B)) and to ''identify any manufacturing processes or products that intentionally add mercury; and . . . recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use'' (15 U.S.C. 2607(b)(10)(C)).

2. Reporting Requirements for Products Regulated by Other Federal Agencies. One commenter requested that EPA not require reporting for uses of mercury regulated by other federal agencies (*e.g.,* pharmaceuticals) (Ref. 13). The commenter cited drugs, as regulated by FDA, and animal vaccines, as regulated by the U.S. Department of Agriculture (USDA), and noted that FDA and USDA regulations already require reporting information regarding the use of mercury in these products and, therefore, should not be collected by EPA.

The Agency disagrees. While these agencies may regulate mercury, they do not collect the data necessary to support the national inventory required by TSCA section 8(b)(10). As such, EPA does not view the reporting requirements to be duplicative of the requirements highlighted by the commenter and, therefore, is not exempting reporting of such uses of mercury.

D. Persons and Information Subject to This Rulemaking

TSCA section 8(b)(10)(D)(i) states ''any person who manufactures mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process shall make periodic reports to the Administrator.'' As explained in Unit III.B., EPA interprets the statutory text at TSCA sections 8(b)(10)(B), 8(b)(10)(D)(i), and 8(b)(10)(D)(iii) as applying to intentional acts that introduce mercury into supply, use, and trade in the United States. EPA reads TSCA section 8(b)(10)(D)(i) to narrow potential reporters to persons who first manufacture mercury or mercury-added products or otherwise intentionally use mercury in a manufacturing process prior to other activities such as storage, distribution, and export. Descriptions of persons who must report under this rule and tables illustrating applicable reporting requirements are detailed in Unit III.D.1.

1. Persons Who Must Report. In addition to persons described in the following subsections and tables, EPA will provide examples of persons who will and will not be required to report under this regulation in reporting instructions and other support materials.

a. Persons Who Manufacture (Including Import) Mercury. As described in Unit III.C., the Agency sought to decrease the burden of reporting to the greatest extent practicable by, among other things, complementing without overlapping existing reporting requirements related to mercury and mercury-added products. As such, persons who manufacture (including import) in excess of 2,500 lbs. for elemental mercury or in excess of 25,000 lbs. for mercury compounds for a specific

reporting year are not required to report amounts manufactured (including imported) or exported that are already reported per the CDR rule. Such persons, however, are required to provide quantitative data on storage and distribution in commerce, as well as qualitative and contextual information related to all applicable data elements under the proposed rule (see Table 3. Information to Report—Mercury). In further efforts to decrease reporting burdens, the Agency will provide pre-selected lists of mercury compounds to streamline reporting requirements as much as possible.

TABLE 3—INFORMATION TO REPORT—MERCURY

Persons who must report	Applicable reporting requirements
Persons who manufacture (including import) mercury in amounts greater than or equal to 2,500 lbs. for elemental mercury or greater than or equal to 25,000 lbs. for mercury compounds for a specific reporting year (*i.e.*, current CDR reporters).	—Country(ies) of origin for imported mercury. —Country(ies) of destination for exported mercury. —Amount of mercury stored (lbs.). —Amount of mercury distributed in commerce (lbs.). —NAICS code(s) for mercury distributed in commerce.
All other persons who manufacture (including import) mercury	—Amount of mercury manufactured (lbs.). —Amount of mercury imported (lbs.). —Country(ies) of origin for imported mercury. —Amount of mercury exported (lbs.), except mercury prohibited from export at 15 U.S.C. 2611(c)(1) and (7). —Country(ies) of destination for exported mercury. —Amount of mercury stored (lbs.). —Amount of mercury distributed in commerce (lbs.). —NAICS code(s) for mercury distributed in commerce. —As applicable, specific mercury compound(s) from preselected list.

b. Persons Who Manufacture or Import Mercury-added Products. EPA proposed to require reporting for the manufacture (including import) of mercury-added products, except for: (1) Import of an assembled product that contains mercury solely within a component that is a mercury-added product; and (2) domestic manufacture of an assembled product unless the person first manufactures or imports the mercury-added product that can be used as a component. The Agency determined that this distinction was appropriate after reviewing the data reported to the IMERC Mercury-Added Products Database and comparing the companies that reported national sales data for individual mercury-added products (including components), as well as items that contain a component that is a mercury-added product (Ref. 25). For example, the IMERC database lists a product name (*e.g.,* flat panel display, projection TV, make and model of vehicle) and component (*e.g.,* lamp, bulb). In the proposed rule, the Agency cited concerns that requiring reporting for assembled products where mercury is present solely within a previously manufactured component would result in double counting and thereby could negatively affect the reliability of future mercury inventory updates, as well as the potential to create undue burden for certain importers (Ref. 3). The Agency based this determination on its emphasis on the intentional insertion of mercury into a product as the introduction of mercury via a mercury-added product into supply, use, and trade in the United States. For imported assembled products that contain a component that is a mercury-added product, the Agency also considered the degree to which certain importers would know the mercury content, if any, of the assembled products they import, as well as the additional breadth, and therefore burden, that including such imports at this time would entail. The Agency notes that its specific reporting requirements (see Unit III.D.4.b.) include mercury-added products that are likely to be used as components in assembled products. As discussed in this section, EPA's combined general, specific, and contextual reporting requirements are designed not only to provide information that are expected to identify mercury-added products that are components within assembled products, but also to avoid unnecessary, duplicative, and burdensome reporting as much as feasible (15 U.S.C. 2607(a)(5)).

The Agency received comments related to instances where mercury is present in a product as a component that is a mercury-added product. Some commenters requested that the Agency require reporting for the manufacture (including import) of such products (Ref. 11; Ref. 12; Ref. 20; Ref. 23), while other commenters supported the proposed approach to not require such reporting (*e.g.,* advanced manufacturing equipment that contains components that are mercury-added products and supply chains where the mercury-added product may be incorporated into several iterations of other components before being used in a final assembled product) (Ref. 9; Ref. 13; Ref. 17; Ref. 18; Ref. 26). Commenters requesting that the Agency require reporting for products that contain a component that is a mercury-added product believe that the proposed approach would underestimate mercury use in products and hamper EPA's ability to fill data gaps and make further recommendations for mercury reductions. The commenters also argued that not requiring reporting for products that contain mercury-added components is neither authorized by nor consistent with the purpose of the statute and is inconsistent with IMERC and Minamata Convention definitions of ''mercury-added product.'' Such issues are discussed in greater detail in the *Response to Comments* document for this rule (Ref. 5).

The statutory text describes who must report to the mercury inventory: ''any person who manufactures mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process . . . at such time and including such information as the Administrator shall determine by rule'' (15 U.S.C. 2607(b)(10)(D)(i)). In addition to the development of the inventory itself (15 U.S.C. 2607(b)(10)(B)), the Agency interprets the ultimate purpose of the inventory as identifying manufacturing processes or products that intentionally add mercury and recommending actions to achieve further reductions in mercury use (15 U.S.C. 2607(b)(10)(C)). When developing this rule, the Agency considered statutory requirements applicable to all of TSCA section 8:

Prohibition of ''unnecessary or duplicative'' reporting (15 U.S.C. 2607(a)(5)(A)) and minimization of the cost of compliance for small manufacturers and processors (15 U.S.C. 2607(a)(5)(B)). Thus, EPA will carry out an inventory and require reporting consistent with the statute that avoids duplication of information already reported to existing state and federal programs and avoids unnecessary reporting burdens.

TSCA section 8(b)(10)(C)(i) mandates that in carrying out the inventory, EPA must ''identify any manufacturing processes or products that intentionally add mercury.'' Some commenters suggested that the statute requires EPA to collect information on all products that contain mercury, including those that contain mercury only because they include a mercury-added product as a component. EPA interprets the statutory text to only require the identification of the *types* of products where mercury is intentionally added such that EPA would be able to make recommendations for reducing such use. Based on its review of the information available in the IMERC database (Ref. 25), EPA believes that it will be able to identify the various types of mercury-added products where mercury is intentionally added (*e.g.,* mercury-added lamps) without requiring the reporting on the manufacture of more complex products where mercury is contained within a component (*e.g.,* vehicle containing mercury-added lamp in headlight).

In identifying products where mercury is intentionally added, the Agency interprets the statute as giving it discretion over what information it may require to be reported, including from certain manufacturers and types of products. TSCA section 8(b)(10)(D)(i) requires periodic reports to assist in the preparation of the inventory ''at such time and including such information as the Administrator shall determine by rule.'' EPA has determined that fulfilling the mandate to identify products that intentionally add mercury and make recommendations to achieve reduction in mercury use does not require reporting for assembled products, as EPA is not convinced that all products that contain a component that is a mercury-added product should be viewed as ''products that intentionally add mercury.'' For example, a domestic automobile manufacturer may not know that a component of the car contains mercury and arguably, therefore, has not intentionally added mercury to the car for the purposes of TSCA section 8(b)(10)(C)(i). Similarly, an automobile importer may not know that a component of the car contains mercury. Since the import is the manufacture for purposes of TSCA, the product arguably is not a product to which mercury has intentionally been added per TSCA section 8(b)(1)(C)(i) for this reason as well.

The addition of a mercury-added product as a component to a more complex, assembled product does not change the nature or the quantity of mercury within the component, and, for a product assembled domestically, would result in the double counting of that specific quantity of mercury since EPA would receive reports both on the manufacture of the component and the manufacture of the assembled product. Even without receiving reports from manufacturers of assembled products, EPA can glean information about types of mercury-added products from the reports by manufacturers/importers of mercury-added products, which can be used as components. The information reported on NAICS codes by a person who manufactures (or imports) mercury-added products that can be used as components (*e.g.,* mercury-added lamp), can be used to help the Agency identify the types of domestically manufactured assembled products (*e.g.,* light truck and utility vehicle manufacturing (NAICS code 336112)) likely to contain components that are mercury-added products. Thus, the full set of reporting requirements work together to account for and describe mercury supply, use, and trade in the United States, while avoiding unnecessary or duplicative reporting.

With respect to imports, based on the Agency's review of the information available in the IMERC database (Ref. 25) and its rationale set forth in the preceding paragraph, EPA believes that the reporting requirements similarly will enable it to identify the *types* of mercury-added products imported into the United States (*i.e.,* both mercury-added products that can be used as components and those assembled products that contain a mercury-added component). Reporting is required for the import of mercury-added products that can be used as components in assembled products. This will give EPA a clearer understanding of the types of components that exist along with information on the quantity of mercury in those components. While reporting is not required on the import of assembled products that contain mercury-added components, the reporting requirements and data collected from manufacturers/importers of mercury products that can be used as components are expected to help alleviate the uncertainties associated with the types of imported assembled products that may contain such components. For example, the Agency can use NAICS codes reported for domestically-manufactured assembled products to better understand the specific types of imported assembled products that may contain mercury within a component part. In this context, the reporting requirements can enhance the understanding of mercury supply, use, and trade in the United States while helping to minimize the cost of compliance for importers of assembled products.

The baseline direction from Congress was to identify products that intentionally add mercury. EPA concludes this is best done, at this stage, by requiring reporting only from the manufacturers who initially insert mercury into products and importers of mercury-added products that may be used as components in assembled products, but not assembled products themselves. EPA is not requiring a reporter who manufactures (including imports) mercury components to identify whether or how the mercury-added product is used as a component; instead, EPA intends to use NAICS codes to identify such uses. By design, the general reporting requirements first identify the total quantity of mercury in products manufactured (other than imported), distributed in commerce, or exported for a reporting year (*i.e.,* prioritize reporting on the amounts of mercury in supply, use, and trade activities (see Unit III.B.5.)). Thereafter, specific and contextual reporting requirements (*e.g.,* the category/sub-category of mercury-added products and NAICS code(s) for manufacturing categories, and countries of origin and destination for imports and exports) further illustrate how reported quantities of mercury move through supply, use, and trade. EPA believes this is appropriate because it can collect quantitative data from persons who report for domestic manufacture and import of mercury-added products that can be used as components, and use contextual (*i.e.,* qualitative) reporting to better understand how those components are incorporated into assembled products. The Agency could, as appropriate, use such domestic quantitative data in concert with other available data on imported assembled products in a specific product category to draw comparisons and, should they be relevant, focus recommendations for reducing mercury for both domestic and foreign assembled products. Even if this approach is not able to directly account for amounts of mercury within the

mercury-added products that are components of assembled products, the Agency determined that its ability to identify categories—and potentially more specific types—of assembled products will allow it to satisfy mandates at TSCA sections 8(b)(10)(B) and (C). While a reporter would not be required to identify whether or how the mercury-added product is used as a component, the reporting requirements should provide ample information to shed light on the use of the mercury, to satisfy the mandate to identify products that intentionally add mercury, including components being manufactured domestically and imported, and allow EPA to ''recommend actions [. . .] to achieve further reductions in mercury use'' including recommendations related to products containing mercury components (15 U.S.C. 2607(b)(10)(C)(ii)).

EPA is mindful that the global implementation of the Minamata Convention should result in a decrease in the manufacture, import, and export of many mercury-added products that are commonly used as components in products, discourage the use of such products as components, and generally increase the knowledge of manufacturers, importers, exporters, and consumers regarding the types of assembled products that contain components that are mercury-added products. EPA will evaluate whether this expected downward trend comes to fruition by monitoring trends in the importation of mercury components and its described approach to better understand the types of domestically-manufactured and imported assembled products that may contain mercury in a component part. As necessary, the Agency will use such data to consider modifying reporting requirements or to recommend appropriate actions to reduce the use of mercury.

As described in Unit III.C., persons who report to IMERC identify the amount of mercury sold in mercury-added products that may be manufactured, distributed, or imported. The Agency considers the amount of mercury reported to IMERC as sold to be comparable to the amount of mercury to be reported under the rule as distributed in commerce. As such, EPA is not requiring persons who report to IMERC to report amounts of mercury distributed in commerce in mercury-added products. However, those persons must report quantitative and qualitative information for other applicable data elements (*e.g.,* manufacture, import, and export of mercury-added products). Such persons are also required to report contextual information applicable to amounts, if any, of mercury in mercury-added products manufactured, imported, distributed in commerce, or exported (see Table 4. Information to Report—Mercury-Added Products). In further efforts to decrease reporting burdens, the Agency will provide pre-selected lists of mercury-added product categories to streamline reporting requirements as much as possible.

TABLE 4—INFORMATION TO REPORT—MERCURY-ADDED PRODUCTS

Persons who must report	Applicable reporting requirements
Persons who manufacture (including import) mercury-added products, except a product that contains a component that is a mercury-added product, who currently report to IMERC.	—Amount of mercury in manufactured products (lbs.). —Amount of mercury in imported products (lbs.). —Country(ies) of origin for imported products. —Amount of mercury in exported products (lbs.). —Country(ies) of destination for exported products. —NAICS code(s) for products distributed in commerce. —As applicable, specific product category(ies) and subcategory(ies) from pre-selected list.
All other persons who manufacture (including import) mercury-added products, except a product that contains a component that is a mercury-added product.	—Amount of mercury in manufactured products (lbs.). —Amount of mercury in imported products (lbs.). —Country(ies) of origin for imported products. —Amount of mercury in exported products (lbs.). —Country(ies) of destination for exported products. —Amount of mercury in products distributed in commerce (lbs.). —NAICS code(s) for products distributed in commerce. —As applicable, specific product category(ies) and subcategory(ies) from pre-selected list.

c. Persons Who Otherwise Intentionally Use Mercury in a Manufacturing Process. As described in Unit III.B., TSCA section 8(b)(10)(D)(i) includes persons who intentionally use mercury in a manufacturing process amongst those who must report. The Agency believes that persons who otherwise intentionally use mercury in a manufacturing process may currently report to existing data collection programs in the United States, but because the reporting requirements for the mercury inventory differ from those programs, EPA does not view the reporting requirements to be duplicative or unnecessary. As such, the general, specific, and contextual reporting requirements are intended to provide a complete picture of uses for which little information is currently available (see Table 5. Information to Report—Otherwise Intentional Use of Mercury in a Manufacturing Process). As discussed in Unit III.D.1.b., the combination of general, specific, and contextual reporting requirements will assist the Agency to adequately ''identify any processes . . . that intentionally add mercury'' 15 U.S.C. 2607 8(b)(10)(C)(i). In further efforts to decrease reporting burdens, the Agency will provide pre-selected lists of manufacturing processes and attendant uses of mercury to streamline reporting requirements as much as possible.

TABLE 5—INFORMATION TO REPORT—OTHERWISE INTENTIONAL USE OF MERCURY IN A MANUFACTURING PROCESS

Persons who must report	Applicable reporting requirements
Persons who otherwise intentionally use mercury in a manufacturing process, other than the manufacture of a mercury compound or a mercury-added product.	—Amount of mercury intentionally used (lbs.) in pre-selected list of manufacturing processes. —Amount of mercury stored (lbs.). —Country(ies) of destination for exported final product(s). —NAICS code(s) for mercury in final product(s) distributed in commerce. —As applicable, specific manufacturing process from preselected list. —As applicable, specific use of mercury in manufacturing process from pre-selected list.

2. Persons Not Required to Report. The Agency received various comments requesting clarification of persons who would not be required to report to the mercury inventory.

i. *Persons Who Do Not First Manufacture, Import, or Otherwise Intentionally Use Mercury.* EPA determined that persons who only trade (*e.g.,* brokering, selling wholesale, shipping, warehousing, repackaging, or retail sale), but do not manufacture or import mercury or mercury-added products, should not be subject to the proposed reporting requirements (Ref. 3). Aside from its reading of TSCA section 8(b)(10)(D)(i), the Agency is concerned that requiring reporting from such entities risks: (1) Double counting of mercury as it moves through supply chains; and (2) undue burden or liability on entities that are not likely to be aware if or how mercury is present in products that they trade. Several commenters requested clarifications regarding this determination, including modifications to ensure that the exclusion will not result in transactions involving mercury that go unreported within the context of supply, use, and trade and to prevent duplicative reporting by focusing on products traded instead of the persons engaged in trade (Ref. 11; Ref. 12). Another commenter suggested that such an exemption should not apply to any persons that would be defined as a manufacturer, importer, or exporter (Ref. 12).

EPA interprets the statutory text on who should report at 15 U.S.C. 2607(b)(10)(D)(i) as applicable to ''intentional acts that introduce mercury into supply, use, and trade in the United States.'' EPA specified in the proposed rule that this applies to ''persons who *first* manufacture mercury or mercury-added products or otherwise intentionally use mercury in a manufacturing process'' (emphasis added) (Ref. 3). EPA recognizes that certain transactions (*e.g.,* resale, incorporation of a purchased component that is a mercury-added product into equipment) may not be captured with this structure. However, the Agency believes that focusing on the initial introduction of mercury to the market prevents the possibility of double counting or undue burden (see 15 U.S.C. 2607(a)(5)(A and B)) which could occur if entities that do not first introduce mercury to supply, use, and trade were required to report to the inventory. EPA revised the regulatory text in the final rule to improve clarity.

ii. *Persons Who Generate, Handle, or Manage Mercury-containing Waste.* Persons ''engaged in the generation, handling, or management of mercury-containing waste, unless that person manufactures or recovers mercury in the management of that waste'' are not required to report to the mercury inventory (15 U.S.C. 2607(b)(10)(D)(iii)). EPA interprets the statute here to mean for immediate or eventual commercial purposes (see also ''Mercury Handled as Waste, Including Elemental Mercury Destined for Long-Term Storage'' in Unit III.B.2). EPA will provide examples of such persons in reporting instructions and other support materials.

iii. *Persons Who Manufacture Mercury as an Impurity.* Persons who manufacture (including import) mercury as an impurity are not required to report to the mercury inventory (see also ''Impurities Present in a Final Product'' in Unit III.B.2.). EPA will provide examples of such persons in reporting instructions and other support materials.

iv. *Persons Engaged in Activities Involving Mercury Not with the Purpose of Obtaining an Immediate or Eventual Commercial Advantage.* Persons who do not manufacture (including import) mercury or mercury-added products or otherwise intentionally use mercury in a manufacturing process with the purpose of obtaining an immediate or eventual commercial advantage are not required to report to the mercury inventory (see also ''Commercial Purposes'' in Unit III.B.2.). In addition, EPA will provide examples of such persons in reporting instructions and other support materials.

v. *Manufacture or Import of a Product that Contains a Component that is a Mercury-added Product.* EPA maintains that requiring reporting on the use of a mercury-added product as a component in the manufacture (other than import) of another product for a person who did not first manufacture (other than import) the mercury-added product would constitute double counting. The Agency's rationale is explained in detail in Unit III.D.1.b. To the extent that the Agency is not requiring persons who import products that contain a component that is a mercury-added product to report, the reporting requirements do not prevent the identification of such products. The decision to not require reporting on such products also will not prevent the Agency from making recommendations ''to achieve further reductions in mercury use'' (15 U.S.C. 2607(b)(10)(C)(ii)). In order to clarify and streamline reporting requirements related to products that contain a component that is a mercury-added product, the Agency modified the structure of the regulatory text in this final rule. In addition, EPA will provide examples of such persons in reporting instructions and other support materials. Those materials will be available on the EPA website six months prior to the reporting deadline.

3. Reporting Units and Threshold. As discussed in Unit III.C., the Agency compared existing state and federal reporting databases applicable to the supply, use, and trade of mercury. EPA conducted this review in an attempt not only to eliminate duplicative reporting requirements, but also to incorporate applicable features of such programs, including the consideration of respective reporting thresholds.

The statutory text at TSCA section 8(b)(10) is silent on a reporting threshold; however, TSCA section 8(b)(10)(C) directs the Agency to ''identify any manufacturing processes or products that intentionally add

mercury.'' Based on: (1) The interpretation that the direction to ''identify any'' applies to any amount of mercury in a manufacturing process or product; and (2) concerns related to the potential adverse effects on human health and the environment resulting from releases of mercury, EPA proposed to apply the reporting requirements to any person who manufactures (including imports) mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process regardless of the amount of mercury at issue (Ref. 3).

The Agency received comments in support of the proposal to not establish a *de minimis* threshold for reporting (Ref. 11; Ref. 12; Ref. 23), as well as comments suggesting EPA establish minimum units for which persons should report and a threshold under which persons should not report to the mercury inventory (Ref. 15; Ref. 21; Ref. 24; Ref. 26; Ref. 27). Specific recommendations from commenters included: a minimum reportable value of 1 pound (Ref. 27), parts per million amounts for impurities (Ref. 15), and less than 1 kilogram for an annual total for certain activities (Ref. 28). Commenters also expressed concerns with the reasonableness and burden associated with being able to detect, as well as calculate annual totals, for trace amounts of mercury in certain products and processes (Ref. 15; Ref. 24). Finally, commenters recommended that reporting thresholds be established in SI/metric units due to prevalent market practices for identifying mercury content in products and for greater consistency with IMERC reporting requirements (Ref. 18; Ref. 23).

EPA appreciates the suggestion to offer multiple/alternative units of measurement for reporting amounts of mercury. However, EPA believes that the pound (lb.) as a unit of measurement is the best choice based on it being a unit familiar to most potential reporters and consistent with the reporting provided by IMERC, CDR, and TRI. The reporting application is designed such that persons seeking to report amounts equal to or less than one pound during a reporting year would be directed to round amounts of mercury to ''1 lb.''

In regard to a reporting threshold, EPA understands that certain persons may use small amounts of mercury over the course of a reporting year, but believes that it is not appropriate to establish a *de minimis* threshold. As explained in the proposed rule (Ref. 3), this decision is based on a review of statutory text at 15 U.S.C. 2607(b)(10)(C), which EPA interprets to require reporting for any amount of mercury. However, to address the concerns expressed, and as an alternative to a reporting threshold, EPA accepts the suggestions of commenters to offer a minimum unit. Any person that manufactures (including imports) mercury or mercury-added products or any person that otherwise intentionally uses mercury in a manufacturing process in an amount equal to or less than one pound during a reporting year would be directed to round amounts of mercury to ''1 lb.'' Because the Agency is not requiring reporting for impurities (see also ''Impurities Present in a Final Product'' in Unit III.B.2.), EPA believes the suggested parts per million unit of measurement associated with impurities is no longer applicable. In instances where persons subject to the reporting requirements may be using mercury in small amounts on a per unit basis, the Agency will provide additional examples in reporting instructions and support materials designed to assist reporters. Those materials will be available on the EPA website six months prior to the reporting deadline.

4. Reporting Requirements. TSCA section 8(b)(10)(B) sets the general scope of the inventory as the ''mercury supply, use, and trade in the United States.'' EPA interprets the core elements to be covered in the mercury inventory to be the amount of mercury used in the activities within the mercury market described in Unit III.B. (*i.e.,* manufacture, import, export, storage, distribution in commerce, and otherwise intentional use of mercury in a manufacturing process). EPA also determined that, for certain data elements, requiring reporting of more specific information would help to better contextualize reported quantities of mercury used in domestic and global supply, use, and trade. The general, specific, and contextual reporting requirements are described in this section.

a. General Reporting Requirements. EPA considers ''supply'' to include manufacture and storage, ''use'' to include otherwise intentional use of mercury in a manufacturing process, and ''trade'' to include import, export, and distribution in commerce. The Agency determined that accounting for such activities is necessary to fulfill statutory mandates at TSCA sections 8(b)(10)(B) and (C). Therefore, for persons required to report (as described in Unit III.D.), EPA is requiring reporting quantitative data for mercury, mercury-added products, and otherwise intentional use of mercury in a manufacturing process (as qualified from existing terms as discussed in Unit III.B.) as follows:

i. *Importers of mercury:* Amount of mercury imported per year (lbs.); Amount of mercury stored per year (lbs.); Amount of mercury distributed in commerce per year (lbs.); Amount of mercury exported per year (lbs.).

ii. *Manufacturers (other than importers) of mercury:* Amount of mercury manufactured (other than imported) per year (lbs.); Amount of mercury stored per year (lbs.); Amount of mercury distributed in commerce per year (lbs.). Amount of mercury exported per year (lbs.).

iii. *Importers of a mercury-added product:* Amount of mercury in imported products per year (lbs.); Amount of mercury in products distributed in domestic commerce per year (lbs.); Amount of mercury in exported products per year (lbs.).

iv. *Manufacturers (other than importers) of a mercury-added product:* Amount of mercury in manufactured (other than imported) products per year (lbs.); Amount of mercury in products distributed in commerce per year (lbs.); Amount of mercury in exported products per year (lbs.).

v. *Persons who intentionally use mercury in manufacturing processes:* Amount of mercury used in a manufacturing process per year (lbs.); Amount of mercury stored per year (lbs.).

EPA understands that certain persons may report for multiple activities associated with supply, use, and trade of mercury. For example, a person may import mercury and manufacture mercury-added products. As such, the Agency is designing the quantitative data elements for reporting requirements such that a person could report both as an ''importer of mercury'' and ''manufacturer of mercury-added products,'' but only report for the specific activity in which they engage. The Agency expects there may be certain persons engaged in the supply, use, and trade of mercury who might not be accounted for in the inventory, but EPA views this omission of prospective reporters as an opportunity to limit undue burden and avoid double counting. Thus, the Agency is limiting the persons who must report at TSCA section 8(b)(10)(D)(i) to only those persons described in Unit III.D.

b. Specific Reporting Requirements. To better understand the categories of mercury-added products and otherwise intentional use of mercury in a manufacturing process, the Agency is requiring reporters to identify the specific categories and subcategories of products and functional uses for which quantitative data is reported. The Agency believes this is an appropriate

interpretation of the direction to ''identify any manufacturing processes or products that intentionally add mercury,'' which, in turn, could inform how to ''recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use'' (15 U.S.C. 2607(b)(10)(C)). Persons required to report must provide the total amount of mercury used during the reporting year in pounds for general reporting activities associated with supply, use, and trade, rather than per category and subcategory. EPA based this decision on issues concerning burden and confidential business information that could be created by reporting quantitative information for increasingly specific categories and subcategories.

i. Mercury-added products. Based on the current knowledge of mercury-added products available in the marketplace, including skin products manufactured abroad and sold illegally in the United States (Ref. 29), EPA is finalizing the following list of categories and subcategories of mercury-added products:

- *Batteries:* Button cell, silver; Button cell, zinc-air; Button cell, alkaline; Stacked button cell batteries; Manganese oxide; Silver oxide; Mercuric oxide, non-button cell; Button cell, mercuric oxide; Button cell, zinc carbon; Other (specify).
- *Dental amalgam.*
- *Formulated products (includes uses in cosmetics, pesticides, and laboratory chemicals):* Skin-lightening creams; Lotions; Soaps and sanitizers; Topical antiseptics; Bath oils and salts; Preservatives (*e.g.,* for use in vaccines and eye-area cosmetics when no preservative alternatives are available); Pharmaceuticals (including prescription and over-the-counter drug products); Cleaning products (not registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act); Pesticides; Paints; Dyes; Reagents (*e.g.,* catalysts, buffers, fixatives); Other (specify).
- *Lighting, lamps, bulbs:* Linear fluorescent; Compact fluorescent; U-tube and circular fluorescent; Cold cathode fluorescent; External electrode fluorescent; Mercury vapor; Metal halide; High pressure sodium; Mercury short arc; Neon; Other (specify).
- *Measuring instruments:* Barometer; Fever thermometer; Flow meter; Hydrometer; Hygrometer/psychrometer; Manometer; Non-fever thermometer; Pyrometer; Sphygmomanometer; Other (specify).
- *Pump seals.*
- *Switches, relays, sensors, valves:* Tilt switch; Vibration switch; Float switch; Pressure switch; Temperature switch; Displacement relay; Wetted reed relay; Contact relay; Flame sensor; Thermostat; Other (specify).
- *Miscellaneous mercury-added products:* Wheel weights; Wheel rotation balancers/stabilizers; Firearm recoil suppressors; Carburetor synchronizers; Joint support/shock absorption bands; Other (specify).

ii. Intentional mercury use in manufacturing processes. EPA received comment on the proposed rule and has refined the following manufacturing processes for which mercury may be intentionally used: Chlorine production (*e.g.,* mercury-cell chlor-alkali process); Acetaldehyde production; Sodium/potassium methylate/ethylate production; Polyurethane/plastic production; Other (specify). Based on public comment, EPA has also refined the following list of uses of mercury in the manufacturing processes: Catalyst; Cathode; Reactant; Reagent; Other (specify).

Two commenters proposed revisions to specific information to be collected applicable to the intentional use of mercury in a manufacturing process (Ref. 15; Ref. 28). One commenter noted that in a mercury cell electrolyzer, the mercury serves solely as the cathode in the electrolysis process which breaks down the sodium chloride molecule and recommended that EPA should therefore add the term ''cathode'' to the Table 4 list as one of the selections (Ref. 15). Another commenter requested the removal of ''[v]inyl chloride monomer production'' as a specific manufacturing process because the vinyl chloride monomer (VCM) process is no longer used and is not expected to be used, by any manufacturer in the United States and that all VCM producers utilize ethylene, rather than acetylene, as the feedstock, which does not require any use of mercury (Ref. 28).

The Agency appreciates and agrees with these comments. EPA amended the regulatory text for reporting requirements for specific data to add the term ''Cathode'' as an option to identify how mercury is used in manufacturing processes and to remove the term ''Vinyl chloride monomer production'' from the options of categories of manufacturing processes for which mercury may be intentionally used.

c. Contextual Reporting Requirements. Within certain sectors of the mercury market, the Agency determined that additional data requirements are important to provide context to the quantitative data reported. To fully understand the supply, use, and trade of mercury in the United States, EPA is finalizing the following reporting requirements:

i. For imports of mercury or mercury-added products: Country of origin.

ii. For mercury or mercury-added products distributed in commerce: Identify the applicable purchasing or receiving industry sectors via NAICS codes.

iii. For exported mercury or mercury-added products: Destination country.

The Agency determined that the combination of general, specific, and contextual reporting requirements provides for the body of information required to fulfill statutory mandates of TSCA sections 8(b)(10)(B) and (C). As much as possible, the Agency designed all requirements to be answered only where a reporter engages in the specific activity from the inclusive list of options. In fact, EPA believes that it is unlikely that the typical reporter would be engaged in and, as a result, be required to respond to all, or even many, of the reporting requirements.

Aside from issue-specific discussions of reporting requirements presented elsewhere in Unit III.D., commenters generally supported the Agency's proposed general, specific, and contextual reporting requirements, emphasized the utility requiring reporting of NAICS to help track mercury supply and use flows, and noted the consistency and comprehensiveness of EPA mercury-added product categories and subcategories. The Agency appreciates this feedback from potentially affected persons.

5. Consideration of Small Entities. Based on EPA's economic analysis of this final rule (Ref. 6), approximately 40 percent of the respondents will be small entities. However, small businesses are not exempt from reporting requirements because, unlike the exemption for small manufacturers and processors provided under TSCA sections 8(a)(1)(A) and (B), reporting and recordkeeping requirements associated with TSCA section 8(b) are applicable to all affected entities. EPA requested public comment on what kinds of information would be particularly important to address for small entities (*e.g.,* outreach and webinars for small businesses to introduce the online reporting environment and application, explain requirements, and offer Q&A and other support) (Ref. 3).

The Agency received a comment related to the EPA's estimation of costs and burdens for the proposed rule (Ref. 27), which expressed concerns that initial estimates may be low given the scope of products, processes, and other information that EPA proposed to

require (Ref. 27). EPA prepared the economic analysis using the best available methods, consistent with EPA's Guidelines for Preparing Economic Analyses (see *https://www.epa.gov/environmental-economics/guidelines-preparing-economic-analyses*). While individual reporters may experience costs either higher or lower than those estimated in the analysis, the Agency believes that the average costs for the categories of reporters described are well represented.

The Agency also received a comment related to the potential burden to small businesses (Ref. 30), which expressed concerns about how the estimated initial and subsequent annual costs may impose a major burden for a small manufacturer, particularly when added to other regulatory costs. EPA intends to minimize the burden on all respondents, including small entities, as much as possible. The Agency will develop reporting instructions tailored to small entities who will be required to comply with the reporting requirements. EPA expects to conduct outreach and webinars for small businesses to introduce the reporting database, explain requirements, and offer Q&A and other support. Those materials will be available on the EPA website six months prior to the reporting deadline. Under TSCA section 26(d), EPA also provides specialized assistance to respondents, particularly to small entities, including technical and other non-financial assistance to manufacturers (including importers) and processors of chemical substances. EPA's TSCA Hotline assists small businesses complying with TSCA rules and provides various materials such as copies of **Federal Register** notices, advisories, and other information upon request. Contact information for the TSCA Hotline is listed under **FOR FURTHER INFORMATION CONTACT**.

E. Frequency of Inventory Publication

TSCA section 8(b)(10)(B) sets the date for publication of initial and subsequent, triennial iterations of the mercury inventory to commence on April 1, 2017. Therefore, EPA expects to publish the first mercury inventory supported by the finalized reporting requirements by April 1, 2020 and every three years thereafter.

F. Frequency of Data Collection and Reporting Deadline

TSCA section 8(b)(10)(D) provides the authority to promulgate this rule to assist in the preparation of the triennial inventory publication, but TSCA offers no guidance on the frequency of collection or reporting deadline. To minimize reporting obligations, the Agency compared the respective collection frequencies and reporting deadlines for IMERC, the CDR rule, and the TRI program to when EPA is required to publish the mercury inventory. TSCA section 8(b)(10)(B) sets a publication date for the mercury inventory that falls on the reporting deadline for IMERC: April 1 in a triennial cycle starting in April 2017. Data collected under the CDR rule is submitted to the Agency on a quadrennial cycle; the next reporting cycle will occur from 2016–2019, with a reporting deadline of September 2020. The TRI program collects and publishes data on an annual cycle with a reporting deadline of July 1 of each year.

Based on such considerations, the Agency determined that coinciding with the triennial IMERC frequency of collection is appropriate given the mercury inventory publication schedule is also triennial. The Agency is setting the mercury inventory reporting deadline to coincide with the TRI program deadline to align with a date with which certain, potential reporters might already be familiar. Therefore, EPA is establishing a July 1st reporting deadline for 2019 and every three years thereafter. Data submitted should cover only the calendar year preceding the year in which the reporting deadline occurs (*e.g.,* data for calendar year January 1 to December 31, 2018 are reported on or before July 1, 2019).

G. Recordkeeping

Consistent with the triennial reporting and publication cycle for the mercury inventory, EPA is requiring that each person who is subject to the reporting requirements must retain records that document any information reported to EPA. Records relevant to a reporting year must be retained for a period of 3 years beginning on the last day of the reporting year. Submitters are encouraged to retain their records longer than 3 years to ensure that past records are available as a reference when new submissions are being generated.

H. Reporting Requirements and Confidential Business Information

Reporters to the information collection of this rule may claim that their submitted information is CBI per statutory provisions for CBI under TSCA section 14.

The Agency received several comments concerning CBI, including suggestions to allow reporting in ranges and not demarcating specific amounts of mercury in exports going to specific countries (Ref. 27), as well as limiting reporting to a total amount of mercury used in a year (as opposed to specific amounts in import, export, manufacture, and other activities) (Ref. 15; Ref. 24; Ref. 28) to obviate the potential for persons to elect to claim data as CBI. Commenters were particularly concerned where reporting by a few or only a single facility engaged in a particular manufacturing process could allow competitors to calculate proprietary information. Other commenters requested an allowance for trade associations to collectively submit information on behalf of their members, which expressed a preference for collective reporting to protect against the release of proprietary sales data and other CBI (Ref. 9; Ref. 18).

EPA's mercury reporting application will allow multiple roles in creating, certifying, and submitting data. However, to maintain the alignment of general, specific, and contextual reporting requirements, EPA requires that separate reports be filed for each person/company (*i.e.,* not submitted in aggregate if an agent assists multiple persons/companies to develop its report). In addition, the reporting application is designed as a tool for data collection only and will accept CBI claims submitted in accordance with TSCA section 14. Unlike information provided to IMERC, CDR, and TRI, the data received in support of the mercury inventory will not be publicly accessible in an online database. EPA intends to use these data to fulfill the statutory requirements to publish an inventory (15 U.S.C. 2607(b)(10)(B)) and make required identifications and recommendations related to mercury use (15 U.S.C. 2607(b)(10)(C)). EPA does not foresee receiving and handling such information as CBI as a potential hindrance to Agency processes. As necessary, EPA will follow established publication policies to aggregate data for public release and will not compromise confidential business information.

I. Electronic Reporting

As set forth in the proposed rule, the Agency determined that mandatory electronic reporting would: (1) Streamline the reporting process and reduce the administrative costs associated with information submission and recordkeeping; (2) eliminate paper-based submissions as part of broader government efforts to move to modern, electronic methods of information gathering; (3) allow for more efficient data transmittal and a reduction in errors with the built-in validation procedures; and (4) reduce the reporting burden for submitters by reducing the cost and time required to review. EPA

is requiring electronic reporting of the mercury inventory data, using an Agency-provided, web-based reporting software to submit mercury inventory reports through the internet to EPA's Central Data Exchange (CDX). CDX provides the capability for submitters to access their data through the use of web services. For more information about CDX, go to *http://epa.gov/cdx.*

The Agency received comments related to the proposal to require electronic reporting, which suggested that EPA should be prepared to provide additional assistance to companies that may be challenged by an electronic reporting system (Ref. 11; Ref. 23). The Agency appreciates these comments and will develop reporting instructions and support materials to assist with reporting to the mercury inventory. Those materials will be available on the EPA website six months prior to the reporting deadline. In addition, the EPA CDX maintains a helpdesk contract to provide support for CDX users.

IV. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

1. EPA. Mercury; Initial Inventory Report of Supply, Use, and Trade. (82 FR 15522; March 29, 2017).
2. UNEP. Minamata Convention on Mercury. (No date). Available at *http://www.mercuryconvention.org.* [Accessed August 4, 2017].
3. EPA. Mercury; Reporting Requirements for Toxic Substances Control Act Mercury Inventory—Proposed Rule. (82 FR 49564; October 26, 2017).
4. EPA. Reporting Requirements for the TSCA Mercury Inventory: Mercury—Proposed Rule; Extension of Comment Period. (82 FR 60168; December 17, 2017).
5. EPA. Mercury; Reporting Requirements for Toxic Substances Control Act Mercury Inventory—Response to Comments. June 20, 2018.
6. EPA. Economic Analysis for the Reporting Requirements for the TSCA Mercury Inventory. June 20, 2018.
7. EPA. Subpoena and Information Request. March 20, 2015. Available at *https://www.epa.gov/mercury/2015-subpoena-and-information-request-epa-mercuryrecyclers.*
8. Comment submitted by Kathleen M. Roberts, Executive Director, North American Metals Council.
9. Comment submitted by Lawrence E. Culleen, Arnold & Porter Kaye Scholer LLP for the Chemical Users Coalition.
10. Comment submitted by Peter Webster, General Counsel U.S., Barrick Gold North America, Inc.
11. Comment submitted by David Lennett, Senior Attorney, Natural Resources Defense Council.
12. Comment submitted by Carolyn Hanson, Acting Executive Director, Environmental Council of the States.
13. Comment submitted by Stephen Tarnowski, Office of Corporate Staff Counsel, Merck & Co, Inc.
14. Comment submitted by Ross Eisenberg, Vice President, Energy and Resources Policy, National Association of Manufacturers.
15. Comment submitted by Kenneth G. Akins, Director, Environmental, Westlake Chemical Corporation.
16. Comment submitted by Charles Franklin, Vice President and Counsel, Government Affairs, Portland Cement Association.
17. Comment submitted by Amandine Muskus, Manager, Environment & Energy Association of Global Automakers, Inc.; Stacy Tatman, Director of Environmental Affairs, Alliance of Automobile Manufacturers.
18. Comment submitted by Chris Cleet, QEP, Senior Director of Environment and Sustainability, Information Technology Industry Council; Katie Reilly, Senior Manager, Environmental and Sustainability Policy, Consumer Technology Association; Kyle Pistor, Vice President, Government Relations, National Electrical Manufacturers Association.
19. Anonymous public comment (EPA–HQ–OPPT–2017–0421–0062).
20. Comment submitted by Phillip K. Bell, President, Steel Manufacturers Association.
21. Comment submitted by David Hickey, Vice President, Advocacy, International Sign Association.
22. Comment submitted by Michele P. Wilson, Environmental Compliance, Savannah River Nuclear Solutions, LLC.
23. Comment submitted by Chuck Schwer, Vermont Department of Environmental, Conservation, Chairperson, and Tom Metzner, Connecticut Department of Energy and Environmental Protection, Chairperson, Interstate Mercury Education and Reduction Clearinghouse.
24. Comment submitted by Theodore B. Lynn, Ph.D., Director of Research, Dexsil Corporation.
25. NEWMOA. Mercury-Added Products Database. (No date). Available at *http://www.newmoa.org/prevention/mercury/imerc/notification/.* [Accessed August 4, 2017].
26. Comment submitted by David Isaacs, Semiconductor Industry Association.
27. Comment submitted by James C. Lee, Senior Compliance Analyst, Hach Company.
28. Comment submitted by Richard Krock, Vice President, Regulatory and Technical Affairs, Vinyl Institute.
29. U.S. Food and Drug Administration. Mercury Poisoning Linked to Skin Products. (July 26, 2016). Available at *https://www.fda.gov/forconsumers/consumerupdates/ucm294849.htm.* [Accessed October 3, 2017].
30. Anonymous public comment (EPA–HQ–OPPT–2017–0421–0038).
31. EPA. Collection of Information for Mercury Inventory Reporting Rule; EPA ICR No. 2567.02; OMB Control No.: 2070–0207. June 20, 2018.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). Any changes made in response to OMB recommendations have been documented in the docket for this action.

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

This action is subject to the requirements for regulatory actions specified in Executive Order 13771 (82 FR 9339, February 3, 2017). EPA prepared an analysis of the estimated costs and benefits associated with this action. This analysis, ''Economic Analysis for the Reporting Requirements for the TSCA Mercury Inventory'' (Economic Analysis, Ref. 6), is available in the docket and is summarized in Unit I.E.

C. Paperwork Reduction Act (PRA)

The information collection activities in this rule have been submitted for approval to OMB under the PRA, 44 U.S.C. 3501 *et seq.* The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 2567.02 and OMB Control No. 2070–0207 (Ref. 31). You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

The reporting requirements identified in the final rule would provide EPA with information necessary to prepare and periodically update an inventory of mercury supply, use, and trade in the United States, as required by TSCA section 8(b)(10)(D). These reporting requirements would help the Agency to prepare subsequent, triennial

publications of the inventory, as well as to carry out the requirement of TSCA section 8(b)(10)(C) to identify any manufacturing processes or products that intentionally add mercury and recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use. EPA intends to use information collected under the rule to assist in efforts to reduce the use of mercury in products and processes and to facilitate reporting on implementation of the Minamata Convention by the United States. Respondents may claim some of the information reported to EPA under the final rule as CBI under TSCA section 14. TSCA section 14(c) requires a supporting statement and certification for confidentiality claims asserted after June 22, 2016.

EPA estimated total burden and costs to industry associated with the information collection activities in the final rule over the first three years after its promulgation (Ref. 6). For the 750 companies anticipated to be subject to the reporting requirements, the average per respondent burden hours for Year 1 (of a triennial cycle for submitting information) was estimated to be 96.76 hours (Ref. 6). Years 2 and 3 are not data collection years, so there is no cost associated with the rule during these years (Ref. 6). Therefore, the average for total burden hours per the three-year reporting cycle is 32.25 hours per year (Ref. 6).

Respondents/affected entities: Manufacturers, importers, and processors of mercury.

Respondent's obligation to respond: Mandatory (15 U.S.C. 2607(b)(10)(D)).

Estimated number of respondents: 750.

Frequency of response: Triennially.

Total estimated annual burden: 24,189 hours (averaged over 3 years). Burden is defined at 5 CFR 1320.3(b).

Total estimated annual cost: $1,942,190 (averaged over 3 years), includes $0 annualized capital or operation and maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to *oira_submissions@omb.eop.gov,* Attention: Desk Officer for the EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive comments no later than July 27, 2018.

D. Regulatory Flexibility Act (RFA)

Pursuant to section 605(b) of the RFA, 5 U.S.C. 601 *et seq.,* I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. The small entities subject to the requirements of this action include those that manufacture, including import, mercury or mercury-added products (manufacturers), or otherwise intentionally use mercury in a manufacturing process (processors). To identify the number of firms that are subject to the rule and considered small under SBA size standards, EPA compared the appropriate SBA size definition to the company's revenue or number of employees, as identified using Dun and Bradstreet or other market research websites. Of the 506 parent companies that are subject to the rule, 211 companies (42 percent) meet the SBA small business definitions for their respective NAICS classifications.

The small entity analysis estimated that no parent company would incur an impact of 3 percent or greater, and 4 parent companies (1.85 percent of total entities) would incur an impact of 1 to 3 percent. Details of this analysis are included in the accompanying Economic Analysis for this rule (Ref. 6).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531 through 1538, and does not significantly or uniquely affect small governments. As such, the requirements of sections 202, 203, 204, or 205 of UMRA do not apply to this action.

F. Executive Order 13132: Federalism

This action does not have federalism implications, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). It will not have any effect on tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in the Order. Thus, E.O. 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk, nor is this action economically significant as the impact of this action will be less than $100 million.

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

This final rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not expected to affect energy supply, distribution, or use.

J. National Technology Transfer and Advancement Act (NTTAA)

Since this action does not involve any technical standards, section 12(d) of NTTAA, 15 U.S.C. 272 note, does not apply to this section.

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

This action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This action establishes an information requirement and does not affect the level of protection provided to human health or the environment.

VI. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.,* and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 713

Environmental protection, Exports, Imports, Manufacturing, Mercury, Trade practices.

Dated: June 21, 2018.

E. Scott Pruitt,

Administrator.

Therefore, 40 CFR chapter I, subchapter R, is amended by adding a new part 713 to read as follows:

PART 713—REPORTING REQUIREMENTS FOR THE TSCA INVENTORY OF MERCURY SUPPLY, USE, AND TRADE

Sec.

713.1 Purpose, scope, and compliance.
713.5 Mercury for which information must be reported.
713.7 Persons who must report.
713.9 General requirements for which information must be reported.
713.11 Specific requirements for which information must be reported.
713.13 Contextual requirements for which information must be reported.
713.15 Reporting information to EPA.
713.17 When to report.
713.19 Recordkeeping requirements.
713.21 Electronic filing.

Authority: 15 U.S.C. 2607(b)(10)(D).

§ 713.1 Purpose, scope, and compliance.

(a) This part specifies reporting and recordkeeping procedures under section 8(b)(10) of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2607(b)(10)) for certain manufacturers (including importers) and processers of mercury as defined in section 8(b)(10)(A) to include elemental mercury and mercury compounds. Hereinafter ''mercury'' will refer to both elemental mercury and mercury compounds collectively, except where separately identified. Section 8(b)(10)(D) of TSCA authorizes the EPA Administrator to require reporting from any person who manufactures mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process to carry out and publish in the **Federal Register** an inventory of mercury supply, use, and trade in the United States. In administering this mercury inventory, EPA is directed to identify any manufacturing processes or products that intentionally add mercury and to recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use. EPA intends to use the collected information to implement TSCA and shape the Agency's efforts to recommend actions, both voluntary and regulatory, to reduce the use of mercury in commerce. In so doing, the Agency will conduct timely evaluation and refinement of these reporting requirements so that they are efficient and non-duplicative for reporters.

(b) This part applies to the activities associated with the periodic publication of information on mercury supply, use, and trade in the United States. Except as described at § 713.7, the reporting requirements for mercury supply, use, and trade apply to the following activities:

(1) Activities undertaken with the purpose of obtaining an immediate or eventual commercial advantage:

(i) Import of mercury;

(ii) Manufacture (other than import) of mercury;

(iii) Import of a mercury-added product;

(iv) Manufacture (other than import) of a mercury-added product; and

(v) Intentional use of mercury in a manufacturing process.

(2) Activities undertaken in relationship to those activities described in paragraph (b)(1) of this section:

(i) Distribution in commerce, including domestic sale or transfer, of mercury;

(ii) Distribution in commerce, including domestic sale or transfer, of a mercury-added product;

(iii) Storage of mercury (including import);

(iv) Export of a mercury compound (unless specifically prohibited); and

(v) Export of a mercury-added product.

(c) Section 15(3) of TSCA makes it unlawful for any person to fail or refuse to submit information required under this part. In addition, TSCA section 15(3) makes it unlawful for any person to fail to: Establish or maintain records, or permit access to records required by this part. Section 16 of TSCA provides that any person who violates a provision of TSCA section 15 is liable to the United States for a civil penalty and may be criminally prosecuted. Pursuant to TSCA section 17, the Federal Government may seek judicial relief to compel submission of TSCA section 8 information and to otherwise restrain any violation of TSCA section 15.

(d) Each person who reports under this part must certify the accuracy and maintain records of the information reported under this part and, in accordance with TSCA, permit access to, and the copying of, such records by EPA officials.

§ 713.5 Mercury for which information must be reported.

(a) Elemental mercury (Chemical Abstracts Service Registry Number 7439–97–6); or

(b) A mercury compound, including but not limited to the mercury compounds listed in Table 1 of this part by Chemical Abstracts Service Registry Number:

TABLE 1—MERCURY COMPOUNDS

Chemical Abstracts Service Registry No.	Mercury compound
10045–94–0	Nitric acid, mercury(2+) salt (2:1).
100–57–2	Mercury, hydroxyphenyl-.
10112–91–1	Mercury chloride (Hg2Cl2).
10124–48–8	Mercury amide chloride (Hg(NH2)Cl).
103–27–5	Mercury, phenyl(propanoato-.kappa.O)-.
10415–75–5	Nitric acid, mercury(1+) salt (1:1).
104–60–9	Mercury, (9-octadecenoato-.kappa.O)phenyl-.
1191–80–6	9-Octadecenoic acid (9Z)-, mercury(2+) salt (2:1).
12068–90–5	Mercury telluride (HgTe).
13170–76–8	Hexanoic acid, 2-ethyl-, mercury(2+) salt (2:1).
13302–00–6	Mercury, (2-ethylhexanoato-.kappa.O)phenyl-.
1335–31–5	Mercury cyanide oxide (Hg2(CN)2O).
1344–48–5	Mercury sulfide (HgS).
1345–09–1	Cadmium mercury sulfide.
13876–85–2	Mercurate(2-), tetraiodo-, copper(1+) (1:2), (T-4)-.
138–85–2	Mercurate(1-), (4-carboxylatophenyl)hydroxy-, sodium (1:1).
141–51–5	Mercury, iodo(iodomethyl)-.

TABLE 1—MERCURY COMPOUNDS—Continued

Chemical Abstracts Service Registry No.	Mercury compound
14783–59–6	Mercury, bis[(2-phenyldiazenecarbothioic acid-.kappa.S) 2-phenylhydrazidato-.kappa.N2]-, (T-4)-.
15385–58–7	Mercury, dibromodi-, (Hg-Hg).
15785–93–0	Mercury, chloro[4-[(2,4-dinitrophenyl)amino]phenyl]-.
15829–53–5	Mercury oxide (Hg2O).
1600–27–7	Acetic acid, mercury(2+) salt (2:1).
1785–43–9	Mercury, chloro(ethanethiolato)-.
19447–62–2	Mercury, (acetato-.kappa.O)[4-[2-[4-(dimethylamino)phenyl]diazenyl]phenyl]-.
20582–71–2	Mercurate(2-), tetrachloro-, potassium (1:2), (T-4)-.
20601–83–6	Mercury selenide (HgSe).
21908–53–2	Mercury oxide (HgO).
22450–90–4	Mercury(1+), amminephenyl-, acetate (1:1).
24579–90–6	Mercury, chloro(2-hydroxy-5-nitrophenyl)-.
24806–32–4	Mercury, [.mu.-[2-dodecylbutanedioato(2-).kappa.O1:.kappa.O4]]diphenyldi-.
26545–49–3	Mercury, (neodecanoato-.kappa.O)phenyl-.
27685–51–4	Cobaltate(2-), tetrakis(thiocyanato-.kappa.N)-, mercury(2+) (1:1), (T-4)-.
29870–72–2	Cadmium mercury telluride ((Cd,Hg)Te).
3294–57–3	Mercury, phenyl(trichloromethyl)-.
33770–60–4	Mercury, [3,6-dichloro-4,5-di(hydroxy-.kappa.O)-3,5cyclohexadiene-1,2-dionato(2-)]-.
3570–80–7	Mercury, bis(acetato-.kappa.O)[.mu.-(3',6'-dihydroxy-3oxospiro[isobenzofuran-1(3H),9'-[9H]xanthene]-2',7'diyl)]di-.
537–64–4	Mercury, bis(4-methylphenyl)-.
539–43–5	Mercury, chloro(4-methylphenyl)-.
54–64–8	Mercurate(1-), ethyl[2-(mercapto-.kappa.S)benzoato(2-).kappa.O]-, sodium (1:1).
55–68–5	Mercury, (nitrato-.kappa.O)phenyl-.
56724–82–4	Mercury, phenyl[(2-phenyldiazenecarbothioic acid.kappa.S) 2-phenylhydrazidato-.kappa.N2]-.
587–85–9	Mercury, diphenyl-.
592–04–1	Mercury cyanide (Hg(CN)2).
592–85–8	Thiocyanic acid, mercury(2+) salt (2:1).
593–74–8	Mercury, dimethyl-.
59–85–8	Mercurate(1-), (4-carboxylatophenyl)chloro-, hydrogen.
623–07–4	Mercury, chloro(4-hydroxyphenyl)-.
62–38–4	Mercury, (acetato-.kappa.O)phenyl-.
62638–02–2	Cyclohexanebutanoic acid, mercury(2+) salt (2:1).
627–44–1	Mercury, diethyl-.
6283–24–5	Mercury, (acetato-.kappa.O)(4-aminophenyl)-.
628–86–4	Mercury, bis(fulminato-.kappa.C)-.
629–35–6	Mercury, dibutyl-.
63325–16–6	Mercurate(2-), tetraiodo-, (T-4)-, hydrogen, compd. with 5-iodo-2-pyridinamine (1:2:2).
63468–53–1	Mercury, (acetato-.kappa.O)(2-hydroxy-5-nitrophenyl)-.
63549–47–3	Mercury, bis(acetato-.kappa.O)(benzenamine)-.
68201–97–8	Mercury, (acetato-.kappa.O)diamminephenyl-, (T-4)-.
72379–35–2	Mercurate(1-), triiodo-, hydrogen, compd. with 3-methyl2(3H)-benzothiazolimine (1:1:1).
7439–97–6	Mercury.
7487–94–7	Mercury chloride (HgCl2).
7546–30–7	Mercury chloride (HgCl).
7616–83–3	Perchloric acid, mercury(2+) salt (2:1).
7774–29–0	Mercury iodide (HgI2).
7783–33–7	Mercurate(2-), tetraiodo-, potassium (1:2), (T-4)-.
7783–35–9	Sulfuric acid, mercury(2+) salt (1:1).
7783–39–3	Mercury fluoride (HgF2).
7789–47–1	Mercury bromide (HgBr2).
90–03–9	Mercury, chloro(2-hydroxyphenyl)-.
94070–93–6	Mercury, [.mu.-[(oxydi-2,1-ethanediyl 1,2benzenedicarboxylato-.kappa.O2)(2-)]]diphenyldi-.

§ 713.7 Persons who must report.

(a) Any person who manufactures (including imports) mercury, except:

(1) A person who does not manufacture (including import) mercury with the purpose of obtaining an immediate or eventual commercial advantage;

(2) A person who manufactures (including imports) mercury only as an impurity; or

(3) A person engaged only in the generation, handling, or management of mercury-containing waste, including recovered mercury that is discarded or elemental mercury that is managed for long-term storage and management under section 6939f(g)(2) of the Resource Conservation and Recovery Act;

(b) Any person who manufactures (including imports) a mercury-added product, except:

(1) A person who does not manufacture (including import) a mercury-added product with the purpose of obtaining an immediate or eventual commercial advantage;

(2) A person engaged only in the import of a product that contains a component that is a mercury-added product; or

(3) A person engaged only in the manufacture (other than import) of a product that contains a component that is a mercury-added product who did not first manufacture (including import) the component that is a mercury-added product; and

(c) Any person who otherwise intentionally uses mercury in a manufacturing process, except a person

who does not intentionally use mercury in a manufacturing process with the purpose of obtaining an immediate or eventual commercial advantage.

§ 713.9 General requirements for which information must be reported.

Except as described at § 713.7:

(a) Persons who manufacture (including import) mercury in amounts greater than or equal to 2,500 pounds (lbs.) for elemental mercury or greater than or equal to 25,000 lbs. for mercury compounds for a specific reporting year must report, as applicable:

(1) Amount of mercury stored (lbs.); and

(2) Amount of mercury distributed in commerce (lbs.).

(b) All other persons who manufacture (including import) mercury must report, as applicable:

(1) Amount of mercury manufactured (other than imported) (lbs.);

(2) Amount of mercury imported (lbs.);

(3) Amount of mercury exported (lbs.), except mercury prohibited from export at 15 U.S.C. 2611(c)(1) and (7);

(4) Amount of mercury stored (lbs.); and

(5) Amount of mercury distributed in commerce (lbs.).

(c) Persons who report sales of mercury-added products to the Interstate Mercury Education and Reduction Clearinghouse (IMERC) must report, as applicable:

(1) Amount of mercury in manufactured (other than imported) products (lbs.);

(2) Amount of mercury in imported products (lbs.); and

(3) Amount of mercury in exported products (lbs.).

(d) All other persons who manufacture (including import) mercury-added products must report, as applicable:

(1) Amount of mercury in manufactured (other than imported) products (lbs.);

(2) Amount of mercury in imported products (lbs.);

(3) Amount of mercury in exported products (lbs.); and

(4) Amount of mercury in products distributed in commerce (lbs.).

(e) Persons who otherwise intentionally use mercury in a manufacturing process must report, as applicable:

(1) Amount of mercury otherwise intentionally used (lbs.) in a manufacturing process; and

(2) Amount of mercury stored (lbs.).

§ 713.11 Specific requirements for which information must be reported.

Except as described at § 713.7:

(a) Any person who manufactures (including imports) mercury must specify, as applicable, the specific mercury compound(s) from a pre-selected list (as listed in Table 1 of this part).

(b) Any person who manufactures (including imports) a mercury-added product must specify as applicable, the specific category(ies) and subcategory(ies) from a pre-selected list, as listed in Table 2 of this part:

TABLE 2—CATEGORIES AND SUBCATEGORIES OF MERCURY-ADDED PRODUCTS

Category	Subcategory
Batteries	—Button cell, silver.
	—Button cell, zinc-air.
	—Button cell, alkaline.
	—Stacked button cell batteries.
	—Manganese oxide.
	—Silver oxide.
	—Mercuric oxide, non-button cell.
	—Button cell, mercuric oxide.
	—Button cell, zinc carbon.
	—Other (specify).
Dental amalgam	[No subcategories].
Formulated products (includes uses in cosmetics, pesticides, and laboratory chemicals).	—Skin-lightening creams.
	—Lotions.
	—Soaps and sanitizers.
	—Bath oils and salts.
	—Topical antiseptics.
	—Preservatives (*e.g.,* for use in vaccines and eye-area cosmetics when no preservative alternatives are available).
	—Pharmaceuticals (including prescription and over-the-counter drug products).
	—Cleaning products (not registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act).
	—Pesticides.
	—Paints.
	—Dyes.
	—Reagents (*e.g.,* catalysts, buffers, fixatives).
	—Other (specify).
Lighting, lamps, bulbs	—Linear fluorescent.
	—Compact fluorescent.
	—U-tube and circular fluorescent.
	—Cold cathode fluorescent.
	—External electrode fluorescent.
	—Mercury vapor.
	—Metal halide.
	—High pressure sodium.
	—Mercury short arc.
	—Neon.
	—Other (specify).

TABLE 2—CATEGORIES AND SUBCATEGORIES OF MERCURY-ADDED PRODUCTS—Continued

Category	Subcategory
Measuring instruments	—Barometer. —Fever thermometer. —Flow meter. —Hydrometer. —Hygrometer/psychrometer. —Manometer. —Non-fever thermometer. —Pyrometer. —Sphygmomanometer. —Other (specify).
Pump seals	[No subcategories].
Switches, relays, sensors, valves	—Tilt switch. —Vibration switch. —Float switch. —Pressure switch. —Temperature switch. —Displacement relay. —Wetted reed relay. —Contact relay. —Flame sensor. —Thermostat. —Other (specify).
Miscellaneous/novelty mercury-added products	—Wheel weights. —Wheel rotation balancers/stabilizers. —Firearm recoil suppressors. —Carburetor synchronizers. —Joint support/shock absorption bands. —Other (specify).

(c) Any person who otherwise intentionally uses mercury in a manufacturing process, other than the manufacture of a mercury compound or a mercury-added product, must identify, as applicable:

(1) The specific manufacturing process for which mercury is otherwise intentionally used from a pre-selected list, as listed in Table 3 of this part:

TABLE 3—MANUFACTURING PROCESS FOR WHICH MERCURY IS OTHERWISE INTENTIONALLY USED

Chlorine production (*e.g.*, mercury-cell chlor-alkali process).
Acetaldehyde production.
Sodium/potassium methylate/ethylate production.
Polyurethane/plastic production.
Other (specify).

(2) The specific use of mercury in a manufacturing process from a pre-selected list, as listed in Table 4 of this part:

TABLE 4—SPECIFIC USE OF MERCURY IN A MANUFACTURING PROCESS

Catalyst.
Cathode.
Reactant.
Reagent.
Other (specify).

§ 713.13 Contextual requirements for which information must be reported.

Except as described at § 713.7:

(a) Persons who manufacture (including import) mercury in amounts greater than or equal to 2,500 lbs. for elemental mercury or greater than or equal to 25,000 lbs. for mercury compounds for a specific reporting year must report, as applicable:

(1) Country(ies) of origin for imported mercury;

(2) Country(ies) of destination for exported mercury; and

(3) NAICS code(s) for mercury distributed in commerce.

(b) All other persons who manufacture (including import) mercury must report, as applicable:

(1) Country(ies) of origin for imported mercury;

(2) Country(ies) of destination for exported mercury; and

(3) NAICS code(s) for mercury distributed in commerce.

(c) Persons who report sales of mercury-added products to IMERC must report, as applicable:

(1) Country(ies) of origin for imported products;

(2) Country(ies) of destination for exported products; and

(3) NAICS code(s) for products distributed in commerce.

(d) All other persons who manufacture (including import) mercury-added products must report, as applicable:

(1) Country(ies) of origin for imported products;

(2) Country(ies) of destination for exported products; and

(3) NAICS code(s) for products distributed in commerce.

(e) Persons who otherwise intentionally use mercury in a manufacturing process, other than the manufacture of a mercury compound or a mercury-added product, must report, as applicable:

(1) Country(ies) of destination for exported final product(s); and

(2) NAICS code(s) for mercury in final product(s) distributed in commerce.

§ 713.15 Reporting information to EPA.

Any person who must report under this part must report for the submission period described at § 713.17:

(a) Quantities of mercury in pounds per applicable activity listed under the general requirements for which information must be reported described at § 713.9;

(b) Specific requirements for which information must be reported described at § 713.11;

(c) Contextual requirements for which information must be reported described at § 713.13; and

(d) According to the procedures described at § 713.21.

§ 713.17 When to report.

(a) Any person who must report under this part must report for the reporting

year described as follows. A reporting year is the year during which mercury activity, required to be reported by this rule, has occurred. The 2018 reporting year is from January 1, 2018 to December 31, 2018. Subsequent reporting years are from January 1 to December 31 at 3-year intervals, beginning in 2021.

(b) All information reported for an applicable reporting year must be submitted on or before the first day of July following the reporting year. The submission deadline for the 2018 reporting year is July 1, 2019. Subsequent submission deadlines are on or before the first day of July following the reporting year, in 3-year intervals, beginning in 2022.

(c) The data from the 2018 reporting year will be used for the 2020 mercury inventory, the data from the 2021 reporting year will be used for the 2023 mercury inventory, and so forth at three-year intervals.

§ 713.19 Recordkeeping requirements.

Each person who is subject to the reporting requirements of this part must retain records that document any information reported to EPA. Records relevant to a reporting year must be retained for a period of 3 years beginning on the last day of the reporting year. Submitters are encouraged to retain their records longer than 3 years to ensure that past records are available as a reference when new submissions are being generated.

§ 713.21 Electronic filing.

(a) You must use the Mercury Electronic Reporting (MER) application to complete and submit required information as set forth in § 713.17. Submissions may only be made as set forth in this section.

(b) Submissions must be sent electronically to EPA via CDX.

(c) Access MER and instructions, as follows:

(1) By website. Access MER via the CDX homepage at *https://cdx.epa.gov/* and follow the appropriate links.

(2) By phone or email. Contact the EPA TSCA Hotline at (202) 554–1404 or *TSCA-Hotline@epa.gov.*

[FR Doc. 2018–13834 Filed 6–26–18; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Parts 300–3 and 301–11, Appendices B and D to Chapter 301, and Parts 302–9 and 302–11

[FTR Amendment 2018–01; FTR Case 2018–301; Docket No. 2018–0007, Sequence 1]

RIN 3090–AJ99

Federal Travel Regulation (FTR); Removal of the Meals and Incidental Expenses (M&IE) Deduction Table, Allocation of M&IE Rates To Be Used in Making Deductions From the M&IE Allowance, and the Glossary of Acronyms

AGENCY: Office of Government-wide Policy, U.S. General Services Administration (GSA).

ACTION: Direct final rule.

SUMMARY: GSA is amending the Federal Travel Regulation (FTR), to remove the meals and incidental expenses (M&IE) deduction table, Allocation of M&IE Rates To Be Used in Making Deductions From the M&IE Allowance, and the Glossary of Acronyms.

DATES: This rule is effective August 13, 2018 without further action, unless adverse comments are received by July 27, 2018. GSA will consider whether these comments are significant enough to publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect.

ADDRESSES: Submit comments in response to FTR Case 2018–301 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''FTR Case 2018–301'', under the heading ''Enter Keyword or ID'' and select ''Search''. Select the link ''Submit a Comment'' that corresponds with ''FTR Case 2018–301'' and follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''FTR Case 2018–301'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), ATTN: Ms. Lois Mandell, 1800 F Street NW, Washington, DC 20405.

Instructions: Please submit comments only and cite FTR Case 2018–301 in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Ms. Jill Denning, Program Analyst, Office of Government-wide Policy, at 202–208–7642 or *jill.denning@gsa.gov*. Contact the Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, 202–501–4755, for information pertaining to status or publication schedules. Please cite FTR case 2018–301.

SUPPLEMENTARY INFORMATION:

A. Public Participation

GSA is publishing this direct final rule without a prior proposed rule as this is a noncontroversial action, and GSA anticipates no significant adverse comments. A significant adverse comment is defined as one where the comment explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. In determining whether a significant adverse comment is sufficient to terminate a direct final rulemaking, GSA will consider whether the comment raises an issue serious enough to warrant a substantive response in a notice-and-comment process. GSA notes that comments that are frivolous, insubstantial, or outside the scope of the rule would not be considered adverse under this procedure. A comment recommending a rule change in addition to the rule would not be considered a significant adverse comment, unless the comment states why the rule would be ineffective without the additional change. In addition, if a significant adverse comment applies to part of a rule and that part can be severed from the remainder of the rule (*e.g.,* where a rule deletes several unrelated regulations), GSA may adopt as final those parts of the rule that are not the subject of a significant adverse comment. For further information about commenting on this rule, please see the **ADDRESSES** section of this document.

B. Background

As part of a comprehensive review of the FTR, GSA is removing the M&IE deduction table from appendix B to chapter 301, Allocation of M&IE Rates To Be Used in Making Deductions From the M&IE Allowance; and all of appendix D to chapter 301, Glossary of Acronyms. The table in appendix B is publicly available on the internet at *https://www.gsa.gov/mie* thus its

publication in the FTR is no longer necessary. In addition, GSA will amend FTR § 301–11.18 to remove reference to the table in appendix B to chapter 301.

With the exception of the Federal Emergency Management Agency (FEMA), the Federal Housing Authority (FHA) and Free on Board (FOB), the acronyms in appendix D to chapter 301 are either defined in the Glossary of Terms section at FTR § 300–3.1, spelled out within the text of the regulations themselves, or are commonly known acronyms that can be found in sources outside the FTR, making appendix D duplicative. In accordance with this amendment the acronyms for FEMA, FHA and FOB are now spelled out within the text of the FTR where they appear. In addition, a website link has been updated in the section accompanying the FEMA acronym.

C. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives, and if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule is not a significant regulatory action, and therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

D. Executive Order 13771

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

E. Executive Order 13777

This final rule was identified by GSA's Regulatory Reform Task Force as a rule that improves efficiency by reducing costs—in this case, printing fewer hardcopy pages of the FTR, but maintaining the same information online.

F. Regulatory Flexibility Act

This direct final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* This direct final rule is also exempt from the Administrative Procedure Act per 5 U.S.C. 553(a)(2), because it applies to agency management or personnel.

G. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FTR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

H. Small Business Regulatory Enforcement Fairness Act

This direct final rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Parts 300–3 and 301–11, Appendices B and D to Chapter 301, and Parts 302–9 and 302–11

Government employees, Travel and transportation expenses.

Dated: June 20, 2018.

Emily W. Murphy,

Administrator.

For the reasons set forth in the preamble, GSA amends 41 CFR parts 300–3 and 301–11, appendices B and D to chapter 301, and parts 302–9 and 302–11 as follows:

PART 300–3—GLOSSARY OF TERMS

■ 1. The authority citation for 41 CFR part 300–3 continues to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); 49 U.S.C. 40118; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; E.O. 11609, as amended, 3 CFR, 1971–1975 Comp., p. 586, Office of Management and Budget Circular No. A–126, Revised May 22, 1992.

■ 2. Amend § 300–3.1 by revising the definition of ''Approved accommodation'' to read as follows:

§ 300–3.1 What do the following terms mean?

* * * * *

Approved accommodation—Any place of public lodging that is listed on the national master list of approved accommodations. The national master list of all approved accommodations is compiled, periodically updated, and published in the **Federal Register** by the Federal Emergency Management Agency (FEMA). Additionally, the approved accommodation list is available on the U.S. Fire Administration's internet site at *https://apps.usfa.fema.gov/hotel/*.

* * * * *

PART 301–11—PER DIEM EXPENSES

■ 3. The authority citation for 41 CFR part 301–11 continues to read as follows:

Authority: 5 U.S.C. 5707.

■ 4. Amend § 301–11.18 by revising the first sentence of paragraph (a) to read as follows.

§ 301–11.18 What M&IE rate will I receive if a meal(s) is furnished by the Government or is included in the registration fee?

(a) Except as provided in § 301–11.17 or in paragraph (b) of this section, your M&IE allowance must be adjusted for meals furnished to you by the Government (including meals furnished under the authority of chapter 304 of this title) by deducting the appropriate amount shown at *www.gsa.gov/mie*.

* * *

* * * * *

■ 5. Revise appendix B to chapter 301 to read as follows:

Appendix B to Chapter 301—Allocation of M&IE Rates To Be Used in Making Deductions From the M&IE Allowance

For the meals and incidental expenses (M&IE) deduction amounts for localities in CONUS, non-foreign areas, and foreign areas, visit *http://www.gsa.gov/mie*. Any updates to the amounts will be noted in FTR Per Diem Bulletins, issued periodically and available on the internet.

Appendix D to Chapter 301 [Removed and Reserved]

■ 6. Remove and reserve appendix D to chapter 301.

PART 302–9—ALLOWANCES FOR TRANSPORTATION AND EMERGENCY OR TEMPORARY STORAGE OF A PRIVATELY OWNED VEHICLE

■ 7. The authority citation for 41 CFR part 302–9 continues to read as follows:

Authority: 5 U.S.C. 5737a; 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, as amended, 3 CFR, 1971–1975 Comp., p. 586.

■ 8. Amend § 302–9.143 by revising paragraph (b) to read as follows:

§ 302–9.143 When I am authorized to transport a POV, may I have the manufacturer or the manufacturer's agent transport a new POV from the factory or other shipping point directly to my post of duty?

* * * * *

(b) The POV is transported Free on Board (FOB)—shipping point, consigned to you and/or a member of your immediate family, or your agent; and

* * * * *

PART 302–11—ALLOWANCES FOR EXPENSES INCURRED IN CONNECTION WITH RESIDENCE TRANSACTIONS

■ 9. The authority citation for 41 CFR part 302–11 continues to read as follows:

Authority: 5 U.S.C. 5738 and 20 U.S.C. 905(c).

■ 10. Amend § 302–11.200 by revising paragraph (f)(1) to read as follows:

§ 302–11.200 What residence transaction expenses will my agency pay?

* * * * *

(f) * * *

(1) Federal Housing Administration (FHA) or VA fees for the loan application;

* * * * *

[FR Doc. 2018–13866 Filed 6–26–18; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 5a

RIN 0906–AB17

Removing Outmoded Regulations Regarding the Rural Physician Training Grant Program, Definition of ''Underserved Rural Community''

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Final rule.

SUMMARY: This action removes the outmoded regulations for the Rural Physician Training Grant Program, Definition of ''Underserved Rural Community.'' Funding was authorized at section 749B(i) Public Health Service Act for fiscal years 2010–2013, but never appropriated for the Rural Physician Training Grant Program, and the program was not implemented. Therefore, this regulation is no longer relevant, and HRSA suggested the regulations defining underserved rural communities for the Rural Physician Training Grant Program be removed.

DATES: This action is effective July 27, 2018.

FOR FURTHER INFORMATION CONTACT: Sweta Maheshwari J.D., Legislative Analyst, Division of Policy and Shortage Designation, Bureau of Health Workforce, HRSA, 5600 Fishers Lane, Room 11W21A, Rockville, MD 20857, by phone at (301) 945–3527, or by email at *smaheshwari@hrsa.gov.*

SUPPLEMENTARY INFORMATION: In response to Executive Order 13563, Section 6(a), which urges agencies to repeal existing regulations that are outmoded from the Code of Federal Regulations (CFR), HHS is removing 42 CFR part 5a. HHS believes that there is good cause to bypass notice and comment and proceed to a final rule, pursuant to 5 U.S.C. 553(b)(B). The action is non-controversial, as it merely removes an obsolete provision from the CFR. This rule poses no new substantive requirements on the public. Thus, we view notice and comment as unnecessary.

Background

The Rural Physician Training Grant Program (Program), Definition of ''Underserved Rural Community'' regulation was issued via an interim final rule with request for comment on May 26, 2010 pursuant to Section 749B(f) of the Public Health Service Act (42 U.S.C. 293m(f)). The regulation has not been updated since it was issued.

Funding was authorized at section 749B(i) (42 U.S.C. 293m(i)) for fiscal years 2010–2013, but was never appropriated for the Program; therefore, it was not implemented. This rule defines ''underserved rural communities,'' including census track information, Health Professions Shortage Areas (HPSAs), and Medically Underserved Areas (MUAs) for Program purposes. If the Program were to be funded, HRSA would be able to define underserved rural communities for the purpose of the program through policy documents.

Executive Orders 12866, 13563, 13771, and 13777

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). Executive Order 13771 directs agencies to categorize all impacts which generate or alleviate costs associated with regulatory burden and to determine the actions net incremental effect.

Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). HHS submits that this final rule is not ''economically significant'' as measured by the $100 million threshold, and hence not a major rule under the Congressional Review Act. This rule has not been designated as a ''significant regulatory action'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 13771, titled ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017. HHS identifies this final rule as a deregulatory action (removing an obsolete rule from the Code of Federal Regulations). For the purposes of Executive Order 13771, this final rule is not a substantive rule; rather it is administrative in nature and provides no cost savings.

Executive Order 13777, titled ''Enforcing the Regulatory Reform Agenda,'' was issued on February 24, 2017. As required by Section 3 of this Executive Order, HHS established a Regulatory Reform Task Force (HHS Task Force). Pursuant to Section 3(d)(ii), the HHS Task Force evaluated this rulemaking and determined that these regulations are ''outdated, unnecessary, or ineffective.'' Following this finding, the HHS Task Force advised the HRSA Administrator to initiate this rulemaking to remove the obsolete regulations from the Code of Federal Regulations.

Regulatory Flexibility Act

This action will not have a significant economic impact on a substantial number of small entities. Therefore, the regulatory flexibility analysis provided for under the Regulatory Flexibility Act is not required.

Paperwork Reduction Act

This action does not affect any information collections.

Dated: June 4, 2018.

George Sigounas,

Administrator, Health Resources and Services Administration.

Approved: June 21, 2018.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

List of Subjects in 42 CFR Part 5a

Health care, Health care professionals, Public health, Rural health.

PART 5a—[REMOVED]

■ For reasons set out in the preamble, and under the authority at 5 U.S.C. 301, HHS amends 42 CFR chapter I by removing part 5a.

[FR Doc. 2018–13835 Filed 6–26–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 23

RIN 0906–AB15

Removing Outmoded Regulations Regarding the National Health Service Corps Program

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Final rule.

SUMMARY: This action removes outmoded regulations for the National Health Service Corps (NHSC) Program. The regulations were promulgated to implement Section 338G of the Public Health Service (PHS) Act, relating to private practice loans. The regulations have not been updated since they were issued in 1986. The regulations are no longer relevant or needed as the NHSC has not made private practice loan opportunities available since the 1980s, and does not plan to do so in the foreseeable future. The removal of these regulations will not create any challenges for other programs, as the law and regulations apply solely to NHSC clinicians.

DATES: This action is effective July 27, 2018.

FOR FURTHER INFORMATION CONTACT: Sweta Maheshwari J.D., Legislative Analyst, Division of Policy and Shortage Designation, Bureau of Health Workforce, HRSA, 5600 Fishers Lane, Room 11W21A, Rockville, MD 20857, by phone at (301) 945–3527, or by email at *smaheshwari@hrsa.gov*.

SUPPLEMENTARY INFORMATION: In response to Executive Order 13777 and Executive Order 13563, Sec. 6(a), which direct agencies to repeal existing regulations that are ''outmoded'' from the Code of Federal Regulations (CFR), HHS is removing 42 CFR part 23, subpart B (§§ 23.21 through 23.35) and subpart C (§ 23.41). Furthermore, HHS has determined that there is good cause to bypass notice and comment and proceed to a final rule, pursuant to 5 U.S.C. 553(b)(B). The action is non-controversial, as it merely removes certain provisions from the CFR that are obsolete. Given the length of time (approximately 30 years) since the private practice loan provision has been utilized, it is HHS's assessment that the agency is unlikely to receive any comments opposing the repeal of these regulations. Thus, a comment period prior to finalization of this rule is unnecessary. This rule poses no new substantive requirements or burdens on the public.

Background

In 1986, HHS issued implementing regulations, as directed in Section 338G of the PHS Act, specifying the interest rate and loan repayment terms for private practice special loans to former Corps members and interest rate and loan repayment terms for private practice start-up loans to NHSC scholarship recipients.

The provision for Special Loans for Former Corps Members to Enter Private Practice authorized the Secretary to make a one-time loan up to $25,000 to a Corps member. In exchange, the Corps member reciprocated by committing to serve as a full-time private practice provider in a Health Professional Shortage Area (HPSA) for a minimum of two years. The intent of these regulations was to retain Corps members in HPSAs after the completion of their service obligation. The regulation is no longer relevant as the NHSC has not made such loan opportunities available since the 1980s and, therefore, no longer needs to set repayment terms for private practice start-up loans. HRSA does not intend to restart this loan program, as the NHSC program currently has a retention rate of 88%, making additional incentives unnecessary.

Section 338G also authorizes Private Start-Up Loans. At the time the statute was enacted, only the NHSC Scholarship Program existed. Scholars were able to apply for up to $25,000 to purchase or lease the equipment and supplies needed for providing health services in their private practices. The intention of the program was to offer further incentives to recruit health professions students into the program. The regulation is no longer relevant since the NHSC has not made such loan opportunities available since the 1980s and, therefore, no longer has need to set repayment terms for private practice start-up loans. Furthermore, the NHSC Scholarship Program is significantly oversubscribed, and no further incentives are necessary to recruit health professions students.

Removing these regulations will not have an impact on the NHSC program. There is no specific appropriations authority to support Section 338G of the PHS Act; the authorization of appropriation at 338H supports all the activities under Subpart III (which includes the NHSC Loan Repayment and Scholarship Programs). The repeal of these regulations will not create any challenges for other programs, as the law and regulations apply solely to NHSC clinicians.

Executive Orders 12866, 13563, 13771, and 13777

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). Executive Order 13771 directs agencies to categorize all impacts which generate or alleviate costs associated with regulatory burden and to determine the actions net incremnatal effect.

Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). HHS submits that this final rule is not ''economically significant'' as measured by the $100 million threshold, and hence not a major rule under the

Congressional Review Act. This rule has not been designated as a ''significant regulatory action'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 13771, titled ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017. HHS identifies this final rule as a deregulatory action (removing an obsolete rule from the Code of Federal Regulations). For the purposes of Executive Order 13771, this final rule is not a substantive rule; rather it is administrative in nature and provides no cost savings.

Executive Order 13777, titled ''Enforcing the Regulatory Reform Agenda,'' was issued on February 24, 2017. As required by Section 3 of this Executive Order, HHS established a Regulatory Reform Task Force (HHS Task Force). Pursuant to Section 3(d)(ii), the HHS Task Force evaluated this rulemaking and determined that these regulations are ''outdated, unnecessary, or ineffective.'' Following this finding, the HHS Task Force advised the HRSA Administrator to initiate this rulemaking to remove the obsolete regulations from the Code of Federal Regulations.

Regulatory Flexibility Act

This action will not have a significant economic impact on a substantial number of small entities. Therefore, the regulatory flexibility analysis provided for under the Regulatory Flexibility Act is not required.

Paperwork Reduction Act

This action does not affect any information collections.

Dated: June 4, 2018.

George Sigounas,

Administrator, Health Resources and Services Administration.

Approved: June 21, 2018.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

List of Subjects in 42 CFR Part 23

Health, Health professions.

For reasons set out in the preamble, and under the authority at 5 U.S.C. 301, HHS amends 42 CFR part 23 as follows:

PART 23—NATIONAL HEALTH SERVICE CORPS

■ 1. The authority citation for part 23 continues to read as follows:

Authority: Secs. 333, 338E(c), and 338C(e)(1), Public Health Service Act. 90 Stat. 2272, as amended, 95 Stat. 905, 97 Stat. 1345 (42 U.S.C. 254f *et seq.*), 95 Stat. 912 (42 U.S.C. 254p(c)), 95 Stat. 910 (42 U.S.C. 254n(e)(1)).

Subparts B and C [Removed]

■ 2. Remove subpart B, consisting of §§ 23.21 through 23.35, and subpart C, consisting of § 23.41.

[FR Doc. 2018–13837 Filed 6–26–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 130

RIN 0906–AB13

Removing Outmoded Regulations Regarding the Ricky Ray Hemophilia Relief Fund Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Final rule.

SUMMARY: This action removes the outmoded regulations for the Ricky Ray Hemophilia Relief Fund Program. The program and its implementing regulation have been rendered obsolete by the statutory language in the authorizing legislation stating that the Fund should terminate on the expiration of the 5-year period beginning on the date of the enactment of the Act. The statute was enacted on November 12, 1998; thus, the fund expired on November 12, 2003.

DATES: This action is effective July 27, 2018.

FOR FURTHER INFORMATION CONTACT: Sweta Maheshwari J.D., Legislative Analyst, Division of Policy and Shortage Designation, Bureau of Health Workforce, HRSA, 5600 Fishers Lane, Room 11W21A, Rockville, MD 20857, by phone at (301) 945–3527, or by email at *smaheshwari@hrsa.gov.*

SUPPLEMENTARY INFORMATION: In response to Executive Order 13563, Sec. 6(a), which urges agencies to repeal existing regulations that are outmoded from the Code of Federal Regulations (CFR), HHS is removing 42 CFR part 130. HHS believes that there is good cause to bypass notice and comment and proceed to a final rule, pursuant to 5 U.S.C. 553(b)(3)(B). The action is non-controversial, as it merely removes a provision from the CFR that is obsolete. This rule poses no new substantive requirements on the public.

Background

The Ricky Ray Hemophilia Relief Fund Act of 1998 (Pub. L. 105–369) established the Ricky Ray Hemophilia Relief Fund Program designed to provide payments to individuals with blood-clotting disorders, such as hemophilia, who contracted HIV through the use of antihemophilic factor administered between July 1, 1982, and December 31, 1987. The Act also provided for payments to certain persons who contracted HIV from an individual as described above and certain specified survivors.

HHS promulgated 42 CFR part 130 to establish the proper regulatory framework for program implementation. The regulation can be conceptualized as four parts: The process for payment, the documentation required to prove eligibility, the petition process, and the reconsideration process. The Ricky Ray Hemophilia Relief Fund was authorized with a directive to pay $100,000 in compensation to eligible individuals. At that time, however, no funds were appropriated to implement this statute. In FY 2000, Congress appropriated $75 million and, in FY 2001, Congress appropriated $580 million, for a total of $655 million. The appropriated amounts provided sufficient funding to make compassionate payments on all eligible petitions received by the program. The program received over 6,000 petitions resulting in approved payments over $550 million.

The statutory language in the authorizing legislation stated that the ''Fund shall terminate upon the expiration of the 5-year period beginning on the date of the enactment of this Act.'' The statute was enacted on November 12, 1998; thus, the fund expired on November 12, 2003. The program is no longer in effect or funded. The repeal of this regulation should not create any challenges for other programs, as the regulation was strictly for the implementation of the Ricky Ray Hemophilia Relief Fund program, which has not been in operation for almost 14 years.

Executive Orders 12866, 13563, 13771, and 13777

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). Executive Order 13771 directs agencies to categorize all impacts which generate or alleviate costs associated with regulatory burden and to determine the actions net incremnatal effect.

Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). HHS submits that this final rule is not ''economically significant'' as measured by the $100 million threshold, and hence not a major rule under the Congressional Review Act. This rule has not been designated as a ''significant regulatory action'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 13771, titled ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017. HHS identifies this final rule as a deregulatory action (removing an obsolete rule from the Code of Federal Regulations). For the purposes of Executive Order 13771, this final rule is not a substantive rule; rather it is administrative in nature and provides no cost savings.

Executive Order 13777, titled ''Enforcing the Regulatory Reform Agenda,'' was issued on February 24, 2017. As required by Section 3 of this Executive Order, HHS established a Regulatory Reform Task Force (HHS Task Force). Pursuant to Section 3(d)(ii), the HHS Task Force evaluated this rulemaking and determined that these regulations are ''outdated, unnecessary, or ineffective.'' Following this finding, the HHS Task Force advised the HRSA Administrator to initiate this rulemaking to remove the obsolete regulations from the Code of Federal Regulations.

Regulatory Flexibility Act

This action will not have a significant economic impact on a substantial number of small entities. Therefore, the regulatory flexibility analysis provided for under the Regulatory Flexibility Act is not required.

Paperwork Reduction Act

This action does not affect any information collections.

Dated: June 4, 2018.

George Sigounas,

Administrator, Health Resources and Services Administration.

Approved: June 21, 2018.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

List of Subjects in 42 CFR Part 130

Health care, Hemophilia, HIV/AIDS.

PART 130—[REMOVED]

■ For reasons set out in the preamble, and under the authority at 5 U.S.C. 301, HHS amends 42 CFR chapter I by removing part 130.

[FR Doc. 2018–13836 Filed 6–26–18; 8:45 am]

BILLING CODE 4165–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 13–24 and 03–123; FCC 18–79]

IP CTS Modernization and Reform

AGENCY: Federal Communications Commission.

ACTION: Final rule and clarification.

SUMMARY: In this document, the Commission alters the methodology for setting provider compensation rates for internet Protocol Captioned Telephone Service (IP CTS) and establishes interim compensation rates for Fund Years 2018–19 and 2019–20. The Commission also adopts rules that address the provision of volume control on IP CTS devices, require the accuracy of IP CTS information disseminated by providers, and prohibit the provision of service to ineligible users. Finally, the Commission declares that speech-to-text automation, without the participation of a communications assistant (CA), may be used to generate IP CTS captions.

DATES:

Effective dates: 47 CFR 64.604(c)(10) and (c)(13)(i)–(ii) are effective July 27, 2018. The Commission will publish a document in the **Federal Register** announcing the effective date of 47 CFR 64.604(c)(11)(v) and the amendments to 47 CFR 64.604(c)(5)(iii)(D)(*1*), (*6*), and (c)(13)(iii)–(iv) of the Commission's rules, which contain modified information collection requirements that have not yet been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. The IP CTS compensation rate adopted for the 2018–19 Fund Year shall be effective July 1, 2018.

Applicability date: IP CTS providers must comply with the requirement to ensure that any volume control or other amplification feature can be adjusted separately and independently of the caption feature on or before December 8, 2018.

FOR FURTHER INFORMATION CONTACT: Michael Scott, Consumer and Governmental Affairs Bureau, FCC, at (202) 418–1264, or email *Michael.Scott@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order and Declaratory Ruling in CG Docket Nos. 03–123 and 13–24; document FCC 18–79, adopted on June 7, 2018 and released on June 8, 2018. Document FCC 18–79 concerns the modernization and reform of the Commission's rules for IP CTS. The Commission previously sought comment on these issues in *Misuse of internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Difficulties,* published at 78 FR 54201, September 3, 2013 (*2013 IP CTS Reform FNPRM*). A Further Notice of Proposed Rulemaking (Further Notice) and Notice of Inquiry are contained in document FCC 18–79 and address additional issues concerning the funding, administration, and user eligibility for this service, as well as performance goals and metrics to ensure service quality for users. The Further Notice and Notice of Inquiry will be published elsewhere in the **Federal Register**. The full text of document FCC 18–79 will be available for public inspection and copying via the Commission's Electronic Comment Filing System (ECFS), and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY–A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov,* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (844) 432–2272 (videophone), or (202) 418–0432 (TTY).

Congressional Review Act

The Commission sent a copy of document FCC 18–79 to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

Final Paperwork Reduction Act of 1995 Analysis

The Report and Order in document FCC 18–79 contains modified information collection requirements, which are not effective until approval is obtained from OMB. The Commission, as part of its continuing effort to reduce paperwork burdens, will invite the general public to comment on these information collection requirements as required by the PRA. The Commission will publish a separate document in the **Federal Register** announcing approval of the information collection requirements. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, 44 U.S.C. 3506(c)(4), the Commission previously sought comment on how the Commission might ''further reduce the information burden for small business concerns with fewer than 25 employees.'' *2013 IP CTS Reform FNPRM.*

Synopsis

IP CTS Compensation

1. IP CTS, a form of telecommunications relay services (TRS) supported by the Interstate TRS Fund (TRS Fund), allows individuals with hearing loss to both read captions and use their residual hearing to understand a telephone conversation. IP CTS providers receive compensation from the TRS Fund on a per-minute basis. The compensation rate has been determined using a methodology known as the Multistate Average Rate Structure (MARS) Plan, which calculates the weighted average per-minute compensation paid by state TRS programs to providers of intrastate CTS for the prior calendar year.

2. The Commission's mandate in determining TRS compensation rates is to ensure that the rates correlate to actual reasonable costs. MARS is no longer an effective methodology to accomplish this. The Commission therefore terminates use of the MARS methodology.

3. The per-minute costs currently reported by IP CTS providers are not comparable to those for CTS—largely, it appears, because demand for IP CTS now greatly exceeds the demand for CTS. Specifically, from 2011 to 2017, annual CTS minutes declined from approximately 40 million to 19.9 million, while annual IP CTS minutes grew from approximately 29 million to 362 million—an amount that is more than 18 times greater than annual CTS minutes. Average per-minute expenses for IP CTS dropped from $2.0581 in 2011 to $1.2326 in 2017, while the MARS rate increased from $1.7630 to $1.9467 for the same period. The 2017–18 MARS rate exceeds the average 2017 IP CTS expenses by approximately 58 percent. This divergence invalidates the rationale for continuing to use a MARS-based rate to determine IP CTS compensation.

4. *Setting a Rate Closer to Reasonable IP CTS Costs.* The Commission finds it important to act without delay to bring provider compensation more in line with reported provider costs. IP CTS minutes have increased dramatically over the last nine years and the contribution base for the TRS Fund has been shrinking, requiring interstate and international telecommunications and VoIP service providers, and their subscribers, to contribute an ever-larger percentage of revenues to support these services. The Commission is also concerned that excessive compensation for IP CTS may increase provider incentives to recruit and register IP CTS users, regardless of their actual need for the service, leading to even greater potential for waste of TRS Fund dollars.

5. The Commission concludes that the most recently filed cost and demand data are sufficiently reliable to serve as a basis for setting interim IP CTS rates. As with video relay service (VRS) compensation rates, a weighted average of the historical per-minute expenses reported by providers for 2017 and the projected per-minute expenses for 2018, which for IP CTS is approximately $1.28 per minute, provides a reasonable baseline for taking initial steps to move the IP CTS compensation rate toward actual cost. Further, the Commission finds it reasonable to allow an operating margin between 7.6% to 12.35% for IP CTS providers in the same ''zone of reasonableness'' that applies to VRS providers given the service sector similarities between VRS and IP CTS, and that the bulk of costs for both are attributable to labor rather than capital. Adding an operating margin within that reasonable range to the average IP CTS expenses of $1.28 results in a total average cost between approximately $1.38 and $1.44.

6. While the Commission's goal is to move the IP CTS rate to a cost-based level, immediately reducing the IP CTS compensation rate to this extent could produce a disruption in the IP CTS market and potentially negative consequences for both providers and consumers. Initial rate reductions of approximately 10 percent per year, over two years, will strike a reasonable balance between the need to bring IP CTS rates in line with costs and reduce the TRS Fund contribution burden, and avoiding rate shock for IP CTS providers and potential disruption of the provision and quality of service for consumers. This approach will allow a reasonable opportunity for higher-cost providers to adjust to average-cost-based compensation by reducing unnecessary expenses—and thereby encourage multiple providers to remain in the IP CTS market. Finally, allowing the compensation rate to stay, for the present, at levels well above average allowable costs allows IP CTS providers to continue participating in research and thus will ''not discourage or impair the development of improved technology.'' 47 U.S.C. 225(d)(2).

7. Applying these interim rates for a period of two years will allow the Commission to fully evaluate the appropriateness of some categories of allowable costs for this service, as well as the extent to which compensation for this service should be subject to price-cap-index adjustments. In addition, this period will afford the Commission an opportunity to determine how best a fully automated method of providing IP CTS should be compensated.

8. The Commission directs that the IP CTS compensation rate be reduced in two steps of approximately 10 percent each: First, a $0.19467 reduction from the $1.9467 per minute rate currently in effect, to a rate of $1.75 per minute for the 2018–19 Fund Year, from July 1, 2018, to June 30, 2019; and second, a further $0.17 reduction of the compensation rate from $1.75 to $1.58 per minute for the 2019–20 Fund Year, from July 1, 2019, to June 30, 2020. These reductions will save the TRS Fund a minimum of $399 million over two years, as compared to applying the MARS rate. If the Commission finds that actual costs are substantially below the interim rates, the Commission may adjust those rates accordingly.

9. While the use of provider cost data adds complexity, and may require detailed analysis, it would not be reasonable for the Commission, in order to avoid such complexity, to continue to rely on a proxy that does not bear a reasonable relationship to actual costs. Any burden arising from switching to a more complex rate methodology is outweighed by the benefits of having a more accurate compensation rate, including the benefit of savings to the Fund.

10. Setting interim rates for two years, rather than a single year, will provide a

greater degree of rate certainty for providers and can mitigate the risk of rewarding inefficiency, discouraging innovation, and incentivizing providers to incur unnecessary costs, all potential effects of annual cost-of-service rate setting. A multi-year approach allows individual providers to gain additional profit during each multi-year period from any innovations and efficiency enhancing measures that reduce their per-minute costs during that period.

11. The TRS Fund administrator's cost calculations used to establish the interim rates are based on the same categories of provider costs that generally have been deemed allowable in calculating rates for other forms of TRS. Provider objections to these categories raise no significant arguments that have not been addressed and previously resolved in the Commission's prior rulings.

12. *Collecting Additional Cost Information for Setting Future IP CTS Rates.* The Commission remains concerned that some of the expenses incurred by IP CTS providers have not been reported in sufficient detail to enable the Fund administrator to confirm their allowability and reasonableness. Some IP CTS providers, who contract with other entities for the provision of call centers, CA staffing, and other services, as well as the licensing of intellectual property, report payments to contractors as ''subcontractor expenses,'' with no breakdown into specific expense reporting categories. Given that the expenses classified in this manner comprise an unusually large portion of total reported IP CTS costs, such reporting obscures the nature of a substantial portion of reported IP CTS costs and hinders review of such costs incurred by such providers to assess their allowability and reasonableness. Accordingly, the Commission directs the TRS Fund administrator to require IP CTS providers that contract for the supply of services used in the provision of TRS to include information about payments under such contracts classified according to the substantive cost categories specified by the administrator, including, *e.g.,* allocation of subcontractor expenses between call center expenses and intellectual property licensing fees, and how the provider determined or calculated the portion of contractual payments attributable to each cost category. All cost reports submitted in the future by IP CTS providers shall provide such a breakdown and explanation. The Commission also directs the Fund administrator, to the extent that the administrator reasonably deems necessary for the purpose of determining the allowability and reasonableness of costs reported to be incurred in the provision of TRS, to require providers to submit additional detail on such contractor expenses, including the submission of complete copies of such contracts and related correspondence or other records and information relevant to determining the nature of the services provided and the allocation of the costs of such services to cost categories. This additional transparency will help the Commission ensure that the costs reported by providers are reasonable.

13. The Commission believes that its current authority to collect the above information is contained in rules that require TRS providers to provide the TRS Fund administrator ''true and adequate data, and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments,'' and which authorize both the TRS Fund administrator and the Commission ''to examine and verify TRS provider data as necessary to assure the accuracy and integrity of TRS Fund payments.'' 47 CFR 64.604(c)(5)(iii)(D)(*1*), (*6*). To further clarify such authority, however, and to provide for greater consistency in the rules, the Commission amends its rules to explicitly provide for the collection of information laid out in the preceding paragraph. In addition, the Commission further amends its rules to provide that, in the course of an audit or otherwise upon demand, an IP CTS provider must make documentation, including contracts with entities providing services or equipment directly related to the provision of IP CTS, available to the Commission, the TRS Fund administrator, or any person authorized by the Commission or TRS Fund administrator to conduct an audit.

Measures To Limit Unnecessary IP CTS Use and Waste of the TRS Fund

14. The dramatic growth in IP CTS call volume appears to result in part from provider practices that promote over-use of IP CTS, including by people with hearing loss who may be able to achieve functionally equivalent telephone service using other forms of off-the-shelf or assistive technologies. The Commission concludes that the following steps are needed to minimize such unnecessary use, and the consequent waste of TRS Fund resources.

15. *Volume Control and Caption Settings.* The Commission amends its rules to prohibit IP CTS providers from linking the volume control and captioning functions of an IP CTS device or software application. Allowing users to enable volume control only when captions are turned on promotes waste, in that it forces the costly generation of captions even when the user only requires increased volume to communicate effectively by phone. In addition, decoupling these features will enable consumers who are not registered IP CTS users to access the amplification features of IP CTS devices without the captions. Compliance with a delinking requirement will not impose a substantial cost on IP CTS providers, and any likely cost will be more than offset by the efficiency gain resulting from the reduction in unnecessary captioning services.

16. The compliance deadline for making this change is December 8, 2018. IP CTS providers must ensure that all IP CTS devices—as well as user software for such devices—that they *newly distribute* to users after December 8, 2018 are configured to allow volume control to be adjusted independently of the captioning feature. The Commission also requires providers to ensure that all *previously distributed* devices are delinked by December 8, 2018.

17. *Website, Advertising and Educational Information Notifications.* The Commission amends its rules to require IP CTS providers to include both of the following factual notifications in a clear and prominent location on their advertising brochures, websites, user manuals, and other informational materials and websites:

- IP captioned telephone service may use a live operator. The operator generates captions of what the other party to the call says. These captions are then sent to your phone.
- There is a cost for each minute of captions generated, paid from a federally administered fund.

The first part of the notification is not required from those IP CTS providers who do not use live CAs. In the case of websites, The Commission requires such language to be included on the home page, each page that provides consumer information about IP CTS, and each page that provides information on how to order IP CTS or IP CTS equipment.

18. Requiring these notifications will enhance the Commission's efforts to prevent casual or inadvertent use of IP CTS and will not impose a significant burden that outweighs their benefits. When captioning devices are turned on by default, it is critical to make potential users aware through ''multiple and repeated sources of information'' that IP CTS involves significant costs and must not be used by individuals who do not

need it. Persons that truly need this free service for functionally equivalent telephone service have every incentive to obtain it. Rather than deter IP CTS use by such individuals, these notices will help to ensure that individuals who might be attracted to it are aware of its functions and financing.

19. *General Prohibition on Providing Service to Users Who Do Not Need It.* The Commission modifies the current prohibition on VRS providers engaging in fraudulent, abusive, and wasteful practices by amending it to include IP CTS providers. As amended, the rule prohibits both IP CTS and VRS providers from engaging in practices that the provider knows or has reason to know will cause or encourage (1) the unauthorized use of TRS, (2) false or unverified TRS Fund compensation claims, (3) the making of TRS calls that would not otherwise be made, and (4) the use of TRS by consumers who do not need the service in order to communicate by telephone in a functionally equivalent manner.

20. The Commission clarifies that ''unauthorized use'' of IP CTS, under clause (1) above, means use by an individual who is not registered with a provider. Further, a practice is prohibited where it artificially stimulates TRS usage, enables or encourages participation by unauthorized users, or uses financial incentives to attract new TRS users or to increase usage. However, the Commission allows IP CTS providers to be compensated for calls made by unregistered users when such calls are made from temporary, public IP CTS devices set up in emergency shelters. When service for such a device is initiated at the shelter, the IP CTS provider must notify the TRS Fund administrator of the date of such activation and termination.

21. In addition, an IP CTS provider shall not seek payment from the TRS Fund for any minutes of service that it knows or has reason to know are resulting from such prohibited practices. Any IP CTS provider that becomes aware of such practices being or having been committed by any person shall, as soon as practicable, report such practices to the Commission or the TRS Fund administrator. All monies paid from the TRS Fund to providers who are found by the Commission to be in violation of this new IP CTS rule shall be recoverable by the TRS Fund administrator, and such providers may also be subject to forfeitures and other enforcement actions.

Declaratory Ruling on Automatic Speech Recognition

22. In document FCC 18–79, the Commission determines that the provision of CTS and IP CTS using automated speech recognition (ASR) to generate captions without the involvement of a CA is a form of relay service eligible for compensation from the TRS Fund if provided in compliance with applicable TRS mandatory minimum standards. Specifically, the Commission concludes that such services are included within the statutory definition of TRS, as ''telephone transmission services that provide the ability'' to engage in communication by wire or radio ''in a manner that is functionally equivalent'' to voice communications service. 47 U.S.C. 225(a)(3).

Benefits of ASR

23. The use of ASR to generate captions for CTS and IP CTS has several benefits. First, ASR can better achieve near simultaneous communication than is possible with CA-assisted captions. Second, the substantially lower costs of operation for ASR can allow for the provision of IP CTS with far greater efficiency. Finally, as a fully automated method of generating captions that is not dependent on human intervention, ASR can allow enhanced call privacy and ensure the seamless continuation of communications when exigent circumstances, such as severe weather events, threaten IP CTS call center operations.

24. Improvements in accuracy, coupled with ASR's advantages in speed and privacy, have made ASR a viable alternative to the use of human relay intermediaries for CTS and IP CTS. IP CTS providers and others have shown heightened interest in utilizing this method for the provision of captions, and the Commission has received two applications for certification to provide IP CTS using ASR. Additionally, ASR-only products are being trialed and adopted internationally as a means of generating captions from speech, for people with hearing and speech disabilities.

25. The Commission is not mandating ASR as the sole means of offering IP CTS. IP CTS providers will be able to choose among three methods of providing Fund-supported IP CTS: (1) IP CTS using fully automated ASR; (2) IP CTS using CA-assisted ASR; and (3) stenographic-supported IP CTS. Consumers will continue to be able to select an IP CTS provider based on the overall quality of service each provider offers by means of the available methods. As IP CTS providers begin offering fully automated ASR, the Commission will be able to gather data that can inform the Commission's adoption of further measures to improve its utility. Any provider offering ASR must ensure that its service complies with the mandatory minimum standards of § 64.604 of the Commission's rules in order to obtain and retain certification to provide IP CTS.

Consistency With Commission Precedent

26. The use of ASR is consistent with the Commission's prior rulings authorizing CTS in both its analog and internet forms. The definition of IP CTS does not specify how captions must be generated, including whether they should be generated through automation or human-assisted methods. In this regard, the Commission already has approved a form of IP CTS that relies on automated speech recognition programs (assisted by CAs) to convert speech to captions during an IP CTS call. The only differences between ASR and CA-assisted ASR is that with CA-assisted ASR, CAs ''train'' speech recognition programs to understand their voices when they re-voice a caller's speech, and have a limited opportunity to make corrections to the captions that are produced. Advancements in ASR reduce the need for such training and human editing, and use of this technology for IP CTS without CA involvement does not fundamentally change the functional role of the service, which is to produce captions from a user's speech.

Statutory Authority

27. Using ASR for the provision of IP CTS is fully consistent with the Commission's statutory authority. The provision of IP CTS utilizing ASR will contribute to functional equivalence by enabling providers to enhance the privacy, ensure seamless communications, and reduce the latency of IP CTS offerings. Section 225 of the Act is neutral as to the technology and method used to achieve functional equivalency and expressly requires the Commission to encourage technological innovation in TRS. Further, offering an ASR option that will largely eliminate personnel costs associated with IP CTS will help fulfill Congress's directive to provide TRS in the most efficient manner.

Provider Certification and Other Requirements

28. The Commission authorizes the Consumer and Governmental Affairs Bureau (Bureau) to review and approve

applications for certification to provide IP CTS by means of ASR in whole or in part. The Bureau may determine on a case-by-case basis the extent to which an applicant's proposed method of providing ASR will enable it to provide IP CTS in a manner that meets the Commission's minimum TRS standards for functionally equivalent service. To assist the Bureau in making this assessment, where use of ASR in conjunction with CA-assisted caption generation is proposed, applicants should include in their certification applications a detailed description of the criteria that will be used to determine when to use and transfer between each of these methods. Applicants should support all claims regarding their use of ASR and its efficacy through documentary and other evidence and should provide information about measures they will take to ensure the confidentiality of call content. The Bureau will not approve any application to provide IP CTS using ASR that does not demonstrate that the applicant will meet the Commission's mandatory minimum standards for functional equivalency.

29. Certifications for the provision of IP CTS using ASR may be granted on a conditional basis, to enable the Commission's assessment of an applicant's actual performance in meeting or exceeding the mandatory minimum standards. In addition, to the extent deemed necessary, certification of a provider may be conditioned on the submission of periodic data to help confirm whether ASR-driven IP CTS is providing functionally equivalent service.

30. If a currently operating IP CTS provider wishes to incorporate ASR in its offerings, it must first receive approval from the Bureau to provide IP CTS in this manner. In order to obtain approval, any provider operating under conditional certification or interim eligibility must update its application for permanent certification to describe the change, and may be asked to provide additional data—beyond what was submitted in its initial application for certification—to demonstrate how modifications to its service will ensure the provision of a relay service that is functionally equivalent to voice telephone service through compliance with the Commission's mandatory minimum standards.

Compensation

31. The Commission reminds all providers that its rules require TRS providers seeking compensation from the TRS Fund to ''provide the administrator with true and adequate data, and . . . information reasonably requested to determine the TRS Fund revenue requirements and payments.'' 47 CFR 64.604(c)(5)(iii)(D)(*1*). Requests from the TRS Fund administrator for information that would help establish whether payments are justified and help determine the costs for ASR IP CTS could reasonably include:

- A breakdown, in the provider's monthly call detail report, indicating minutes for which ASR is substituted for CA-assisted IP CTS;
- Estimates of the difference in the costs incurred to handle ASR and CA-assisted calls, with a detailed breakdown of the specific variable costs incurred for each type of call, as well as underlying assumptions and calculations; and
- Documentation of incremental costs incurred in providing ASR, including any incremental costs associated with engineering and technical implementation, marketing, administrative and management support (including oversight, evaluation, and recordkeeping) and, for hybrid forms of IP CTS, any costs associated with enabling transfers back and forth between ASR and CA-assisted IP CTS.

Final Regulatory Flexibility Analysis

32. As required by the Regulatory Flexibility Act of 1980, as amended, the Commission incorporated an Initial Regulatory Flexibility Analysis (IRFA) into the *2013 IP CTS Reform FNPRM.* The Commission sought written public comment on the proposals in the *2013 IP CTS Reform FNPRM,* including comment on the IRFA. No comments were received in response to the IRFA.

Need For, and Objectives of, the Rules

33. Document FCC 18–79 adopts an interim rate for IP CTS reflecting a weighted, cost-of-service methodology based on an analysis of providers' actual and projected costs.

34. In addition, the Commission directs the TRS Fund administrator to require IP CTS providers that contract for the supply of services used in the provision of TRS to include information about payments under such contracts classified according to the substantive cost categories specified by the administrator.

35. Document FCC 18–79 also adopts three rule changes to facilitate the Commission's efforts to reduce waste, fraud, and abuse and improve its ability to efficiently manage the IP CTS program. First, the Commission prohibits linking volume control and captioning use on IP CTS devices. Second, the Commission requires IP CTS providers to include the following notifications in a clear and prominent location on their advertising brochures, websites, user manuals, and other informational materials and websites:

- IP captioned telephone service may use a live operator. The operator generates captions of what the other party to the call says. These captions are then sent to your phone.
- There is a cost for each minute of captions generated, paid from a federally administered fund.

The first part of the notification is not required from those IP CTS providers who do not use live CAs. Third, the Commission adopts a general prohibition against providing IP CTS to consumers who do not genuinely need the service. Providers that become aware of prohibited practices must report them to the Commission or the TRS Fund administrator.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

36. No comments were filed in response to the IRFA.

Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

37. The Chief Counsel for Advocacy of the Small Business Administration did not file any comments in response to the proposed rules in this proceeding.

Small Entities Impacted

38. The rules adopted in document FCC 18–79 will affect obligations of IP CTS providers. These services can be included within the broad economic category of All Other Telecommunications.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

39. The rule implementing a general prohibition against providing IP CTS to consumers who do not genuinely need the service and the requirement to separate volume control and captioning functions on IP CTS devices do not create direct reporting, recordkeeping or other compliance requirements on IP CTS providers.

40. In transitioning away from the MARS methodology for IP CTS, the Commission will require IP CTS providers to file annual cost and demand data reports with the TRS Fund administrator. There is no additional burden on IP CTS providers to file these reports, as IP CTS providers have been voluntarily submitting such reports to the TRS Fund administer since 2011. The Commission has received approval to require the collection of such

information pursuant to the PRA, and the Commission is requiring the IP CTS providers to submit their cost and demand data for 2017. In addition, the Commission is requiring providers to supplement their cost data filings with information about payments made by providers to subcontractors for the provision of call centers, CA staffing, and other services by classifying such payments according to the substantive cost categories specified by the administrator. These requirements, which place minimal additional filing burdens on IP CTS providers, will be offset by the benefit to the TRS Fund and its contributors by the increased precision of calculating cost-based rates resulting from increased accuracy of TRS cost data submitted to the TRS Fund administrator.

41. The adoption of a requirement for IP CTS providers to include a notice on IP CTS websites and informational materials to inform consumers about the process, cost, and source of funding will place only a minimal burden on IP CTS providers. It will be offset by the benefit to the TRS Fund and contributors to the Fund resulting from the reduction of casual or inadvertent use of IP CTS that such notice may provide by educating consumers via multiple sources of information.

42. The requirement for providers that become aware of prohibited practices to report them to the Commission or the TRS Fund administrator should not be burdensome and is needed to prevent waste, fraud, and abuse of the TRS Fund.

Steps Taken To Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

43. The interim rates for IP CTS will apply only to providers who are or may become certified by the Commission to offer IP CTS in accordance with its rules. The Commission adopts these interim rates to: (1) Ensure that rates compensate providers for their reasonable cost; (2) reduce waste of TRS Fund resources and the amounts that TRS Fund contributors pay to the fund; and (3) ensure that TRS is made available to the extent possible and in the most efficient manner. The requirement to file cost and demand data annually will not increase the burden on IP CTS providers because they have been submitting such data to the TRS Fund administrator since 2011. The Commission is requiring providers to supplement their cost data filings with information about payments made by providers to subcontractors for the provision of call centers, CA staffing, and other services by classifying such payments according to the substantive cost categories specified by the administrator. This requirement, which places minimal additional filing burdens on IP CTS providers, will be offset by the benefit to the TRS Fund and its contributors by the increased precision of calculating cost-based rates resulting from increased accuracy of TRS cost data submitted to the TRS Fund administrator.

44. Separating the volume control and captioning functions on IP CTS devices will place a minor burden on IP CTS providers and device manufacturers to reconfigure the functionality. Such costs will be offset from the likely decrease in waste and misuse of IP CTS, as individuals will be able to use a device's amplification features without also being required to use the device's captioning features. Providers have until December 8, 2018, to ensure that new and previously distributed devices are in compliance.

45. The general prohibition on practices resulting in IP CTS use by ineligible individuals, the requirement for providers that become aware of prohibited practices to report them to the Commission or the TRS Fund administrator, and the requirement for IP CTS providers to include notices on their informational materials and websites should not be burdensome and are necessary to combat waste, fraud, and abuse. These requirements will help ensure the efficiency of the TRS program, control the expenditure of public funds, reduce the amounts paid by contributors to the TRS Fund, and ensure the future viability of the TRS Fund and the provision of IP CTS.

Federal Rules Which Duplicate, Overlap, or Conflict With, the Commission's Proposals

46. None.

Ordering Clauses

Pursuant to sections 1, 2, 201(b), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 201(b), 225, document FCC 18–79 is *adopted,* and part 64 of Title 47 is *amended.*

The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of document FCC 18–79, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Individuals with disabilities, Telecommunications.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 154, 202, 225, 251(e), 254(k), 403(b)(2)(B), (c), 616, 620, Pub. L. 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 202, 218, 222, 225, 226, 227, 228, 251(e), 254(k), 616, 620, and the Middle-Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, unless otherwise noted.

■ 2. Amend § 64.604 by revising paragraphs (c)(5)(iii)(D)(*1*) and (*6*), (c)(10), adding paragraph (c)(11)(v), and revising paragraph (c)(13) to read as follows:

§ 64.604 Mandatory minimum standards.

* * * * *

(c) * * *

(5) * * *

(iii) * * *

(D) *Data collection and audits.* (*1*) TRS providers seeking compensation from the TRS Fund shall provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS investment in general in accordance with part 32 of this chapter, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements. In annual cost data filings and supplementary information provided to the administrator regarding such cost data, IP CTS providers that contract for the supply of services used in the provision of TRS shall include information about payments under such contracts, classified according to the substantive cost categories specified by the administrator. To the extent that a third party's provision of services covers more than one cost category, the resubmitted cost reports must provide an explanation of how the provider determined or calculated the portion of contractual payments attributable to each cost category. To the extent that

the administrator reasonably deems necessary, providers shall submit additional detail on such contractor expenses, including but not limited to complete copies of such contracts and related correspondence or other records and information relevant to determining the nature of the services provided and the allocation of the costs of such services to cost categories.

* * * * *

(*6*) *Audits.* The Fund administrator and the Commission, including the Office of Inspector General, shall have the authority to examine and verify TRS provider data as necessary to assure the accuracy and integrity of TRS Fund payments. TRS providers must submit to audits annually or at times determined appropriate by the Commission, the fund administrator, or by an entity approved by the Commission for such purpose. A TRS provider that fails to submit to a requested audit, or fails to provide documentation necessary for verification upon reasonable request, will be subject to an automatic suspension of payment until it submits to the requested audit or provides sufficient documentation. In the course of an audit or otherwise upon demand, an IP CTS provider must make available any relevant documentation, including contracts with entities providing services or equipment directly related to the provision of IP CTS, to the Commission, the TRS Fund administrator, or any person authorized by the Commission or TRS Fund administrator to conduct an audit.

* * * * *

(10) *IP CTS settings.* Each IP CTS provider shall ensure that, for each IP CTS device it distributes, directly or indirectly:

(i) The device includes a button, key, icon, or other comparable feature that is easily operable and requires only one step for the consumer to turn on captioning; and

(ii) On or after December 8, 2018, any volume control or other amplification feature can be adjusted separately and independently of the caption feature.

(11) * * *

(v) IP CTS providers shall ensure that their informational materials and websites used to market, advertise, educate, or otherwise inform consumers and professionals about IP CTS include the following language in a prominent location in a clearly legible font: ''FEDERAL LAW PROHIBITS ANYONE BUT REGISTERED USERS WITH HEARING LOSS FROM USING INTERNET PROTOCOL (IP) CAPTIONED TELEPHONES WITH THE CAPTIONS TURNED ON. IP Captioned Telephone Service may use a live operator. The operator generates captions of what the other party to the call says. These captions are then sent to your phone. There is a cost for each minute of captions generated, paid from a federally administered fund.'' For IP CTS provider websites, the language shall be included on the website's home page, each page that provides consumer information about IP CTS, and each page that provides information on how to order IP CTS or IP CTS equipment. IP CTS providers that do not make any use of live CAs to generate captions may shorten the notice to leave out the second, third, and fourth sentences.

* * * * *

(13) *Unauthorized and unnecessary use of VRS or IP CTS.* (i) A VRS or IP CTS provider shall not engage in any practice that the provider knows or has reason to know will cause or encourage:

(A) False or unverified claims for TRS Fund compensation;

(B) Unauthorized use of VRS or IP CTS;

(C) The making of VRS or IP CTS calls that would not otherwise be made; or

(D) The use of VRS or IP CTS by persons who do not need the service in order to communicate in a functionally equivalent manner.

(ii) A VRS or IP CTS provider shall not seek payment from the TRS Fund for any minutes of service it knows or has reason to know are resulting from the practices listed in paragraph (c)(13)(i) of this section or from the use of IP CTS by an individual who does not need captions to communicate in a functionally equivalent manner.

(iii) Any VRS or IP CTS provider that becomes aware of any practices listed in paragraphs (c)(13)(i) or (ii) of this section being or having been committed by any person shall, as soon as practicable, report such practices to the Commission or the TRS Fund administrator.

(iv) An IP CTS provider may complete and request compensation for IP CTS calls to or from unregistered users at a temporary, public IP CTS device set up in an emergency shelter. The IP CTS provider shall notify the TRS Fund administrator of the dates of activation and termination for such device.

* * * * *

[FR Doc. 2018–13753 Filed 6–26–18; 8:45 am]

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Proposed Rules

Federal Register
Vol. 83, No. 124
Wednesday, June 27, 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

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–0548]

RIN 1625–AA08

Special Local Regulation; Ohio River, Owensboro, KY

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary special local regulation for all navigable waters of the Ohio River, extending the entire width of the river, from mile marker (MM) 754.0 to MM 760.0. This action is necessary to provide for the safety of persons, vessels, and the marine environment during the Owensboro Airshow. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative. We invite your comments on this proposed rulemaking.

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

ADDRESSES: You may submit comments identified by docket number USCG–2018–0548 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Petty Officer Riley Jackson, Sector Ohio Valley, U.S. Coast Guard; telephone 502–779–5348, email *SECOHV-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Ohio Valley
DHS Department of Homeland Security
FR Federal Register
MM Mile marker
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The City of Owensboro notified the Coast Guard that it would be conducting an airshow practice over the Ohio River from mile marker (MM) 754.0 to MM 760.0 from noon to 4 p.m. on September 13, 2018. Over the years, there have been unfortunate instances of aircraft mishaps that involve crashing during performances at various air shows around the world. Occasionally, these incidents result in a wide area of scattered debris in the water that can damage property or cause significant injury or death to the public observing the air shows. The Captain of the Port Sector Ohio Valley (COTP) has determined that a special local regulation is necessary to protect the public from potential hazards associated with the aerial flight demonstration.

This proposed rulemaking adds an extra day to the recurring special local regulation for the Owensboro Airshow listed in our regulation for marine events within the Eighth Coast Guard District, 33 CFR 100.801, Table 1, Line 43. The airshow is requiring another day of practice flights for the Blue Angels that will be participating in this year's event.

The purpose of this rulemaking is to ensure the safety of persons, vessels, and the marine environment on the navigable waters of the Ohio River before, during, and after the Owensboro Airshow. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233.

III. Discussion of Proposed Rule

The COTP proposes to establish a temporary special local regulation for all navigable waters of the Ohio River from MM 754.0 to MM 760.0 from noon to 4 p.m. on September 13, 2018. The regulated area would cover all navigable waters of the Ohio River, extending the entire width of the river, between MM 754.0 and MM 760.0 in Owensboro, KY. The duration of the special local regulation is intended to ensure the safety of persons, vessels, and the marine environment on these navigable waters before, during, and after the Owensboro Airshow.

No vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Ohio Valley. They may be contacted on VHF–FM Channel 16 or by telephone at 1–800–253–7465. A designated representative may be a Patrol Commander (PATCOM). The PATCOM would be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''. All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP to patrol the regulated area.

Spectator vessels desiring to transit the regulated area may do so only with prior approval of the PATCOM and, when so directed by that officer, would be operated at a minimum safe navigation speed in a manner which will not endanger any other vessels. No spectator vessel shall anchor, block, loiter, or impede the through transit of official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel. Any spectator vessel may anchor outside the regulated area, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the air show.

The COTP or a designated representative may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the regulated area, citation for failure to comply, or both.

The COTP or a designated representative may terminate the operation of any vessel at any time it is deemed necessary for the protection of life or property. The COTP or a designated representative would terminate enforcement of the special local regulation at the conclusion of the air show. The COTP or a designated representative will inform the public of the enforcement times and date for this regulated area through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Broadcasts (MSIBs) as appropriate.

The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the temporary special local regulation. This proposed special local regulation restricts transit on a four-mile stretch of the Ohio River for four hours on one day. Moreover, the Coast Guard would issue Broadcast Notices to Mariners, Local Notices to Mariners, and Marine Safety Information Bulletins about this special local regulation so that waterway users may plan accordingly for this short restriction on transit, and the rule would allow vessels to request permission to enter the regulated area.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security (DHS) Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a special local regulation that would prohibit entry on a four-mile stretch of the Ohio River on one day. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

jeopardizing the safety or security of people, places, or vessels.

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERWAYS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 33 CFR 1.05–1.

■ 2. Add § 100.35T08–0548 to read as follows:

§ 100.35T08–0548 Special Local Regulation; Ohio River, Owensboro, KY.

(a) *Location.* The following area is a temporary special local regulation: All navigable waters of the Ohio River, extending the entire width of the river, between mile marker (MM) 754.0 and MM 760.0, Owensboro, KY.

(b) *Effective period.* This section is effective from noon through 4 p.m. on September 13, 2018.

(c) *Special local regulations.* (1) In accordance with the general regulations in § 100.801, entry into this area is prohibited unless authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Ohio Valley. They may be contacted on VHF–FM Channel 16 or by telephone at 1–800–253–7465. A designated representative may be a Patrol Commander (PATCOM). The PATCOM will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''.

(2) All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP to patrol the regulated area.

(3) Spectator vessels desiring to transit the regulated area may do so only with prior approval of the PATCOM and when so directed by that officer will be operated at a minimum safe navigation speed in a manner which will not endanger any other vessels.

(4) No spectator vessel shall anchor, block, loiter, or impede the through transit of official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(5) Any spectator vessel may anchor outside the regulated area, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the air show.

(6) The COTP or a designated representative may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the regulated area, citation for failure to comply, or both.

(7) The COTP or a designated representative may terminate the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(8) The COTP or a designated representative will terminate enforcement of the special local regulation at the conclusion of the air show.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this regulated area through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Broadcasts (MSIBs) as appropriate.

Dated: June 21, 2018.

M.B. Zamperini,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2018–13734 Filed 6–26–18; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 54 and 64

[WC Docket No. 10–90, 14–58, 07–135 and CC Docket No. 01–92; Report No. 3091]

Petitions for Reconsideration of Action in Rulemaking Proceeding

Correction

In proposed rule document 2018–12786, appearing on pages 27746–27747 in the Issue of Thursday, June 14, 2018, make the following correction:

On page 27746, in the third column, under the heading ''**DATES:**'' the entry ''June 25, 2018'' is corrected to read ''July 9, 2018''.

[FR Doc. C1–2018–12786 Filed 6–26–18; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[4500030115]

Endangered and Threatened Wildlife and Plants; 90-day Findings for Three Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings and initiation of status reviews.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce 90-day findings on three petitions to add or remove species from the List of Endangered and Threatened Wildlife

under the Endangered Species Act of 1973, as amended (Act). Based on our review, we find that the three petitions present substantial scientific or commercial information indicating that the petitioned actions may be warranted. Therefore, with the publication of this document, we announce that we plan to initiate reviews of the status of these species to determine if the petitioned actions are warranted. To ensure that these status reviews are comprehensive, we are requesting scientific and commercial data and other information regarding these species. Based on the status reviews, we will issue 12-month findings, which will address whether or not the petitioned actions are warranted, in accordance with the Act.

DATES: These findings were made on June 27, 2018. As we commence work on the status reviews, we seek any new information concerning the status of, or threats to, these species or their habitats. Any information received during our work on the status reviews will be considered.

ADDRESSES: *Supporting documents:* Summaries of the bases for the petition findings contained in this document are available on *http://www.regulations.gov* under the appropriate docket number (see table under **SUPPLEMENTARY INFORMATION**). In addition, supporting information in preparing these findings is available for public inspection, by appointment, during normal business hours by contacting the appropriate person, as specified in **FOR FURTHER INFORMATION CONTACT**.

Submitting information: If you have new scientific or commercial data or other information concerning the status of, or threats to, the species for which we are making these petition findings, or their habitats, please submit that information by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter the appropriate docket number (see the table under **SUPPLEMENTARY INFORMATION**). Then, click on the Search button. After finding the correct document, you may submit information by clicking on ''Comment Now!'' If your information will fit in the provided comment box, please use this feature of *http://www.regulations.gov,* as it is most compatible with our information review procedures. If you attach your information as a separate document, our preferred file format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel.

(2) *By hard* copy: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: [Insert appropriate docket number; see the table under **SUPPLEMENTARY INFORMATION**], U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We request that you send information only by the methods described above. We will post all information we receive on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Request for Information for Status Reviews, below, for more information).

FOR FURTHER INFORMATION CONTACT:

Species common name	Contact person
Dixie Valley toad.	Carolyn Swed, 775–861–6337; *carolyn_swed@fws.gov.*
Oregon vesper sparrow.	Jeffrey Dillon, 503–231–6179; *jeffrey_dillon@fws.gov.*
Yellow-billed cuckoo.	Jennifer Norris, 916–414–6600; *jennifer_norris@fws.gov.*

If you use a telecommunications device for the deaf, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations in title 50 of the Code of Federal Regulations (50 CFR part 424) set forth the procedures for adding a species to, or removing a species from, the Federal Lists of Endangered and Threatened Wildlife and Plants (Lists) in 50 CFR part 17. Section 4(b)(3)(A) of the Act requires that we make a finding on whether a petition to add a species to the Lists (*i.e.,* ''list'' a species), remove a species from the Lists (*i.e.,* ''delist'' a species), or change a listed species' status from endangered to threatened or from threatened to endangered (*i.e.,* ''reclassify'' a species) presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish the finding promptly in the **Federal Register**.

Our regulations establish that substantial scientific or commercial information with regard to a 90-day petition finding refers to ''credible scientific or commercial information in support of the petition's claims such that a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted'' (50 CFR 424.14(h)(1)(i)).

A species may be determined to be an endangered species or a threatened species because of one or more of the five factors described in section 4(a)(1) of the Act (16 U.S.C. 1531 *et seq.*). The five factors are:

(a) The present or threatened destruction, modification, or curtailment of its habitat or range (Factor A);

(b) Overutilization for commercial, recreational, scientific, or educational purposes (Factor B);

(c) Disease or predation (Factor C);

(d) The inadequacy of existing regulatory mechanisms (Factor D); or

(e) Other natural or manmade factors affecting its continued existence (Factor E).

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term ''threat'' to refer in general to actions or conditions that are known to, or are reasonably likely to, affect individuals of a species negatively. The term ''threat'' includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term ''threat'' may encompass—either together or separately—the source of the action or condition or the action or condition itself. However, the mere identification of any threat(s) may not be sufficient to compel a finding that the information in the petition is substantial information indicating that the petitioned action may be warranted. The information presented in the petition must include evidence sufficient to suggest that these threats may be affecting the species to the point that the species may meet the definition of an endangered species or threatened species under the Act.

If we find that a petition presents such information, our subsequent status review will evaluate all identified threats by considering the individual-, population-, and species-level effects and the expected response by the species. We will evaluate individual threats and their expected effects on the species, then analyze the cumulative effect of the threats on the species as a

whole. We also consider the cumulative effect of the threats in light of those actions and conditions that are expected to have positive effects on the species—such as any existing regulatory mechanisms or conservation efforts that may ameliorate threats. It is only after conducting this cumulative analysis of threats and the actions that may ameliorate them, and the expected effect on the species now and in the foreseeable future, that we can determine whether the species meets the definition of an endangered species or threatened species under the Act.

If we find that a petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, the Act requires us to promptly commence a review of the status of the species, and we will subsequently complete a status review in accordance with our prioritization methodology for 12-month findings (81 FR 49248; July 27, 2016).

Summaries of Petition Findings

The petition findings contained in this document are listed in the table below and the bases for the findings, along with supporting information, are available on *http://www.regulations.gov* under the appropriate docket number.

TABLE: STATUS REVIEWS

Common name	Docket no.	URL to docket on *http://www.regulations.gov*
Dixie Valley toad	FWS–R8–ES–2018–0018	*https://www.regulations.gov/docket?D=FWS-R8-ES-2018-0018.*
Oregon vesper sparrow	FWS–R1–ES–2018–0019	*https://www.regulations.gov/docket?D=FWS-R1-ES-2018-0019.*
Yellow-billed cuckoo	FWS–R8–ES–2018–0027	*https://www.regulations.gov/docket?D=FWS-R8-ES-2018-0027.*

Evaluation of a Petition To List the Dixie Valley Toad as an Endangered or Threatened Species Under the Act

Species and Range

The Dixie Valley toad (*Anaxyrus williamsi*) is a small toad found in four spring-fed wetlands in Dixie Valley, Churchill County, Nevada.

Petition History

On September 18, 2017, we received a petition from the Center for Biological Diversity requesting that the Dixie Valley toad be listed as threatened or endangered under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(a). This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating the petitioned action may be warranted for the Dixie Valley toad due to potential threats associated with the following: Development of geothermal energy and difficulty in associated mitigation, decrease in spring discharge, changes in water temperature, and groundwater extraction (Factor A); and chytridiomycosis disease and predation by the invasive American bullfrog (Factors C and E). However, during our status review we will thoroughly evaluate all potential threats to the species, including the extent to which any protections or other conservation efforts have reduced those threats. Thus, for this species, the Service requests any information relevant to whether the species falls within the definition of either endangered species under section 3(6) of the Act or threatened species under section 3(20) of the Act, including information on the five listing factors under section 4(a)(1) (see Request for Information for Status Reviews, below).

The basis for our finding on this petition, and other information regarding our review of the petition, can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2018–0018 under the Supporting Documents section.

Evaluation of a Petition To List the Oregon Vesper Sparrow as an Endangered or Threatened Species Under the Act

Species and Range

The Oregon vesper sparrow (*Pooecetes gramineus affinis*) is a medium- to large-sized migratory sparrow with a restricted range. The breeding range currently consists of the States of Washington (South Puget lowlands, San Juan Island, lower Columbia River islands, and Mason County) and Oregon (Willamette, Umpqua, and Rogue Valleys). The winter range consists of areas in California—the lowlands west of the Sierra Nevada Mountains, from the San Francisco Bay area through the San Joaquin Valley to coastal southern California.

Petition History

On November 8, 2017, we received a petition from the American Bird Conservancy requesting that the Oregon vesper sparrow be listed as endangered or threatened and critical habitat be designated for this species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at former 50 CFR 424.14(a). This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the Oregon vesper sparrow due to potential threats associated with the following: Habitat loss and degradation (Factor A); land use/management impacts to nesting birds (Factor E); and existing regulatory mechanisms that may be inadequate to address impacts of these threats (Factor D) (for information about these factors, see Background, above). However, during our status review, we will thoroughly evaluate all potential threats to the species, including the extent to which any protections or other conservation efforts have reduced those threats. Thus, for this species, the Service requests any information relevant to whether the species falls within the definition of either endangered species under section 3(6) of the Act or threatened species under section 3(20) of the Act, including information on the five listing factors under section 4(a)(1) (see Request for Information for Status Reviews, below).

The basis for our finding on this petition, and other information regarding our review of the petition, can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R1–ES–2018–0019 under the Supporting Documents section.

Evaluation of a Petition To Delist the Western Distinct Population Segment of the Yellow-Billed Cuckoo

Species and Range

The yellow-billed cuckoo (*Coccyzus americanus*) occurs in North America across the continental United States and parts of British Columbia and Mexico.

The species winters in Central and South America. The Western Distinct Population Segment (DPS) of the yellow-billed cuckoo (western yellow-billed cuckoo) occurs generally in the area west of the Rocky Mountains from British Columbia to Mexico. The western DPS of the yellow-billed cuckoo is listed as a threatened species on the List of Endangered and Threatened Wildlife (List; 50 CFR 17.11(h)).

Petition History

On May 4, 2017, we received a petition from the American Stewards of Liberty, Arizona Cattlemen's Association, Arizona Mining Association, Hereford Natural Resource Conservation District, Jim Chilton, National Cattlemen's Beef Association, Public Lands Council, WestLand Resources, Inc., and Winkelman Natural Resource Conservation District, requesting that the western DPS of the yellow-billed cuckoo be removed from the List due to an error in our DPS analysis. They also provided information in their petition indicating the species should be delisted as a result of its utilization of additional habitat. The petition clearly identified itself as such and included the requisite identification information for the petitioners, required at 50 CFR 424.14(a). This finding addresses the petition.

Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that delisting the western DPS of the yellow-billed cuckoo may be warranted due to information on additional habitat being used by the species (Factor A). While we did not find the petition provided substantial information indicating the entity may warrant delisting due to an error in our DPS analysis, because the petitioners did provide substantial information regarding additional habitat use by the species, we will review the DPS as part of our status review of the species. During our status review we will thoroughly evaluate all potential threats to the species, as well as revisit our DPS determination. Thus, for this species, the Service requests information on the five listing factors under section 4(a)(1) of the Act, including the factors identified in this finding as well as information pertaining to the DPS (see Request for Information for Status Reviews, below).

The basis for our finding on this petition, and other information regarding our review of the petition, can be found as an appendix at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2018–0027 under the Supporting Documents section.

Request for Information for Status Reviews

When we make a finding that a petition presents substantial information indicating that listing, reclassification, or delisting of a species may be warranted, we are required to review the status of the species (a status review). For the status review to be complete and based on the best available scientific and commercial information, we request information on these species from governmental agencies, Native American Tribes, the scientific community, industry, and any other interested parties. We seek information on:

(1) The species' biology, range, and population trends, including:

(a) Habitat requirements;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns; and

(d) Historical and current population levels and current and projected trends.

(2) The five factors described in section 4(a)(1) of the Act (see Background, above) that are the basis for making a listing, reclassification, or delisting determination for a species under section 4(a) of the Act, including past and ongoing conservation measures that could decrease the extent to which one or more of the factors affect the species, its habitat, or both.

(3) The potential effects of climate change on the species and its habitat, and the extent to which it affects the habitat or range of the species.

Submissions merely stating support for or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made solely on the basis of the best scientific and commercial data available.

You may submit your information concerning these status reviews by one of the methods listed in **ADDRESSES**. If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the website. If you submit a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this personal identifying information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

It is important to note that the standard for a 90-day finding differs from the Act's standard that applies to a status review to determine whether a petitioned action is warranted. In making a 90-day finding, we consider information in the petition and sources cited in the petition, as well as information that is readily available, and we evaluate merely whether that information constitutes ''substantial information'' indicating that the petitioned action ''may be warranted.'' In a 12-month finding, we must complete a thorough status review of the species and evaluate the best scientific and commercial data available to determine whether a petitioned action ''is warranted.'' Because the Act's standards for 90-day and 12-month findings are different, a substantial 90-day finding does not mean that the 12-month finding will result in a ''warranted'' finding.

Conclusion

On the basis of our evaluation of the information presented in the petitions under section 4(b)(3)(A) of the Act, we have determined that the petitions summarized above for the Dixie Valley toad, Oregon vesper sparrow, and yellow-billed cuckoo present substantial scientific or commercial information indicating that the petitioned actions may be warranted. Therefore, we are initiating status reviews to determine whether these actions are warranted under the Act. At the conclusion of each status review, we will issue a finding, in accordance with section 4(b)(3)(B) of the Act, as to whether the petitioned action is not warranted, warranted, or warranted but precluded by pending proposals to determine whether any species is an endangered species or a threatened species.

Authors

The primary authors of this document are staff members of the Ecological Services Program, U.S. Fish and Wildlife Service.

Authority: The authority for these actions is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 15, 2018.

James W. Kurth,

Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2018–13843 Filed 6–26–18; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register
Vol. 83, No. 124
Wednesday, June 27, 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

Agricultural Marketing Service

[Document No. AMS–ST–18–0043]

Plant Variety Protection Board; Open Teleconference Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the Agricultural Marketing Service (AMS) is announcing a meeting of the Plant Variety Protection Board (Board). The meeting is being held to discuss a variety of topics including, but not limited to, work and outreach plans, subcommittee activities, and program activities. The meeting is open to the public. This notice sets forth the schedule and location for the meeting.

DATES: Tuesday, August 14, 2018, 1 p.m. to 2 p.m.

ADDRESSES: The meeting will be held at the United States Department of Agriculture (USDA), Room 3543, South Building, 1400 Independence Avenue SW, Washington, DC, 20250.

FOR FURTHER INFORMATION CONTACT: Jeffery Haynes, Acting Commissioner, Plant Variety Protection Office, USDA, AMS, Science and Technology Programs, 1400 Independence Avenue SW, Washington, DC 20250. Telephone: (202) 720–1066; Fax: (202) 260–8976, or Email: *Jeffery.Haynes@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of section 10(a) of the FACA (5 U.S.C., Appendix 2), this notice informs the public that the Plant Variety Protection Office (PVPO) is sponsoring a meeting of the Board on August 14, 2018. The Plant Variety Protection Act (PVPA) (7 U.S.C. 2321 *et seq.*) provides legal protection in the form of intellectual property rights to developers of new varieties of plants, which are reproduced sexually by seed or are tuber-propagated. A certificate of Plant Variety Protection is awarded to an owner of a crop variety after an examination shows that it is new, distinct from other varieties, genetically uniform and stable through successive generations. The term of protection is 20 years for most crops and 25 years for trees, shrubs, and vines. The PVPA also provides for a statutory Board (7 U.S.C. 2327). The Board is composed of 14 individuals who are experts in various areas of development and represent the seed industry sector, academia and government. The duties of the Board are to: (1) Advise the Secretary concerning the adoption of rules and regulations to facilitate the proper administration of the FACA; (2) provide advisory counsel to the Secretary on appeals concerning decisions on applications by the PVP Office and on requests for emergency public-interest compulsory licenses; and (3) advise the Secretary on any other matters under the Regulations and Rules of Practice and on all questions under Section 44 of the FACA, ''Public Interest in Wide Usage'' (7 U.S.C. 2404).

Meeting Agenda: The purpose of the meeting will be to discuss the PVPO 2018 program activities, the electronic application system, and cooperation with other countries. The Board plans to discuss program activities that encourage the development of new plant varieties and address appeals to the Secretary. The meeting will be open to the public. Those wishing to participate are encouraged to pre-register by August 3, 2018, by contacting Jeffery Haynes, acting commissioner, at Telephone: (202) 720–1066; Fax: (202) 260–8976, or Email: *Jeffery.Haynes@ams.usda.gov*.

Meeting Accommodation: The meeting at USDA will provide reasonable accommodation to individuals with disabilities where appropriate. If you need reasonable accommodation to participate in this public meeting, please notify Jeffery Haynes at: Telephone: (202) 720–1066; Fax: (202) 260–8976, or Email: *Jeffery.Haynes@ams.usda.gov*.

Determinations for reasonable accommodation will be made on a case-by-case basis. Minutes of the meeting will be available for public review 30 days following the meeting on the internet at *http://www.ams.usda.gov/PVPO*.

Dated: June 21, 2018.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2018–13751 Filed 6–26–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—School Nutrition and Meal Cost Study-II

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Food and Nutrition Service (FNS) invites the general public and other public agencies to comment on this proposed information collection. This collection is a new collection for the School Nutrition and Meal Cost Study-II (SNMCS–II). The purpose of SNMCS–II is to provide a comprehensive picture of school food service operations and the nutritional quality, cost, and acceptability of meals served in the National School Lunch Program (NSLP) and School Breakfast Program (SBP).

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

ADDRESSES: Comments may be sent to: John Endahl, Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1004, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of John Endahl at 703–305–2576 or via email to *john.endahl@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request

for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to John Endahl at 703–305–2127.

SUPPLEMENTARY INFORMATION:

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: School Nutrition and Meal Cost Study-II.

Form Number: N/A.

OMB Number: Not yet assigned.

Expiration Date: Not yet determined.

Type of Request: New collection.

Abstract: SNMCS–II will provide a comprehensive picture of the NSLP and SBP, and will provide critical information about the nutritional quality, cost, and acceptability of school meals seven years after major reforms began being phased in during the 2012–2013 school year (SY). SNMCS–II will collect a broad range of data from nationally representative samples of public school food authorities (SFAs), public, non-charter schools, students, and parents/guardians during SY 2019–2020. These data will provide Federal, State, and local policymakers with current information about how federally sponsored school meal programs are operating by updating the information that was collected in SY 2014–2015 for the first School Nutrition and Meal Cost Study (SNMCS–I). In addition, findings from SNMCS–II will be compared to those from SNMCS–I to explore trends in key domains including the nutrient content of school meals, meal costs and revenues, and student participation, plate waste, and dietary intakes. SNMCS–II will also estimate the costs of producing reimbursable school meals in up to five States and Territories outside of the 48 contiguous States and the District of Columbia (DC), and examine the relationship of costs to revenues in those five outlying areas. Section 28(a) of the Richard B. Russell National School Lunch Act authorizes this assessment of the cost of producing meals, and the nutrient profile of meals under the NSLP and SBP.

The sample frame of SFAs is divided into four groups, including the outlying areas. Samples in Groups 1, 2, and 3 are limited to the contiguous 48 States and DC. The outlying areas sample includes SFAs and schools in Alaska, Guam, Hawaii, Puerto Rico, and the U.S. Virgin Islands.

Data collected from the Group 1 sample will provide the precision required for national estimates of SFA-level characteristics and food service operations. Data collected from the Group 2 sample will be used to address study objectives related to the school nutrition environment and food service operations; the food and nutrient content of school meals; student participation in the NSLP and SBP; student/parent satisfaction with the school meal programs; and students' characteristics and dietary intakes. Data collected from the Group 3 sample will be used to address study objectives related to the school nutrition environment and food service operations; the food and nutrient content of school meals; the costs to produce reimbursable school lunches and breakfasts, including indirect and local administrative costs, and the ratios of revenues to costs; and plate waste in the school meals programs. Data collected from the outlying areas sample will be used to estimate the costs of producing reimbursable school meals and the ratios of revenues to costs.

There is pre-testing burden that is associated with this collection. This burden was reviewed and approved by the Office of Management and Budget on March 19, 2018 under OMB# 0584–0606 FNS Generic Clearance for Pre-Testing, Pilot, and Field Test Studies (School Nutrition and Meal Cost Study-II, Outlying Areas Cost Study Feasibility Assessment). This burden is not included in the burden estimates for this collection.

Affected Public: State, Local, and Tribal Governments respondent groups include: (1) State Child Nutrition Agency directors; (2) State Education Agency finance officers; (3) school district superintendents; (4) SFA directors; (5) local educational agency business managers; (6) menu planners; (7) school nutrition managers (SNMs); (8) principals; and (9) school study liaisons appointed by principals. Private Sector For-Profit Business respondents include food service management company managers. Individual respondents include: (1) Students (first grade through high school) and (2) their parents/guardians.

Estimated Number of Respondents: A total of 12,979 members of the public will be initially contacted to participate in the study. This includes 4,954 from State, Local, and Tribal Governments, 25 from Private Sector For-Profit Businesses, and 8,000 Individuals. Initial contact will vary by type of respondent and may include study notification, recruiting, or data collection. FNS anticipates that approximately 12,904 of this sample will respond to initial contact and 75 will not respond. Some respondents who respond to the initial contact may subsequently become non-respondents to one or more components of the data collection. The number of unique respondents expected to provide data for the study is 7,886.

The Group 1 completed sample includes 125 SFAs but no schools. Group 1 SFA directors will participate in the SFA Director Survey.

The Group 2 completed sample comprises 125 SFAs, 250 schools, and 2,000 students and their parents/guardians. SFA and school staff will participate in the SFA Director and School Planning Interviews; SFA Director, SNM, and Principal Surveys; the Basic Menu Survey, A la Carte Foods Checklist, and Meal Pattern Crediting Report; and Cafeteria Observation Guide and Competitive Foods Checklists. Students and parents/guardians will complete the Student Interview, including height and weight measurement; 24-dietary recall; and Parent Interview.

The Group 3 completed sample includes 250 SFAs and 750 schools. SFA and school staff will participate in the SFA Director and School Planning Interviews; SFA Cost Interview and Food Cost Worksheet; SFA Follow-Up Web Survey and Cost Interview; SNM Cost Interview; Principal Cost Interview; SFA Director, SNM, and Principal Surveys; the Expanded Menu Survey, A la Carte Foods Checklist, and Meal Pattern Crediting Report; and Cafeteria Observation Guide and Competitive Foods Checklists. Forty State Education Agency finance officers will complete the State Agency Indirect Cost Survey. Plate waste will be observed for 3,900 reimbursable lunches and 2,000 reimbursable breakfasts at a subsample of 130 schools among this Group 3 sample.

In the outlying areas, following recruitment, SFA and school staff in 33 SFAs and 216 schools will complete the SFA Director and School Planning Interviews; SFA Cost Interview and

Food Cost Worksheet; SFA Follow-Up Web Survey and Cost Interview; SNM Cost Interview; Principal Cost Interview; and the Expanded Menu Survey. Up to 5 State Education Agency finance officers will complete the State Agency Indirect Cost Survey and the State Child Nutrition Agency directors in Hawaii and the U.S. Virgin Islands will complete the SFA Cost Interview and SFA Follow-Up Cost Interview to capture the State agencies' involvement in SFAs' food service operations.

Estimated Number of Responses per Respondent: All respondents will be asked to respond to each specific data collection activity only once. The overall average number of responses per respondent across the entire collection is 3.52.

Estimated Total Annual Responses: 45,653.

Estimated Time per Response: 33 minutes (0.55 hours). The estimated response varies from 1 minute to 10.25 hours, depending on the data collection activity and the respondent group, as shown in the table below.

Estimated Total Annual Burden on Respondents: 25,184 hours. This includes 24,950 hours for respondents and 234 hours for non-respondents. See the table below for each type of respondent.

Dated: June 20, 2018.

Brandon Lipps,

Administrator Food and Nutrition Service.

Affected public	Data collection activity	Respondents	Response					Non-Response					Grand total annual burden estimate (hours)
			Estimated number of respondents	Frequency of response	Total annual responses	Average burden hours per response	Total annual burden estimate (hours)	Estimated number of respondents	Frequency of response	Total annual responses	Average burden hours per response	Total annual burden estimate (hours)	
State	Study Notification and SFA Data Request Email (a)(b)(c).	State Child Nutrition Agency Directors (Groups 1, 2, 3, outlying areas).	54	1	54	0.40	21.60	0	0	0	0.00	0.00	21.60
State	Telephone Interview (SFA Cost Interview, provide financial records).	State Child Nutrition Agency Directors (outlying areas).	2	1	2	3.08	6.16	0	0	0	0.00	0.00	6.16
State	Telephone Interview (SFA Follow-Up Cost Interview, provide financial records).	State Child Nutrition Agency Directors (outlying areas).	2	1	2	2.00	4.00	0	0	0	0.00	0.00	4.00
State	Self-Administered Form (study letter, State Agency Indirect Cost Survey) (a)(b)(c).	State Education Agency Finance Officers (Group 3, outlying areas).	45	1	45	0.17	7.65	9	1	9	0.07	0.63	8.28
Local and Tribal	Recruitment (a)(c)	Superintendents (Groups 2, 3, outlying areas).	438	1	438	0.33	144.54	35	1	35	0.07	2.45	146.99
Local and Tribal	Study Notification (a)	SFA Directors (Groups 2, 3, outlying areas).	473	1	473	0.10	47.30	0	0	0	0.00	0.00	47.30
Local and Tribal	Recruitment (c)	SFA Directors (Groups 2, 3, outlying areas).	438	1	438	0.28	122.64	35	1	35	0.07	2.45	125.09
Local and Tribal	Telephone Survey (SFA Director Planning Interview, study confirmation).	SFA Directors (Groups 2, 3, outlying areas).	438	1	438	0.58	254.04	0	0	0	0.00	0.00	254.04
Local and Tribal	Web Survey Advance Letter (a)(c).	SFA Directors (Group 1)	139	1	139	0.05	6.95	0	0	0	0.00	0.00	6.95
Local and Tribal	Web Survey Invitation	SFA Directors (Groups 1, 2, 3).	555	1	555	0.02	11.10	0	0	0	0.00	0.00	11.10
Local and Tribal	Self-Administered Web Survey (SFA Director Survey) (b)(c).	SFA Directors (Group 1)	125	1	125	0.83	103.75	14	1	14	0.07	0.93	104.68
Local and Tribal	Self-Administered Web Survey (SFA Director Survey) (b)(c).	SFA Directors (Group 2)	125	1	125	0.83	103.75	14	1	14	0.07	0.93	104.68
Local and Tribal	Self-Administered Web Survey (SFA Director Survey) (b)(c).	SFA Directors (Group 3)	250	1	250	0.83	207.50	27	1	27	0.07	1.80	209.30
Local and Tribal	Web Survey Reminder	SFA Directors (Groups 1, 2, 3).	278	1	278	0.15	41.70	0	0	0	0.00	0.00	41.70
Local and Tribal	School Roster Request Email.	SFA Directors (Group 2)	98	1	98	1.00	98.00	32	1	32	0.07	2.24	100.24
Local and Tribal	On-Site Data Collection Logistics Email.	SFA Directors (Groups 2, 3).	390	1	390	0.05	19.50	0	0	0	0.00	0.00	19.50
Local and Tribal	In-person Interview (SFA Cost Interview, Food Cost Worksheet, provide records).	SFA Directors (Group 3)	250	1	250	3.25	812.50	14	1	14	0.14	1.96	814.46
Local and Tribal	Telephone Interview (SFA Cost Interview, Food Cost Worksheet, provide records) (b).	SFA Directors (outlying areas).	33	1	33	3.25	107.25	2	1	2	0.14	0.28	107.53
Local and Tribal	In-person or Telephone Interview (SFA Cost Interview, provide records) (a)(b)(c).	LEA Business Managers (Group 3, outlying areas).	283	1	283	3.08	871.64	16	1	16	0.07	1.12	872.76
Local and Tribal	Follow-Up Web Survey Invitation.	SFA Directors (Group 3, outlying areas).	283	1	283	0.05	14.15	0	0	0	0.00	0.00	14.15
Local and Tribal	Self-Administered Web Survey (SFA Follow-Up Web Survey) (c).	SFA Directors (Group 3, outlying areas).	269	1	269	0.50	134.50	14	1	14	0.07	0.93	135.43
Local and Tribal	Telephone Interview (SFA Follow-Up Cost Interview, provide financial records).	SFA Directors (Group 3, outlying areas).	269	1	269	2.00	538.00	14	1	14	0.07	0.93	538.93

Local and Tribal	Telephone Interview (SFA Follow-Up Cost Interview, provide financial records) (c).	LEA Business Managers (Group 3, outlying areas).	269	1	269	2.00	538.00	14	1	14	0.07	0.93	538.93
Local and Tribal	Self-Administered Web Survey (Meal Pattern Crediting Report) (a)(b)(c).	Menu Planners (Groups 2, 3).	375	1	375	1.50	562.50	15	1	15	0.07	1.05	563.55
Local and Tribal	Study Notification (a)	School Nutrition Managers (Groups 2, 3, outlying areas).	1,541	1	1,541	0.13	200.33	0	0	0	0.00	0.00	200.33
Local and Tribal	Self-Administered Web Survey (School Planning Interview) (c).	School Nutrition Managers (Group 3, outlying areas).	966	1	966	0.25	241.50	50	1	50	0.07	3.50	245.00
Local and Tribal	On-Site Data Collection Logistics Email.	School Nutrition Managers (Groups 2, 3).	1,040	1	1,040	0.05	52.00	0	0	0	0.00	0.00	52.00
Local and Tribal	Self-Administered Web Survey (Basic Menu Survey, A la Carte Foods Checklist, SNM Survey) (b)(c).	School Nutrition Managers (Group 2).	250	1	250	8.25	2,062.50	13	1	13	0.14	1.78	2,064.28
Local and Tribal	Self-Administered Web Survey (Expanded Menu Survey, A la Carte Foods Checklist, SNM Survey) (b)(c).	School Nutrition Managers (Group 3).	750	1	750	10.25	7,687.50	39	1	39	0.14	5.33	7,692.83
Local and Tribal	Self-Administered Web Survey (Expanded Menu Survey) (b)(c).	School Nutrition Managers (outlying areas).	216	1	216	8.34	1,801.44	11	1	11	0.07	0.75	1,802.19
Local and Tribal	In-person or Telephone Interview (SNM Cost Interview).	School Nutrition Managers (Group 3, outlying areas).	966	1	966	1.00	966.00	50	1	50	0.07	3.33	969.33
Local and Tribal	Interviewer-Completed Observation (Self-Serve/Made-to-Order Bar Form).	School Nutrition Managers (Group 3).	173	1	173	0.17	28.83	9	1	9	0.07	0.60	29.43
Local and Tribal	Interviewer-Completed Observation (Cafeteria Observation Guide).	School Nutrition Managers (Groups 2, 3).	1,000	1	1,000	0.08	83.00	0	0	0	0.00	0.00	83.00
Local and Tribal	Interviewer-Completed Observation (Point-of-Sale Form).	School Nutrition Managers (Group 2).	250	1	250	0.08	20.83	0	0	0	0.00	0.00	20.83
Local and Tribal	In-person Data Request (Reimbursable Meal Sale Data Request).	School Nutrition Managers (Group 2).	250	1	250	0.17	41.67	0	0	0	0.00	0.00	41.67
Local and Tribal	Interviewer-Completed Observation (Plate Waste Observation Booklet).	School Nutrition Managers (Group 3).	130	1	130	0.17	21.67	0	0	0	0.00	0.00	21.67
Local and Tribal	Study Notification and On-Site Data Collection Logistics Email (a).	Principals (Groups 2, 3)	1,040	1	1,040	0.18	187.20	0	0	0	0.00	0.00	187.20
Local and Tribal	Study Notification (a)	Principals (outlying areas).	227	1	227	0.13	29.51	0	0	0	0.00	0.00	29.51
Local and Tribal	Web Survey Invitation	Principals (Groups 2, 3)	1,000	1	1,000	0.02	20.00	0	0	0	0.00	0.00	20.00
Local and Tribal	Self-Administered Web Survey (Principal Survey) (b)(c).	Principals (Groups 2, 3)	900	1	900	0.50	450.00	100	1	100	0.07	6.67	456.67
Local and Tribal	Web Survey Reminder ...	Principals (Groups 2, 3)	500	1	500	0.15	75.00	0	0	0	0.00	0.00	75.00
Local and Tribal	In-person Interview (Principal Cost Interview).	Principals (Group 3)	750	1	750	0.75	562.50	39	1	39	0.07	2.60	565.10
Local and Tribal	Telephone Interview (Principal Cost Interview) (b)(c).	Principals (outlying areas).	216	1	216	0.75	162.00	11	1	11	0.07	0.73	162.73
Local and Tribal	Self-Administered Web Survey (School Planning Interview) (a)(b)(c).	School Liaisons (Group 2).	264	1	264	0.25	66.00	0	0	0	0.00	0.00	66.00
Local and Tribal	On-Site Data Collection Logistics Email.	School Liaisons (Group 2).	250	1	250	0.05	12.50	0	0	0	0.00	0.00	12.50
Local and Tribal	School Roster Request Email.	School Liaisons (Group 2).	70	1	70	1.00	70.00	0	0	0	0.00	0.00	70.00

Affected public	Data collection activity	Respondents	Response					Non-Response					Grand total annual burden estimate (hours)
			Estimated number of respondents	Frequency of response	Total annual responses	Average burden hours per response	Total annual burden estimate (hours)	Estimated number of respondents	Frequency of response	Total annual responses	Average burden hours per response	Total annual burden estimate (hours)	
Subtotal State, Local, and Tribal Governments.	.....	.....	4,879	.....	18,630	.....	19,620.70	75	.....	577	.....	43.94	19,664.64
Private Sector For-Profit.	Study Notification (a)	Food Service Management Company Manager (Groups 2, 3, outlying areas).	25	1	25	0.07	1.75	0	0	0	0.00	0.00	1.75
Private Sector For-Profit.	Recruitment (c)	Food Service Management Company Manager (Groups 2, 3, outlying areas).	24	1	24	0.25	6.00	1	1	1	0.07	0.07	6.07
Subtotal Private Sector For-Profit Businesses.	.....	.....	25	.....	49	.....	7.75	0	.....	1	.....	0.07	7.82
Individual	Study Notification (a)	Parents/Guardians (Group 2).	4,000	1	4,000	0.13	520.00	0	0	0	0.00	0.00	520.00
Individual	Study Consent Form (c)	Parents/Guardians (Group 2).	3,712	1	3,712	0.10	371.20	288	1	288	0.07	20.16	391.36
Individual	Survey Invitation	Parents/Guardians (Group 2).	2,222	1	2,222	0.02	44.44	0	0	0	0.00	0.00	44.44
Individual	Self-Administered Web Survey or Telephone Interview (Parent Interview) (b)(c).	Parents/Guardians (Group 2).	2,000	1	2,000	0.42	833.33	222	1	222	0.07	15.54	848.87
Individual	Self-Administered Form (dietary recall reminder, Food Diary, Day 1/Day 2).	Parents/Guardians (Group 2).	1,066	1	1,066	0.19	198.99	196	1	196	0.02	3.92	202.91
Individual	Telephone Interview (24-Hour Dietary Recall, Day 1).	Parents/Guardians (Group 2).	820	1	820	0.25	205.00	91	1	91	0.07	6.37	211.37
Individual	Telephone Interview (24-Hour Dietary Recall, Day 2) (c).	Parents/Guardians (Group 2).	246	1	246	0.75	184.50	105	1	105	0.07	7.00	191.50
Individual	Study Assent Form (a) ...	Students (Group 2)	4,000	1	4,000	0.05	200.00	0	0	0	0.00	0.00	200.00
Individual	Study Reminder, Day 1	Students (Group 2)	2,857	1	2,857	0.02	57.14	0	0	0	0.00	0.00	57.14
Individual	In-person Interview (Student Interview, 24-Hour Dietary Recall, Day 1) (b)(c).	Students (Group 2)	2,000	1	2,000	1.12	2,240.00	857	1	857	0.14	119.98	2,359.98
Individual	Study Reminder, Day 2	Students (Group 2)	857	1	857	0.02	17.14	0	0	0	0.00	0.00	17.14
Individual	Telephone Interview (24-Hour Dietary Recall, Day 2) (c).	Students (Group 2)	600	1	600	0.75	450.00	257	1	257	0.07	17.13	467.13
Subtotal Individuals.	.....	.....	8,000	.....	24,380	.....	5,321.74	0	.....	2,016	.....	190.10	5,511.84
Grand Total	.....	12,904	.....	43,059	0.58	24,950.19	75	.....	.....	2,594	0.09	234.11	25,184.30

[FR Doc. 2018–13827 Filed 6–26–18; 8:45 am]
BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Revision of the Land Management Plans for the Malheur, Umatilla, and Wallowa-Whitman National Forests in Oregon, Washington, and Idaho States

AGENCY: USDA Forest Service.

ACTION: Notice of the opportunity to object to the Revised Land Management Plans for the Malheur, Umatilla, and Wallowa-Whitman National Forests.

SUMMARY: The USDA Forest Service has prepared Revised Land Management Plans (Forest Plans) for the Malheur, Umatilla, and Wallowa-Whitman National Forests (also termed the Blue Mountains Forests). The Forest Service has also prepared a single Final Environmental Impact Statement (FEIS) and a combined Draft Record of Decision. This notice is to inform the public that a 60-day objections period is being initiated for individuals or entities who have submitted substantive formal comments related to the revision of the Malheur, Umatilla, and Wallowa-Whitman Forest Plans during the opportunities for public comment provided during the planning process for that decision. Objections must be based on previously submitted substantive formal comments attributed to the objector unless the objection concerns an issue that arose after the opportunities for formal comment.

DATES: The Revised Malheur, Umatilla, and Wallowa-Whitman Forest Plans, FEIS, Draft Record of Decision, and other supporting documentation are available on the following web page: *http://www.fs.usda.gov/goto/BlueMountainsPlanRevision.*

A legal notice of the initiation of the 60-day objection period is being published in *The Oregonian,* which is the newspaper of record for Regional Forester decisions in the Pacific Northwest Region of the Forest Service. The 60-day objection period will begin the day following the date of the publication of the legal notice in *The Oregonian.* A copy of the legal notice will be posted on web page listed above.

ADDRESSES: Electronic objections must be submitted to the Objection Reviewing Officer via email to *objections-chief@fs.fed.us,* with a subject line stating: ''Objection regarding the Revised Blue Mountains Forest Plans.'' Electronic submissions must be submitted in a format (Word, PDF, or Rich Text) that is readable and searchable with optical character recognition software.

Faxed objections must be sent and addressed to ''Chris French, Objection Reviewing Officer'' at (202) 649–1172 and must include a subject line stating: ''Objection regarding the Revised Blue Mountains Forest Plans.'' The fax coversheet should specify the number of pages being submitted.

Hardcopy objections may be submitted by regular mail, private carrier, or hand delivery to the following address: USDA Forest Service, Attn: Chris French, Objection Reviewing Officer, 1400 Independence Ave. SW, EMC–PEEARS, Mailstop 1104, Washington, DC 20250. Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding Federal holidays. Hardcopy submissions must include a subject line on page one stating: ''Objection regarding the Revised Blue Mountains Forest Plans.''

Individuals who need to use telecommunication devices for the deaf (TDD) to transmit objections may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Team Leader, Peter Fargo, 1550 Dewey Ave., Suite A, Baker City, OR 97814, (541) 523–1231.

SUPPLEMENTARY INFORMATION: The decision to approve the Revised Malheur, Umatilla, and Wallowa-Whitman Forest Plans will be subject to the objection process identified in 36 CFR part 219 subpart B (219.50 to 219.62). Individuals and entities who have submitted substantive formal comments related to the revision of the Malheur, Umatilla, and Wallowa-Whitman Forest Plans during the opportunities for public comment, as provided in 36 CFR part 219 subpart A, during the planning process for that decision may file an objection. Objections must be based on previously submitted substantive formal comments attributed to the objector unless the objection concerns an issue that arose after the opportunities for formal comment. The burden is on the objector to demonstrate compliance with requirements for objection. All objections must be filed, in writing, with the reviewing officer for the Revised Malheur, Umatilla, and Wallowa-Whitman Forest Plans. Objections received in response to this solicitation, including names and addresses of those who object, will be considered part of the public record on these proposed actions and will be available for public inspection. At a minimum, an objection must include the following (36 CFR 219.54(c)):

(1) The objector's name and address along with a telephone number or email address if available. In cases where no identifiable name is attached to an objection, the Forest Service will attempt to verify the identity of the objector to confirm objection eligibility;

(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);

(3) Identification of the lead objector, when multiple names are listed on an objection. The Forest Service will communicate to all parties to an objection through the lead objector. Verification of the identity of the lead objector must also be provided if requested;

(4) The name of the Plan Revision(s) being objected to, and the name and title of the responsible official;

(5) A statement of the issues and/or parts of the Plan Revision(s) to which the objection applies;

(6) A concise statement explaining the objection and suggesting how the proposed plan decision may be improved. If the objector believes that the plan revision is inconsistent with law, regulation, or policy, an explanation should be included;

(7) A statement that demonstrates the link between the objector's prior substantive formal comments and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment; and

(8) All documents referenced in the objection (a bibliography is not sufficient), except that the following need not be provided:

a. All or any part of a Federal law or regulation,

b. Forest Service Directive System documents and land management Plans or other published Forest Service documents,

c. Documents referenced by the Forest Service in the planning documentation related to the proposal subject to objection, and

d. Formal comments previously provided to the Forest Service by the objector during the plan revision comment period.

Prior to the issuance of the reviewing officer's written response, either the reviewing officer or the objector may request to meet to discuss issues raised in the objection. Interested persons who wish to participate in meetings to discuss issues raised by objectors must have previously submitted substantive formal comments related to the objection issues. Interested persons

must file a request to participate as an interested person within 10 days after legal notice of objections received has been published. Requests must be sent to the same email or address identified for filing objections, above, and the interested person must identify the specific issues they have interest in discussing. During the objection meeting, interested persons will be able to participate in discussions related to issues on the agenda that they have listed in their request to be an interested person.

Responsible Official

The Regional Forester for the Pacific Northwest Region (1220 SW 3rd Avenue, Portland, OR 97204, (503) 808–2200) is the responsible official who will approve the final Records of Decision for the Revised Malheur, Umatilla, and Wallowa-Whitman Forest Plans.

Reviewing Officer

The Associate Deputy Chief for the National Forest System is the delegated reviewing officer for the Chief of the Forest Service (36 CFR 219.56(e)(2)).

Dated: May 30, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–13792 Filed 6–26–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for the Rural Business Development Grant Program To Provide Technical Assistance for Rural Transportation Systems

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: This notice is to invite applications for grants to provide Technical Assistance for Rural Transportation (RT) systems under the Rural Business Development Grant (RBDG) to provide Technical Assistance for RT systems and for RT systems to Federally Recognized Native American Tribes' (FRNAT) (collectively ''Programs'') and the terms provided in such funding. Successful applications will be selected by the Agency for funding and subsequently awarded from funds appropriated for the RBDG program.

DATES: See under **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Submit applications in paper format to the USDA Rural Development State Office for the State where the Project is located. A list of the USDA Rural Development State Office contacts can be found at: *http://www.rd.usda.gov/contact-us/state-offices*.

FOR FURTHER INFORMATION CONTACT: Cindy Mason at (202) 690–1433, *cindy.mason@wdc.usda.gov,* and Sami Zarour at (202) 720–9549, *sami.zarour@wdc.usda.gov,* Specialty Programs Division, Business Programs, Rural Business-Cooperative Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, MS 3226, Room 4204–South, Washington, DC 20250–3226, or call 202–720–1400. For further information on this notice, please contact the USDA Rural Development State Office in the State in which the applicant's headquarters is located.

SUPPLEMENTARY INFORMATION:

Preface

The Agency encourages applications that will support recommendations made in the Rural Prosperity Task Force report to help improve life in rural America. *www.usda.gov/ruralprosperity*. Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. Key strategies include:

- Achieving e-Connectivity for Rural America
- Developing the Rural Economy
- Harnessing Technological Innovation
- Supporting a Rural Workforce
- Improving Quality of Life

All applicants are responsible for any expenses incurred in developing their applications.

Overview

Solicitation Opportunity Title: Rural Business Development Grants.

Announcement Type: Initial Announcement.

Catalog of Federal Domestic Assistance Number: 10.351.

Dates: Completed applications must be received in the USDA Rural Development State Office no later than 4:30 p.m. (local time) on September 25, 2018, to be eligible for FY 2018 grant funding. Applications received after this date will not be eligible for FY 2018 grant funding.

A. Program Description

1. *Purpose of the Program.* The purpose of this program is to improve the economic conditions of Rural Areas.

2. *Statutory Authority.* This program is authorized under section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)). Regulations are contained in 7 CFR part 4280, subpart E. The program is administered on behalf of Rural Business-Cooperative Service (RBS) at the State level by the USDA Rural Development State Offices. Assistance provided to Rural Areas under the program has historically included the provision of on-site Technical Assistance to local and regional governments, public transit agencies, and related nonprofit and for-profit organizations in Rural Areas; the development of training materials; and the provision of necessary training assistance to local officials and agencies in Rural Areas.

Awards under the RBDG passenger transportation program will be made on a competitive basis using specific selection criteria contained in 7 CFR part 4280, subpart E, and in accordance with section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)). Information required to be in the application package includes Standard Form (SF) 424, ''Application for Federal Assistance;'' environmental documentation in accordance with 7 CFR part 1970, ''Environmental Policies and Procedures;'' Scope of Work Narrative; Income Statement; Balance Sheet or Audit for previous 3 years; AD–1047, ''Debarment/Suspension Certification;'' AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion;'' AD–1049, ''Certification Regarding Drug-Free Workplace Requirements;'' SF LLL, ''Disclosure of Lobbying Activities;'' RD 400–1, ''Equal Opportunity Agreement;'' RD 400–4, ''Assurance Agreement;'' and a letter providing Board authorization to obtain assistance. For the FRNAT grant, which must benefit FRNATs, at least 75 percent of the benefits of the Project must be received by members of FRNATs. The Project that scores the greatest number of points based on the RBDG selection criteria and the discretionary points will be selected for each grant.

For the funding for Technical Assistance for RT systems, applicants must be qualified national organizations with experience in providing Technical Assistance and training to rural communities nationwide for the purpose of improving passenger

transportation service or facilities. To be considered ''national,'' RBS requires a qualified organization to provide evidence that it can operate RT assistance programming nation-wide. An entity can qualify if they can work in partnership with other entities to fulfill the national requirement as long as the applicant will have ultimate control of the grant administration. For the funding for RT systems to FRNATs, an entity can qualify if they can work in partnership with other entities to support all federally recognized tribes in all states, as long as the applicant will have ultimate control of the grant administration. There is not a requirement to use the grant funds in a multi-State area. Grants will be made to qualified national organizations for the provision of Technical Assistance and training to Rural communities for the purpose of improving passenger transportation services or facilities.

3. *Definition of Terms.* The definitions applicable to this notice are published at 7 CFR 4280.403.

4. *Application Awards.* The Agency will review, evaluate, and score applications received in response to this notice based on the provisions in 7 CFR 4280, subpart E and as indicated in this notice. However, the Agency advises all interested parties that the applicant bears the burden in preparing and submitting an application in response to this notice.

B. Federal Award Information

Type of Award: Grants.

Fiscal Year Funds: FY 2018.

Available Funds: Anyone interested in submitting an application for funding under this program is encouraged to consult the Rural Development Web Newsroom website at *http://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas* for funding information.

Approximate Number of Awards: To be determined based on the number of qualified applications received. Historically two awards have been made.

Expected Amounts of Individual Awards and Amount of Funding per Federal Award: $500,000 and $250,000 depending on the number of applicants.

Maximum Awards: A total of $500,000 will be awarded for technical assistance for rural transportation systems and a maximum of $250,000 for FRNATs.

Award Date: Prior to September 30, 2018.

Performance Period: October 1, 2018, through September 30, 2019.

Renewal or Supplemental Awards: None.

C. Eligibility Information

1. *Eligible Applicants.*

To be considered eligible, an entity must be a qualified national organization serving Rural Areas as evidenced in its organizational documents and demonstrated experience, per 7 CFR part 4280, subpart E. Grants will be competitively awarded to qualified national organizations.

The Agency requires the following information to make an eligibility determination that an applicant is a national organization. These applications must include, but are not limited to, the following:

(a) An original and one copy of SF 424, ''Application for Federal Assistance (for non-construction);''

(b) Copies of applicant's organizational documents showing the applicant's legal existence and authority to perform the activities under the grant;

(c) A proposed scope of work, including a description of the proposed Project, details of the proposed activities to be accomplished and timeframes for completion of each task, the number of months for the duration of the Project, and the estimated time it will take from grant approval to beginning of Project implementation;

(d) A written narrative that includes, at a minimum, the following items:

(i) An explanation of why the Project is needed, the benefits of the proposed Project, and how the Project meets the grant eligible purposes;

(ii) Area to be served, identifying each governmental unit, *i.e.,* tribe, town, county, etc., to be affected by the Project;

(iii) Description of how the Project will coordinate Economic Development activities with other Economic Development activities within the Project area;

(iv) Businesses to be assisted, if appropriate, and economic development to be accomplished;

(v) An explanation of how the proposed Project will result in newly created, increased, or supported jobs in the area and the number of projected new and supported jobs within the next 3 years;

(vi) A description of the applicant's demonstrated capability and experience in providing the proposed Project assistance, including experience of key staff members and persons who will be providing the proposed Project activities and managing the Project;

(vii) The method and rationale used to select the areas and businesses that will receive the service;

(viii) A brief description of how the work will be performed, including whether organizational staff or consultants or contractors will be used; and

(ix) Other information the Agency may request to assist it in making a grant award determination.

(e) The latest 3 years of financial information to show the applicant's financial capacity to carry out the proposed work. If the applicant is less than 3 years old, at a minimum, the information should include all balance sheet(s), income statement(s), and cash flow statement(s). A current audited report is required if available;

(f) Documentation regarding the availability and amount of other funds to be used in conjunction with the funds from RBDG;

(g) A budget which includes salaries, fringe benefits, consultant costs, indirect costs, and other appropriate direct costs for the Project.

2. *Cost Sharing or Matching.* Matching funds are not required.

3. *Other.*

Applications will only be accepted from qualified national organizations to provide Technical Assistance for RT. There are no ''responsiveness,'' or ''threshold'' eligibility criteria for these grants. There is no limit on the number of applications an applicant may submit under this announcement. In addition to the forms listed under program description, Form AD–3030 ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' must be completed in the affirmative.

None of the funds made available may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

None of the funds made available may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the

preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

4. *Completeness Eligibility.*

Applications will not be considered for funding if they do not provide sufficient information to determine eligibility or are missing required elements.

D. Application and Submission Information

1. *Address to Request Application Package.*

For further information, entities wishing to apply for assistance should contact the USDA Rural Development State Office provided in the **ADDRESSES** section of this notice to obtain copies of the application package.

Prior to official submission of grant applications, applicants may request technical assistance or other application guidance from the Agency, as long as such requests are made prior to August 16, 2018. Technical assistance is not meant to be an analysis or assessment of the quality of the materials submitted, a substitute for agency review of completed applications, nor a determination of eligibility, if such determination requires in-depth analysis. The Agency will not solicit or consider scoring or eligibility information that is submitted after the application deadline. The Agency reserves the right to contact applicants to seek clarification information on materials contained in the submitted application.

Applications must be submitted in paper format. Applications submitted to a USDA Rural Development State Office must be received by the closing date and local time.

2. *Content and Form of Application Submission.*

An application must contain all of the required elements. Each application received in a USDA Rural Development State Office will be reviewed to determine if it is consistent with the eligible purposes contained in section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)). Each selection priority criterion outlined in 7 CFR 4280.435 must be addressed in the application. Failure to address any of the criterion will result in a zero-point score for that criterion and will impact the overall evaluation of the application. Copies of 7 CFR part 4280, subpart E, will be provided to any interested applicant making a request to a USDA Rural Development State Office.

All Projects to receive Technical Assistance through these passenger transportation grant funds are to be identified when the applications are submitted to the USDA Rural Development State Office. Multiple Project applications must identify each individual Project, indicate the amount of funding requested for each individual Project, and address the criteria as stated above for each individual Project.

For multiple-Project applications, the average of the individual Project scores will be the score for that application.

The applicant documentation and forms needed for a complete application are located in the Program Description section of this notice, and 7 CFR part 4280, subpart E.

(a) There are no specific formats, specific limitations on number of pages, font size and type face, margins, paper size, number of copies, and the sequence or assembly requirements.

(b) The component pieces of this application should contain original signatures on the original application.

(c) Since these grants are for Technical Assistance for transportation purposes, no additional information requirements other than those described in this notice and 7 CFR part 4280, subpart E are required.

3. *Unique entity identifier and System for Award Management.*

All applicants must have a Dun and Bradstreet Data Universal Numbering System (DUNS) number which can be obtained at no cost via a toll-free request line at (866) 705–5711 or at *http://fedgov.dnb.com/webform.* Each applicant (unless the applicant is an individual or Federal awarding agency that is excepted from the requirements under 2 CFR 25.110(b) or (c) or has an exception approved by the Federal awarding agency under 2 CFR 25.110(d) is required to: (i) Be registered in the System for Award Management (SAM) before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The Federal awarding agency may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

4. *Submission Dates and Times.*

(a) Application Deadline Date: No later than 4:30 p.m. (local time) on September 25, 2018.

Explanation of Deadlines: Applications must be in the USDA Rural Development State Office by the local deadline date and time as indicated above. If the due date falls on a Saturday, Sunday, or Federal holiday, the application is due the next business day.

(b) The deadline date means that the completed application package must be received in the USDA Rural Development State Office by the deadline date established above. All application documents identified in this notice are required.

(c) If complete applications are not received by the deadline established above, the application will neither be reviewed nor considered under any circumstances.

(d) The Agency will determine the application receipt date based on the actual date postmarked.

(e) This notice is for RT Technical Assistance grants only and therefore, intergovernmental reviews are not required.

(f) These grants are for RT Technical Assistance grants only, no construction or equipment purchases are permitted. If the grantee has a previously approved indirect cost rate, it is permissible, otherwise, the applicant may elect to charge the 10 percent indirect cost permitted under 2 CFR 200.414(f) or request a determination of its Indirect Cost Rate. Due to the time required to evaluate Indirect Cost Rates, it is likely that all funds will be awarded by the time the Indirect Cost Rate is determined. No foreign travel is permitted. Pre-Federal award costs will only be permitted with prior written approval by the Agency.

(g) Applicants must submit applications in hard copy format as previously indicated in the Application and Submission Information section of this notice. If the applicant wishes to hand deliver its application, the addresses for these deliveries can be located in the **ADDRESSES** section of this notice.

(h) If you require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

E. Application Review Information

1. *Criteria.*

All eligible and complete applications will be evaluated and scored based on the selection criteria and weights contained in 7 CFR 4280.435 and will select grantees subject to the grantees' satisfactory submission of the additional items required by 7 CFR part 4280, subpart E and the USDA Rural Development Letter of Conditions. Failure to address any one of the criteria in 7 CFR 4280.435 by the application deadline will result in the application being determined ineligible, and the application will not be considered for funding. The amount of an RT grant may be adjusted, at the Agency's discretion, to enable the Agency to award RT grants to the applications with the highest priority scores in each category.

2. *Review and Selection Process.*

The State Offices will review applications to determine if they are eligible for assistance based on requirements contained in 7 CFR 4280.416 and 4280.417. If determined eligible, your application will be submitted to the National Office. Funding of Projects is subject to the applicant's satisfactory submission of the additional items required by that subpart and the USDA Rural Development Letter of Conditions. The Agency reserves the right to award additional discretionary points under 7 CFR 4280.435(k).

In awarding discretionary points, the Agency scoring criteria regularly assigns points to applications that direct loans or grants to Projects based in or serving census tracts with poverty rates greater than or equal to 20 percent. This emphasis will support Rural Development's mission of improving the quality of life for Rural Americans and commitment to directing resources to those who most need them.

F. Federal Award Administration Information

1. *Federal Award Notices.*

Successful applicants will receive notification for funding from their USDA Rural Development State Office. Applicants must comply with all applicable statutes and regulations before the grant award will be approved. Unsuccessful applications will receive notification by mail.

2. *Administrative and National Policy Requirements.*

Additional requirements that apply to grantees selected for this program can be found in 7 CFR 4280.408, 4280.410, and 4280.439. Awards are subject to USDA Departmental Grant Regulations at 2 CFR Chapter IV which incorporates the new Office of Management and Budget (OMB) regulations at 2 CFR part 200.

All successful applicants will be notified by letter, which will include a Letter of Conditions, and a Letter of Intent to Meet Conditions. This letter is not an authorization to begin performance. If the applicant wishes to consider beginning performance prior to the grant being officially closed, all pre-award costs must be approved in writing and in advance by the Agency. The grant will be considered officially awarded when all conditions in the Letter of Conditions have been met and the Agency obligates the funding for the Project.

Additional requirements that apply to grantees selected for this program can be found in 7 CFR part 4280, subpart E; the Grants and Agreements regulations of the U.S. Department of Agriculture codified in 2 CFR Chapter IV, and successor regulations.

In addition, all recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)).

The following additional requirements apply to grantees selected for this program:

(a) Form RD 4280–2 ''Rural Business-Cooperative Service Financial Assistance Agreement.''

(b) Letter of Conditions.

(c) Form RD 1940–1, ''Request for Obligation of Funds.''

(d) Form RD 1942–46, ''Letter of Intent to Meet Conditions.''

(e) Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters–Primary Covered Transactions.''

(f) Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion–Lower Tier Covered Transactions.''

(g) Form AD–1049, ''Certification Regarding a Drug-Free Workplace Requirement (Grants).''

(h) Form AD–3030, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.'' Must be signed by corporate applicants who receive an award under this notice.

(i) Form RD 400–4, ''Assurance Agreement.'' Each prospective recipient must sign Form RD 400–4, Assurance Agreement, which assures USDA that the recipient is in compliance with Title VI of the Civil Rights Act of 1964, 7 CFR part 15, and other Agency regulations. That no person will be discriminated against based on race, color or national origin, in regard to any program or activity for which the recipient receives Federal financial assistance. That nondiscrimination statements are in advertisements and brochures.

Collect and maintain data provided by recipients on race, sex, and national origin and ensure recipients collect and maintain this data. Race and ethnicity data will be collected in accordance with OMB **Federal Register** notice, ''Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity,'' (62 FR 58782), October 30, 1997. Sex data will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency.

The applicant and the ultimate recipient must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, Executive Order 12250, Executive Order 13166 Limited English Proficiency (LEP), and 7 CFR part 1901, subpart E.

(j) SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.

(k) Form SF 270, ''Request for Advance or Reimbursement.''

3. *Reporting.*

(a) A Financial Status Report and a Project performance activity report will be required of all grantees on a quarterly basis until initial funds are expended and yearly thereafter, if applicable, based on the Federal fiscal year. The grantee will complete the Project within the total time available to it in accordance with the Scope of Work and any necessary modifications thereof prepared by the grantee and approved by the Agency. A final Project performance report will be required with the final Financial Status Report. The final report may serve as the last quarterly report. The final report must provide complete information regarding the jobs created and supported as a result of the grant if applicable. Grantees must continuously monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. Grantees must submit an original of each report to the Agency no later than 30 days after the end of the quarter. The Project performance reports must include, but not be limited to, the following:

(1) A comparison of actual accomplishments to the objectives established for that period;

(2) Problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall Project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular Project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation;

(3) Objectives and timetable established for the next reporting period;

(4) Any special reporting requirements, such as jobs supported and created, businesses assisted, or Economic Development which results in improvements in median household incomes, and any other specific requirements, should be placed in the reporting section in the Letter of Conditions; and

(5) Within 90 days after the conclusion of the Project, the grantee will provide a final Project evaluation report. The last quarterly payment will be withheld until the final report is received and approved by the Agency. Even though the grantee may request reimbursement on a monthly basis, the last 3 months of reimbursements will be withheld until a final Project, Project performance, and financial status report are received and approved by the Agency.

G. Federal Awarding Agency Contact(s)

For general questions about this announcement, please contact your USDA Rural Development State Office provided in the **ADDRESSES** section of this notice.

H. Civil Rights Requirements

All grants made under this notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973, Title VIII of the Civil Rights Act of 1968, Title IX, Executive Order 13166 (Limited English Proficiency), Executive Order 11246, and the Equal Credit Opportunity Act of 1974.

I. Other Information

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirement contained in this notice is approved by OMB under OMB Control Number 0570–0070.

Federal Funding Accountability and Transparency Act

All applicants, in accordance with 2 CFR part 25, must have a DUNS number, which can be obtained at no cost via a toll-free request line at (866) 705–5711 or online at *http://fedgov.dnb.com/webform.* Similarly, all applicants must be registered in SAM prior to submitting an application. Applicants may register for the SAM at *http://www.sam.gov.* All recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive total compensation in accordance with 2 CFR part 170.

Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD 3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Dated: June 20, 2018.

Bette B. Brand,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2018–13752 Filed 6–26–18; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Solicitation of Applications for Section 514 Farm Labor Housing Loans and Section 516 Farm Labor Housing Grants for Off-Farm Housing for Fiscal Year 2018

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Housing Service (RHS) announces the timeframe to submit pre-applications for Section 514 Farm Labor Housing (FLH) loans and Section 516 FLH grants for the construction of new off-farm FLH units and related facilities for domestic farm laborers and for the purchase and substantial rehabilitation of non-FLH property. The intended purpose of the loans and grants are to increase the number of available housing units for domestic farm laborers. This Notice describes the method used to distribute funds, the application process, and submission requirements.

The Agency will publish the amount of funding received from the Consolidated Appropriations Act, 2018 (Pub. L. 115–141, March 23, 2018) on its website at: *https://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas.* Expenses incurred in developing applications will be at the applicant's risk.

Pursuant to section 759 of the Consolidated Appropriations Act, 2018 (Pub. L. 115–141, March 23, 2018), the Agency will set aside 10 percent of the FLH funds for project proposals in persistent poverty counties. The Agency will also assign additional points to pre-applications for projects based in or serving census tracts with poverty rates equal to or greater than 20 percent over the last 30 years. This emphasis will support Rural Development's mission of improving the quality of life for rural Americans and commitment to directing resources to those who most need them.

DATES: The deadline for receipt of all applications in response to this Notice is 5:00 p.m., local time to the appropriate Rural Development State

Office on August 27, 2018. Rural Development will not consider any application that is received after the deadline unless the date and time is extended by another Notice published in the **Federal Register**. Applicants mailing applications must provide sufficient time to permit delivery on or before the deadline. Acceptance by a post office or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

ADDRESSES: Applicants wishing to submit an application in response to this Notice must contact the Rural Development State Office serving the State of the proposed off-farm FLH project in order to receive further information and copies of the application package. You may find the addresses and contact information for each State Office at, *http://www.rd.usda.gov/contact-us/state-offices.* Rural Development will date and time stamp incoming applications to evidence timely receipt and; upon request, will provide the applicant with a written acknowledgment of receipt.

FOR FURTHER INFORMATION CONTACT: Mirna Reyes-Bible, Senior Finance and Loan Analyst, Preservation and Direct Loan Division, STOP 0781 (Room 1263–S), USDA Rural Development, 1400 Independence Avenue SW, Washington, DC 20250–0781, telephone: (202) 720–1753 (this is not a toll free number), or via email: *mirna.reyesbible@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Preface

The Agency encourages applications that will support recommendations made in the Rural Prosperity Task Force report to help improve life in rural America at: *www.usda.gov/ruralprosperity.* Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. Key strategies include:

- Achieving e-Connectivity for Rural America
- Developing the Rural Economy
- Harnessing Technological Innovation
- Supporting a Rural Workforce
- Improving Quality of Life

Overview

Federal Agency: Rural Housing Service.

Funding Opportunity Title: Notice of Solicitation Applications for Section 514 Farm Labor Housing Loans and Section 516 Farm Labor Housing Grants for Off-Farm Housing for Fiscal Year 2018.

Announcement Type: Solicitation of pre-applications from qualified applicants for FY 2018.

Catalog of Federal Domestic Assistance Numbers (CFDA): 10.405 and 10.427.

A. Federal Award Description

Pre-applications will only be accepted through the date and time listed in this Notice. All awards are subject to availability of funding. Individual requests may not exceed $3 million (total loan and grant). A State Office may not receive more than 30 percent of FLH funding available in FY 2018.

If there are insufficient applications from around the country to exhaust the Section 514 and Section 516 funds available, the Agency may then exceed the 30 percent cap per State. Section 516 off-farm FLH grants may not exceed 90 percent of the total development cost (TDC) of the housing as defined in 7 CFR 3560.11.

If leveraged funds are going to be used and are in the form of tax credits, the applicant must include in its pre-application written evidence that a tax credit application has been submitted and accepted by the Housing Finance Agency (HFA). All applications that receive any leveraged funds must have firm commitments in place within 12 months of the issuance of a ''Notice of Pre-Application Review Action,'' Handbook Letter 106 (3560). Applicants without written evidence that a tax credit application has been submitted and accepted by HFA must certify in writing they will apply for tax credits to HFA and obtain a firm commitment within 12 months of the issuance of a ''Notice of Pre-Application Review Action.''

Rental Assistance (RA) and operating assistance will be available for new construction in FY 2018. Operating assistance is explained at 7 CFR 3560.574 and may be used in lieu of tenant-specific RA in off-farm FLH projects that serve migrant farm workers as defined in 7 CFR 3560.11, that are financed under Section 514 or Section 516 (h) of the Housing Act of 1949, as amended (42 U.S.C. 1484 and 1486(h) respectively), and otherwise meet the requirements of 7 CFR 3560.574.

In order to maximize the use of our limited supply of FLH funds, we may contact eligible Notice of Solicitation Applications (NOSA) responses selected for an award in point score order starting with the higher scores, with proposals to modify the transaction's proportions of grant and loan funds. In addition, if funds remain after the highest scoring eligible NOSA responses are selected for awards, we may contact those eligible responses not selected for awards, in point score order starting with the highest scores, to ascertain whether those respondents will accept those remaining funds.

B. Eligibility Information

1. Eligibility

Housing Eligibility—housing that is constructed with FLH loans and/or grants must meet Rural Development's design and construction standards contained in 7 CFR part 1924, subparts A and C. Once constructed, off-farm FLH must be managed in accordance with 7 CFR part 3560. In addition, off-farm FLH must be operated on a non-profit basis and tenancy must be open to all qualified domestic farm laborers, regardless at which farm they work. Section 514(f)(3) of the Housing Act of 1949, as amended (42 U.S.C. 1484(f)(3)) defines domestic farm laborers to include any person regardless of the person's source of employment, who receives a substantial portion of his/her income from the primary production of agricultural or aqua cultural commodities in the unprocessed or processed stage, and also includes the person's family.

Tenant Eligibility—tenant eligibility is limited to persons who meet the definition of a ''disabled domestic farm laborer,'' or a ''domestic farm laborer,'' or ''retired domestic farm laborer,'' as defined in Section 514(f)(3) of the Housing Act of 1949, as further amended through the Consolidated Appropriations Act, 2018. See 42 U.S.C. 1484(f)(3).

Applicant Eligibility—

(a) To be eligible to receive a Section 516 grant for off-farm FLH, the applicant must be a broad-based non-profit organization, including community and Faith-Based organizations, a non-profit organization of farm workers, a Federally recognized Indian tribe, an agency or political subdivision of a State or local Government, or a public agency (such as a housing authority). The applicant must be able to contribute at least one-tenth of the TDC from non-Rural Development resources which can include leveraged funds.

(b) To be eligible to receive a Section 514 loan for off-farm FLH, the applicant must be a broad-based non-profit organization, including community and Faith-Based organizations, a non-profit organization of farm workers, a Federally recognized Indian tribe, an agency or political subdivision of a State or local Government, a public agency

(such as a housing authority), or a limited partnership which has a non-profit entity as its general partner, and

(i) Be unable to provide the necessary housing from its own resources;

(ii) Except for State or local public agencies and Indian tribes, be unable to obtain similar credit elsewhere at rates that would allow for rents within the payment ability of eligible residents.

(iii) Broad-based non-profit organizations must have a membership that reflects a variety of interests in the area where the housing will be located.

2. *Cost Sharing or Matching*—Section 516 grants for off-farm FLH may not exceed 90 percent of the TDC as provided in 7 CFR 3560.562(c)(1).

3. *Other Requirements*—the following requirements apply to loans and grants made in response to this Notice:

(a) 7 CFR part 1901, subpart E, regarding equal opportunity requirements;

(b) For grants only, 2 CFR parts 200 and 400, which establishes the uniform administrative and audit requirements for grants and cooperative agreements to State and local Governments and to non-profit organizations;

(c) 7 CFR part 1901, subpart F, regarding historical and archaeological properties;

(d) 7 CFR part 1970, regarding environmental review and documentation requirements;

(e) 7 CFR part 3560, subpart L, regarding the loan and grant authorities of the off-farm FLH program;

(f) 7 CFR part 1924, subpart A, regarding planning and performing construction and other development;

(g) 7 CFR part 1924, subpart C, regarding the planning and performing of site development work;

(h) For construction financed with a Section 516 grant, the provisions of the Davis-Bacon Act (40 U.S.C. 276(a)–276(a)–5) and implementing regulations published at 29 CFR parts 1, 3, and 5;

(i) All other requirements contained in 7 CFR part 3560, regarding the Sections 514/516 off-farm FLH programs; and

(j) Please note that grant applicants must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and maintain registration in the Central Contractor Registration (CCR) prior to submitting a pre-application pursuant to 2 CFR 25.200(b). In addition, an entity applicant must maintain registration in the CCR database at all times during which it has an active Federal award or an application or plan under consideration by the Agency. Similarly, all recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive compensation in accordance with 2 CFR part 170. So long as an entity applicant does not have an exception under 2 CFR 170.110(b), the applicant must have the necessary processes and systems in place to comply with the reporting requirements should the applicant receive funding. See 2 CFR 170.200(b).

C. Application and Submission Information

1. Pre-Application Submission

The application process will be in two phases: The initial pre-application (or proposal) and the submission of a final application. Only those pre-applications or proposals that are selected for further processing will be invited to submit final applications. In the event that a proposal is selected for further processing and the applicant declines, the next highest ranked unfunded pre-application may be selected for further processing. All pre-applications for Sections 514 and 516 funds must be filed with the appropriate Rural Development State Office and must meet the requirements of this Notice. Incomplete pre-applications will not be reviewed and will be returned to the applicant. No pre-application will be accepted after the deadline unless date and time are extended by another Notice published in the **Federal Register**.

Pre-applications can be submitted either electronically using the FLH Pre-Application form found at: *http://www.rd.usda.gov/programs-services/farm-labor-housing-direct-loans-grants* or in hard copy *to the appropriate Rural Development Office where the project will be located. Follow the link to find the appropriate Rural Development State Office address for requesting and submitting a pre-application* at: *https://www.rd.usda.gov/about-rd/offices/state-offices.* Applicants are strongly encouraged; but not required, to submit the pre-application electronically. The electronic form contains a button labeled ''Send Form.'' By clicking on the button, the applicant will see an email message window with an attachment that includes the electronic form the applicant filled out as a data file with a .pdf extension. In addition, an auto-reply acknowledgement will be sent to the applicant when the electronic Loan Proposal form is received by the Agency unless the sender has software that will block the receipt of the auto-reply email. The State Office will record pre-applications received electronically by the actual date and time when all attachments are received at the State Office.

Submission of the electronic Section 514 Loan Proposal form *does not* constitute submission of the entire proposal package which requires additional forms and supporting documentation as listed within this Notice. You may use one of the following options for submitting the entire proposal package comprising of all required forms and documents. On the Loan Proposal form you can indicate the option you will be using to submit each required form and document.

(a) Electronic Media Option. Submit all forms and documents as read-only Adobe Acrobat files on electronic media such as CDs, DVDs or USB drives. For each electronic device submitted, the applicant should include a Table of Contents of all documents and forms on that device. The electronic media should be submitted to the Rural Development State Office listed in this Notice where the property is located. Any forms and documents that are not sent electronically, including the check for credit reports, must be mailed to the Rural Development State Office.

(b) Email Option. On the Loan Proposal form you will be asked for a submission email address. This email address will be used to establish a folder on the U.S. Department of Agriculture (USDA) server with your unique email address. Once the Loan Proposal form is processed, you will receive an additional email notifying you of the email address that you can use to email your forms and documents. *Please Note:* All forms and documents must be emailed from the same submission email address. This will ensure that all forms and documents you send will be stored in the folder assigned to that email address. Any forms and documents that are not sent via the email option must be submitted on an electronic media or in hard copy to the Rural Development State Office.

(c) Hard Copy Submission to the Rural Development State Office. If you are unable to send the proposal package electronically using either of the options listed above, you may send a hard copy of all forms and documents to the Rural Development State Office where the property is located. Hard copy pre-applications received on or before the deadline will receive the close of business time of the day received as the receipt time. Assistance for filing electronic and hard copy pre-applications can be obtained from any Rural Development State Office.

For electronic submissions, there is a time delay between the time it is sent and the time it is received depending on network traffic. As a result, last-minute submissions sent before the deadline

date and time could be received after the deadline date and time because of the increased network traffic. Applicants are reminded that all submissions received after the deadline date and time will be rejected, regardless of when they were sent.

If a pre-application is accepted for further processing, the applicant must submit a complete, final application, acceptable to Rural Development prior to the obligation of Rural Development funds. If the pre-application is not accepted for further processing the applicant will be notified of appeal rights under 7 CFR part 11.

2. Pre-Application Requirements

(a) The pre-application must contain the following:

(1) A summary page listing the following items. This information should be double-spaced between items and not be in narrative form.

i. Applicant's name.

ii. Applicant's Taxpayer Identification Number.

iii. Applicant's address.

iv. Applicant's telephone number.

v. Name of applicant's contact person, telephone number, and address.

vi. Amount of loan and/or grant requested.

vii. For grants of Federal financial assistance (including loans and grants, cooperative agreements, etc.), the applicant's DUNS number and registration in the CCR database in accordance with 2 CFR part 25. As required by OMB, all grant applicants must provide a DUNS number when applying for Federal grants, on or after October 1, 2003. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free number at (866) 705–5711 or via the internet at: *http://www.dnb.com/*. Additional information concerning this requirement can be obtained on the *Grants.gov* website at *www.grants.gov*. Similarly, applicants may register for the CCR at: *https://www.uscontractorregistration.com/* or by calling (877) 252–2700.

(2) Awards made under this Notice are subject to the provisions contained in Consolidated Appropriations Act, 2018 (Pub. L. 115–141, March 23, 2018) sections 745 and 746 regarding corporate felony convictions and corporate Federal tax delinquencies.

(3) A narrative verifying the applicant's ability to meet the eligibility requirements stated earlier in this Notice. If an applicant is selected for further processing, Rural Development will require additional documentation as set forth in a Conditional Commitment in order to verify the entity has the legal and financial capability to carry out the obligation of the loan.

(4) Standard Form 424, ''Application for Federal Assistance,'' can be obtained at: *http://www.grants.gov* or from any Rural Development State Office listed in Section VII of this Notice.

(5) For loan pre-applications, current (within 6 months of pre-application date) financial statements with the following paragraph certified by the applicant's designated and legally authorized signer:

''I/we certify the above is a true and accurate reflection of our financial condition as of the date stated herein. This statement is given for the purpose of inducing the United States of America to make a loan or to enable the United States of America to make a determination of continued eligibility of the applicant for a loan as requested in the loan application of which this statement is a part.''

(6) For loan pre-applications, a check for $24 from applicants made out to the U.S. Department of Agriculture. This will be used to pay for credit reports obtained by Rural Development.

(7) Evidence that the applicant is unable to obtain credit from other sources. Letters from credit institutions which normally provide real estate loans in the area should be obtained and these letters should indicate the rates and terms upon which a loan might be provided. (Note: Not required from State or local public agencies or Indian tribes.)

(8) If an FLH grant is desired, a statement concerning the need for an FLH grant. The statement should include preliminary estimates of the rents required with and without a grant.

(9) A statement of the applicant's experience in operating labor housing or other rental housing. If the applicant's experience is limited, additional information should be provided to indicate how the applicant plans to compensate for this limited experience (*i.e.,* obtaining assistance and advice of a management firm, non-profit group, public agency, or other organization which is experienced in rental management and will be available on a continuous basis).

(10) A brief statement explaining the applicant's proposed method of operation and management (*i.e.,* on-site manager, contract for management services, etc.). As stated earlier in this Notice, the housing must be managed in accordance with the program's management regulation, 7 CFR part 3560.

(11) Provide your entity's projected Return on Investment (ROI) for the requested funds to demonstrate the effectiveness and efficiency of your proposal. Please include the methodology and assumptions you used in the ROI calculation. Also include a detailed examination of outputs and outcomes.

(12) Applicants must also provide:

(i) A copy of, or an accurate citation to, the special provisions of State or Tribal law under which they are organized, a copy of the applicant's charter, Articles of Incorporation, and by-laws;

(ii) The names, occupations, and addresses of the applicant's members, directors, and officers; and

(iii) If a member or subsidiary of another organization, the organization's name, address, and nature of business.

(13) A preliminary market survey or market study to identify the supply and demand for farm labor housing in the market area. The market area must be clearly identified and may include only the area from which tenants can reasonably be drawn for the proposed project. Documentation must be provided to justify a need within the intended market area for the housing of domestic farm laborers. The documentation must take into account disabled and retired farm workers. The preliminary survey should address or include the following items:

(i) The annual income level of farmworker families in the area and the probable income of the farm workers who will likely occupy the proposed housing;

(ii) A realistic estimate of the number of farm workers who remain in the area where they harvest and the number of farm workers who normally migrate into the area. Information on migratory workers should indicate the average number of months the migrants reside in the area and an indication of what type of family groups are represented by the migrants (*i.e.,* single individuals as opposed to families);

(iii) General information concerning the type of labor intensive crops grown in the area and prospects for continued demand for farm laborers;

(iv) The overall occupancy rate for comparable rental units in the area and the rents charged and customary rental practices for these units (*i.e.,* will they rent to large families, do they require annual leases, etc.);

(v) The number, condition, adequacy, rental rates and ownership of units currently used or available to farm workers;

(vi) A description of the units proposed, including the number, type, size, rental rates, amenities such as carpets and drapes, related facilities

such as a laundry room or community room and other facilities providing supportive services in connection with the housing and the needs of the prospective tenants such as a health clinic or day care facility, estimated development timeline, estimated TDC, and applicant contribution; and

(vii) The applicant must also identify all other sources of funds, including the dollar amount, source, and commitment status. (Note: A Section 516 grant may not exceed 90 percent of the TDC of the housing.)

(14) The applicant must submit a checklist, certification, and signed affidavit by the project architect or engineer, as applicable, for any energy programs the applicant intends to participate in.

(15) The following forms are required:

(i) A prepared HUD Form 935.2A, ''Affirmative Fair Housing Marketing Plan (AFHM) Multi-Family Housing,'' in accordance with 7 CFR 1901.203(c). The plan will reflect that occupancy is open to all qualified ''domestic farm laborers,'' regardless of which farming operation they work and that they will not discriminate on the basis of race, color, sex, age, disability, marital or familial status or National origin in regard to the occupancy or use of the units. The form can be found at: *http://portal.hud.gov/hudportal/documents/huddoc?id=935-2a.PDF*.

(ii) A proposed operating budget utilizing Form RD 3560–7, ''*Multiple Family Housing Project Budget/Utility Allowance,*'' can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD3560-7.PDF*.

(iii) An estimate of development cost utilizing Form RD 1924–13, ''*Estimate and Certificate of Actual Cost,*'' can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD1924-13.PDF*.

(iv) Form RD 3560–30, ''*Certification of no Identity of Interest (IOI),*'' can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD3560-30.PDF* and Form RD 3560–31, ''*Identity of Interest Disclosure/Qualification Certification,*'' can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD3560-31.PDF*.

(v) Form HUD 2530, ''Previous Participation Certification,'' can be found at: *http://portal.hud.gov/hudportal/documents/huddoc?id=2530.pdf*.

(vi) If requesting RA or Operating Assistance, Form RD 3560–25, ''*Initial Request for Rental Assistance or Operating Assistance,*'' can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD3560-25.PDF*.

(vii) Form RD 400–4, ''*Assurance Agreement,*'' can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD400-4.PDF*. Applicants for revitalization, repair, and rehabilitation funding are to apply through the Multifamily Preservation and Revitalization (MPR) Demonstration program.

(viii) Evidence of compliance with Executive Order 12372. The applicant must send a copy of Form SF–424, ''Application for Federal Assistance,'' to the applicant's State clearinghouse for intergovernmental review. If the applicant is located in a State that does not have a clearinghouse, the applicant is not required to submit the form. Applications from Federally recognized Indian tribes are not subject to this requirement.

(16) Evidence of site control, such as an option contract or sales contract. In addition, a map and description of the proposed site, including the availability of water, sewer, and utilities and the proximity to community facilities and services such as shopping, schools, transportation, doctors, dentists, and hospitals.

(17) Preliminary plans and specifications, including plot plans, building layouts, and type of construction and materials. The housing must meet Rural Development's design and construction standards contained in 7 CFR part 1924, subparts A and C and must also meet all applicable Federal, State, and local accessibility standards.

(18) A supportive services plan, which describes services that will be provided on-site or made available to tenants through cooperative agreements with service providers in the community, such as a health clinic or day care facility. Off-site services must be accessible and affordable to farm workers and their families. Letters of intent from service providers are acceptable documentation at the pre-application stage.

(19) A Sources and Uses Statement which shows all sources of funding included in the proposed project. The terms and schedules of all sources included in the project should be included in the Sources and Uses Statement.

(20) A separate one-page information sheet listing each of the ''Pre-Application Scoring Criteria,'' contained in this Notice, followed by a reference to the page numbers of all relevant material and documentation that is contained in the proposal that supports the criteria.

(21) Applicants are encouraged, but not required, to include a checklist of all of the pre-application requirements and to have their pre-application indexed and tabbed to facilitate the review process;

(22) Evidence of compliance with the requirements of the applicable State Housing Preservation Office (SHPO), and/or Tribal Historic Preservation Officer (THPO). A letter from SHPO and/or THPO where the off-farm FLH project is located, signed by their designee will serve as evidence of compliance.

(23) Environmental information pursuant to the requirements in 7 CFR 1970.

D. Pre-Application Review Information

1. *Selection Criteria.* Section 514 FLH loan funds and Section 516 FLH grant funds will be distributed to States based on a national competition, as follows:

(a) Rural Development State Office will accept, review, and score pre-applications in accordance with this Notice. The scoring factors are:

(1) The presence of construction cost savings, including donated land and construction leverage assistance, for the units that will serve program-eligible tenants. The savings will be calculated as a percentage of the Rural Development TDC. The percentage calculation excludes any costs prohibited by Rural Development as loan expenses, such as a developer's fee. Construction cost savings includes, but is not limited to, funds for hard construction costs, and State or Federal funds which are applicable to construction costs. A minimum of 10 percent cost savings is required to earn points; however, if the total percentage of cost savings is less than 10 percent and the proposal includes donated land, 2 points will be awarded for the donated land. To count as cost savings for purposes of the selection criteria, the applicant must submit written evidence from the third-party funder that an application for those funds has been submitted and accepted points will be awarded in accordance with the following table using rounding to the nearest whole number.

Percentage	Points
75 or more	20
60–74	18
50–59	16
40–49	12
30–39	10
20–29	8
10–19	5
0–9	0

(2) The presence of operational cost savings, such as tax abatements, non-Rural Development tenant subsidies or donated services are calculated on a per-unit cost savings for the sum of the savings. Savings must be available for at least 5 years and documentation must be provided with the application demonstrating the availability of savings for 5 years. To calculate the savings, take the total amount of savings and divide it by the number of units in the project that will benefit from the savings to obtain the per-unit cost savings. For non-Rural Development tenant subsidy, if the value changes during the 5-year calculation, the applicant must use the lower of the non-Rural Development tenant subsidy to calculate per-unit cost savings. For example, a 10-unit property with 100 percent designated farm labor housing units receiving $20,000 per year non-Rural Development subsidy yields a cost savings of $100,000 ($20,000 × 5 years); resulting to a $10,000 per-unit cost savings ($100,000/10 units).

Use the following table to apply points:

Per-unit cost savings	Points
Above $15,000	50
$10,001—$15,000	35
$7,501—$10,000	20
$5,001—$7,500	15
$3,501—$5,000	10
$2,001—$3,500	5
$1,000—$2,000	2

(3) 10 points will be awarded to projects in persistent poverty counties. A county is considered persistently poor if 20 percent or more of its population was living in poverty over the last 30 years (measured by the 1990, 2000 and 2010 decennial censuses and 2007–2011 American Community Survey 5-year estimates).

(4) Presence of tenant services.

Two points will be awarded for each resident service included in the tenant services plan up to a maximum of 10 points. Plans must detail how the services are to be administered, who will administer them, and where they will be administered. All tenant service plans must include letters of intent that clearly state the service that will be provided at the project for the benefit of the residents from any party administering each service, including the applicant. These services may include, but are not limited to, transportation related services, on-site English as a Second Language (ESL) classes, move-in funds, emergency assistance funds, homeownership counseling, food pantries, after school tutoring, and computer learning centers.

(5) Energy Initiative Scoring Points (the aggregate points for all the Energy Initiative categories may not exceed 20 points).

Properties may receive points for energy initiatives in the categories of energy conservation, energy generation, water conservation and green property management. Depending on the scope of work (SOW), properties may earn ''energy initiative'' points in either one of two categories: (1) New Construction or (2) Purchase and Rehabilitation of an Existing Non-Farm Labor Housing Building. Projects will be eligible for one category of the two, but not both.

Energy programs including LEED for Homes, Green Communities, etc., will each have an initial checklist indicating prerequisites for participation in its energy program. The applicable energy program checklist will establish whether prerequisites for the energy program's participation will be met. All checklists must be accompanied by a signed affidavit by the project architect or engineer stating that the goals are achievable and the project has been enrolled in these programs if enrollment is applicable to that program. In addition, projects that apply for points under the energy generation category must include calculations of savings of energy. Compare property energy usage of three scenarios: (1) Property built to required code of State with no renewables, to (2) property as-designed with commitments to stated energy conservation programs without the use of renewables and (3) property as-designed with commitments to stated energy conservation programs and the use of proposed renewables. Use local average metrics for weather and utility costs and detail savings in kilowatts and dollars. Provide payback calculations. These calculations must be done by a licensed engineer or credentialed renewable energy provider. Include with application, the provider/engineer's credentials including qualifications, recommendations, and proof of previous work. The checklist, affidavit, calculations and qualifications of engineer/energy provider must be submitted together with the loan application.

Enrollment in the EPA Portfolio Manager Program. All projects awarded scoring points for energy initiatives must enroll the project in the EPA Portfolio Manager Program to track post-construction energy consumption data. More information about this program may be found at: *http://www.energystar.gov/buildings/facility-owners-and-managers/existing-buildings/use-portfolio-manager*.

(ii) Energy Conservation for New Construction or Purchase and Rehabilitation of an Existing Non-Farm Labor Housing Building. Projects may be eligible for scoring points when the pre-application includes a written certification by the applicant to participate and achieve certification in the following energy efficiency programs. The points will be allocated as follows:

• Participation in the EPA's Energy Star for Homes V3 program. (2 points) *http://www.energystar.gov/index.cfm?c=bldrs_lenders_raters.pt_bldr*.

OR

• Participation in the Green Communities program by the Enterprise Community Partners. (4 points) *http://www.enterprisecommunity.com/solutions-and-innovation/enterprise-green-communities*.

OR

• Participation in one of the following programs will be awarded points for certification.

Note: Each program has four levels of certification. State the level of certification that the applicant plans will achieve in their certification:

• LEED for Homes program by the United States Green Building Council (USGBC): *http://www.usgbc.org*.

—Certified Level (2 points), OR
—Silver Level (4 points), OR
—Gold Level (6 points), OR
—Platinum Level (8 points)

Applicant must state the level of certification that the applicant's plans will achieve in their certification in its pre-application.

OR

• Home Innovation's and The National Association of Home Builders (NAHB) ICC 700 National Green Building Standard TM: *http://www.nahb.org/*.

—Green-Bronze Level (2 points), OR
—Silver Level (4 points), OR
—Gold Level (6 points), OR
—Emerald Level (8 points).

Applicant must state the level of certification that the applicant's plans will achieve in their certification in its pre-application.

AND

• Participation in the Department of Energy's Zero Energy Ready program. (2 points) *http://www.energy.gov/eere/buildings/zero-energy-ready-home*.

AND

• Participation in local green/energy efficient building standards. Applicants who participate in a city, county, or municipality program (2 points).

(iii) Energy Conservation for Rehabilitation. Pre-applications for the purchase and rehabilitation of non-program MFH and related facilities in rural areas may be eligible for scoring points when the pre-application includes a written certification by the applicant to participate in one of the following energy efficiency programs. Again, the certification must be accompanied by a signed affidavit by the project architect or engineer stating that the goals are achievable. Points will be awarded as follows:

• Participation in the Green Communities program by the Enterprise Community Partners (3 points) *http://www.enterprisecommunity.com/solutions-and-innovation/enterprise-green-communities.* At least 30 percent of the points needed to qualify for the Green Communities program must be earned under the Energy Efficiency section of Green Communities.

AND

• Participation in local green/energy efficient building standards. Applicants who participate in a city, county or municipality program (2 points). The applicant should be aware of and look for additional requirements that are sometimes embedded in the third-party program's rating and verification systems.

(iv) Energy Generation. Pre-applications for new construction or purchase and rehabilitation of non-program multi-family projects which participate in the above-mentioned programs and receive scoring points for installation of on-site renewable energy sources. Energy analysis of preliminary building plans using industry-recognized simulation software must document the projected total energy consumption of all of the building components and building site usage. Projects with an energy analysis of the preliminary or rehabilitation building plans that propose a 10 percent to 100 percent energy generation commitment (where generation is considered to be the total amount of energy needed to be generated on-site to make the building a net-zero consumer of energy) will be awarded points as follows:

- 0 to 9 percent commitment to energy generation—0 points
- 10 to 20 percent commitment to energy generation—1 point
- 21 to 40 percent commitment to energy generation—2 points
- 41 to 60 percent commitment to energy generation—3 points
- 61 to 80 percent commitment to energy generation—4 points
- 81–100 percent or more commitment to energy generation—5 points

Projects may participate in Power Purchase Agreements or Solar Leases to achieve their on-site renewable energy generation goals provided that the financial obligations of the lease/purchase agreements are clearly documented and included in the application, and qualifying ratios continue to be achieved.

An additional 1 point will be awarded for off-grid systems, or elements of systems, provided that at least 5 percent of on-site renewable system is off-grid. See *www.dsireusa.org* for State and local specific incentives and regulations of energy initiatives.

(v) Water Conservation in Irrigation Measures. Projects may be awarded 1 point for the use of an engineered recycled water (gray water or storm water) for landscape irrigation covering 50 percent or more of the property's site landscaping needs.

(vi) Property Management Credentials. Projects may be awarded 1 point if the designated property management company or individuals that will assume maintenance and operations responsibilities upon completion of construction work have a Credential for Green Property Management. Credentialing can be obtained from the National Apartment Association (NAA), National Affordable Housing Management Association, The Institute for Real Estate Management, U.S. Green Building Council's Leadership in Energy and Environmental Design for Operations and Maintenance (LEED OM), or another source with a certifiable credentialing program. Credentialing must be illustrated in the resume(s) of the property management team and included with the pre-application.

The National Office will rank all pre-applications nationwide and distribute funds to States in rank order, within funding and RA limits. When proposals have an equal score, preference will be given first to Indian tribes as defined in § 3560.11 and then local non-profit organizations or public bodies whose principal purposes include low-income housing that meet the conditions of § 3560.55(c) and the following conditions:

• Is exempt from Federal income taxes under section 501(c)(3) or 501(c)(4) of the Internal Revenue Service code;

• Is not wholly or partially owned or controlled by a for-profit or limited-profit type entity;

• Whose members, or the entity, do not share an identity of interest with a for-profit or limited-profit type entity;

• Is not co-venturing with another entity; and

• The entity or its members will not be receiving any direct or indirect benefits pursuant to Low Income Housing Tax Credits.

If there are two or more applications that have the same score and both cannot be funded, a lottery in accordance with 7 CFR 3560.56(c)(2) will be used to break the tie. If insufficient funds or RA remain for the next ranked proposal, that applicant will be given a chance to modify their pre-application to bring it within remaining funding levels. This will be repeated for each next ranked eligible proposal until an award can be made or the list is exhausted.

Rural Development will notify all applicants whether their applications have been accepted or rejected and provide appeal rights under 7 CFR part 11, as appropriate.

E. Federal Award Administration Information

1. Federal Award Notices

Applicants must submit their initial applications by the due date specified in this Notice. Once the applications have been scored and ranked by the National Office, the National Office will advise State Offices of the proposals selected for further processing, State Offices will respond to applicants by letter.

If the application is not accepted for further processing, the applicant will be notified of appeal rights under 7 CFR part 11.

2. Administrative and National Policy

All FLH loans and grants are subject to the Restrictive-Use Provisions contained in 7 CFR 3560.72(a)(2).

3. Reporting

Borrowers must maintain separate financial records for the operation and maintenance of the project and for tenant services. Tenant services will not be funded by Rural Development. Funds allocated to the operation and maintenance of the project may not be used to supplement the cost of tenant services, nor may tenant service funds be used to supplement the project operation and maintenance. Detailed financial reports regarding tenant services will not be required unless specifically requested by Rural Development, and then only to the extent necessary for Rural Development and the borrower to discuss the affordability (and competitiveness) of the service provided to the tenant. The project audit, or verification of accounts on Form RD 3560–10, ''*Borrower Balance Sheet,*'' together with an accompanying Form RD 3560–7,

''*Multiple Family Housing Project Budget Utility Allowance,*'' must allocate revenue and expense between project operations and the service component.

F. Equal Opportunity and Non-Discrimination Requirements

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program. Political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at: *http://www.ascr.usda.gov/complaint_filing_cust.html,* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of a complaint form, call, (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email at: program.intake@usda.gov*.

USDA is an equal opportunity provider, employer, and lender.

Dated: June 21, 2018.

Joel C. Baxley,

Administrator, Rural Housing Service.

[FR Doc. 2018–13761 Filed 6–26–18; 8:45 am]

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DEPARTMENT OF COMMERCE

[Docket Number USBC–2018–0011]

Request for Comments on the Cross-Agency Priority Goal: Leveraging Data as a Strategic Asset

AGENCY: Department of Commerce.

ACTION: Notice and request for comments.

SUMMARY: In March 2018, the Trump Administration launched the President's Management Agenda (PMA). It lays out a long-term vision for modernizing the Federal Government in key areas that will improve the ability of agencies to deliver mission outcomes, provide excellent service, and effectively steward taxpayer dollars on behalf of the American people. The PMA established a Cross-Agency Priority (CAP) goal of *Leveraging Data as a Strategic Asset* with an intended purpose of guiding development of a comprehensive long-term Federal Data Strategy to grow the economy, increase the effectiveness of the Federal Government, facilitate oversight, and promote transparency (*https://www.performance.gov/CAP/CAP_goal_2.html*). This notice seeks comment on best strategies and processes for achieving this CAP goal.

In addition to this request, two additional future requests for comment in September and December will inform draft federal data practices and a year-1 action plan.

DATES: Comments on this notice must be received by July 27, 2018.

ADDRESSES: Submit comments through the Federal eRulemaking Portal. We will not accept comments by fax or paper delivery. Include the Docket ID and the phrase ''Leveraging Data as a Strategic Asset Phase 1 Comments'' at the beginning of your comments. Also indicate which questions described in the **SUPPLEMENTARY INFORMATION** of this notice are addressed in your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically under Docket ID USBC–2018–0011. Information on using *regulations.gov,* including instructions for accessing documents, submitting comments, and viewing the docket, is available on the site under ''How to Use This Site.''
- *Privacy Note:* Comments and information submitted in response to this notice may be made available to the public through relevant websites. Therefore, commenters should only include in their comments information that they wish to make publicly available on the internet. Note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public.

FOR FURTHER INFORMATION CONTACT: William Hawk, Economist, U.S. Department of Commerce, *whawk@doc.gov* or (202) 482–2134.

SUPPLEMENTARY INFORMATION:

Purpose

The Under Secretary for Economic Affairs, performing the nonexclusive duties and functions of the Deputy Secretary of the U.S. Department of Commerce, along with the Federal Chief Information Officer, the Chief Statistician of the United States, and executives from the U.S. Small Business Administration and the White House Office of Science and Technology Policy, is charged with developing a comprehensive Federal Data Strategy under the PMA CAP goal of *Leveraging Data as a Strategic Asset.* Under this goal, the Federal Government should leverage programmatic, statistical, and mission-support data as a strategic asset to grow the economy, increase the effectiveness of the Federal Government, facilitate oversight, and promote transparency. The Federal Government's role in collecting and disseminating data is rooted in the U.S. Constitution. Advances in data science have transformed the production and use of data across society, business, and government. The Federal Government needs a robust, integrated approach to creating, acquiring, using, and disseminating data to deliver on mission, serve customers, and steward resources while respecting privacy and confidentiality. Over the next year, an interdisciplinary team from multiple federal agencies will develop work products, including principles, practices, and action steps for a unified approach to federal data stewardship and use, and will test potential plans as part of *The Data Incubator Project* (described below). Stakeholder engagement is critical to developing a data strategy that is viable and sustainable. This **Federal Register** notice is the first of three notices and requests for comment to seek public input on the strategy and process. This notice seeks comments on a four-part strategy to:

1. Manage government data as a strategic asset;

2. enable the American public, businesses, and researchers to effectively and efficiently access and use data;

3. improve the use of data for federal decision-making and accountability, including for policy-making, innovation, oversight, and learning; and

4. facilitate the use of federal data by interested parties to enhance the accessibility and usefulness of that data through commercial ventures, or innovation, or for additional public uses.

Request for Comments

This is a general solicitation of comments from the public that offers businesses, academic institutions, non-profit organizations, government entities, and other interested parties the opportunity to offer best practices and use cases to support the Federal Data Strategy. Comments also are sought on draft Principles for a Comprehensive Federal Data Strategy. Finally, commenters are invited to list additional mechanisms that the Federal Government should use to seek interested parties' input on the data strategy. It is for information-gathering and fact-finding purposes only, and should not be construed as a request for proposals or as an obligation on the part of the U.S. Department of Commerce or federal agencies to agree with submitted comments or to incorporate recommendations identified in public comments regarding specific work products.

The U.S. Department of Commerce requests that respondents briefly address the following questions, where possible and applicable. Respondents are encouraged to focus on questions informed by relevant expertise or perspectives. Clearly indicate which question(s) you address in your response and any evidence to support assertions, where practicable.

Best Practices Related to the Four Pillars of the Federal Data Strategy

1. Enterprise Data Governance. Briefly describe which best practices the Federal Government should consider as it sets priorities for managing government data as a strategic asset, including establishing data policies, specifying roles and responsibilities for data privacy, security, and confidentiality protection, and monitoring compliance with standards and policies throughout the information lifecycle.

2. Access, Use, and Augmentation. List a few best practices that the Federal Government should consider as it develops policies and practices to enable interested parties to effectively and efficiently access and use data assets by: (1) Making data available more quickly and in more useful formats; (2) maximizing the amount of non-sensitive data shared with the public; and (3) leveraging new technologies and best practices to increase access to sensitive or restricted data while protecting privacy, security, and confidentiality, and the interests of data providers.

3. Decision-Making and Accountability. Which best practices should the Federal Government consider to improve the use of data assets for decision-making and accountability? Specifically, list best practices for:

- Providing high quality and timely information to inform decision-making and learning;
- facilitating external research on the effectiveness of government programs and policies which will inform future policymaking; and
- fostering public accountability and transparency by providing accurate and timely spending information, performance metrics, and other administrative data.

4. Commercialization, Innovation, and Public Use. Outline best practices that the Federal Government should consider to facilitate the use of Federal Government data interested parties to enhance the accessibility and usefulness of the data through commercial ventures, or innovation, or for additional public uses. Of particular interest are examples of how the Federal Government can promote data use by the private sector and scientific and research communities, by state and local governments for public policy purposes, for education, and in enabling civic engagement. Please include up to four examples of:

- How enabling external users to access and use government data for commercial or additional public purposes spurs innovative technological solutions and fills gaps in government capacity and knowledge; and
- how supporting the production and dissemination of comprehensive, accurate, and objective statistics on the state of the nation helps businesses and markets operate more efficiently.

Interim Work Products

5. Principles. The interagency team on *Leveraging Data as a Strategic Asset* has written a draft set of principles for a comprehensive data strategy. Please review and provide feedback on their clarity, appropriateness, completeness, and potential duplications.

Leveraging Data as a Strategic Asset: Principles for a Comprehensive Federal Data Strategy

The following broad principles are intended to guide the development of a comprehensive data strategy that encompasses the breadth of data the Federal Government acquires, uses, and disseminates for program, statistical, and mission-support purposes. These principles include concepts reflected in existing principles, such as those for the protection of personal information, for federal statistical agencies, and for federal evidence building. The principles will inform the development of practices and action steps for the Federal Data Strategy throughout the data lifecycle.

Stewardship

1. *Exercise Responsibility:* Practice effective data stewardship and governance by maintaining modern data security practices, protecting individual privacy, and maintaining promised confidentiality.

2. *Uphold Ethics:* Consider, monitor, and assess the implications of federal data practices for the public and provide sufficient checks and balances to protect and serve the public interest.

3. *Promote Transparency:* Articulate purposes for acquiring, using, and disseminating data and comprehensively document processes and products to inform data users.

Quality

4. *Integrate Intentionality:* Create, acquire, use, and disseminate data deliberately and thoughtfully, considering quality, consistency, privacy, value, reuse, and interoperability from the start.

5. *Ensure Relevance:* Validate that data are high quality, useful, understandable, timely, and needed.

6. *Create Value:* Coordinate and prioritize data needs and uses, harness data from multiple sources, and acquire new data only when necessary.

Continuous Improvement

7. *Demonstrate Responsiveness:* Improve data sharing and access with ongoing input from users and other stakeholders.

8. *Prioritize Best Practices:* Model, assess, and continuously update best practices throughout the data lifecycle.

9. *Invest in Learning:* Promote a culture of continuous and collaborative learning with data and about data.

10. *Practice Accountability:* Audit data practices, document and learn from results, and make changes as needed based on findings.

Sources for Development of Above Principles

European Statistical System Code of Practice (*http://ec.europa.eu/eurostat/web/quality/european-statistics-code-of-practice*); Fair Information Practice Principles as cited in (*https://cep.gov/cep-final-report.html*); First Principles of Project Management, (*http://www.maxwideman.com/papers/principles/defns.htm*); Guiding Principles for Evidence-Based Policymaking (*https://cep.gov/cep-final-report.html*); Key Principles of Government Information from the American Library Association, (*http://www.ala.org/advocacy/govinfo/keyprinciples*); OMB Statistical Standards (*https://www.whitehouse.gov/omb/information-regulatory-affairs/statistical-programs-standards/*); Principles and Practices for a Federal Statistical Agency, Sixth Edition, (*https://www.nap.edu/read/24810/chapter/1*).

6. Call for Use Cases. What Use Cases should the Federal Government consider in developing the Federal Data Strategy?

Federal Data Strategy: Call for Use Cases

To solve the most pressing issues facing the nation, we must leverage data as a strategic asset. The United States Federal Data Strategy seeks to replicate, scale, and prioritize key data use cases to serve the public.

What is a Use Case?

For the purposes of the Federal Data Strategy, a ''Use Case'' is a data practice or method that leverages data to support an articulable Federal agency mission or public interest outcome. The Federal Data Strategy is seeking best practices, missed opportunities, common solutions, and game changers that can help inform the four strategy areas:

1. Enterprise Data Governance. What data governance and stewardship practices should the Federal Government be employing and why?

2. Use, Access, and Augmentation. What data interoperability techniques or coordination tactics would better serve agency missions and the public?

3. Decision-making and Accountability. How can the Federal Government better assist policy-makers with data?

4. Commercialization, Innovation, and Public Use. What data solutions could address a pervasive problem in government service delivery or the public sphere?

Example Use Case Submissions

- Economic Development—State and local authorities increasingly need detailed local information about their economies to make informed decisions. The US Census Bureau's Longitudinal Employer-Household Dynamics (LEHD) program (*https://lehd.ces.census.gov/*) produces new, cost effective, public-use information combining federal, state and Census Bureau data on employers and employees under the Local Employment Dynamics (LED) Partnership (*https://lehd.ces.census.gov/state_partners/*).
- National Security—Preventing and minimizing adverse effects of cyber-attacks is imperative to national security in the 21st century. National Institute of Standards and Technology's National Vulnerability Database (*https://nvd.nist.gov/*) and the Homeland Security Systems Engineering and Development Institute's Common Vulnerabilities and Exposure (*https://cve.mitre.org/*) list enable automation of vulnerability management, security measurement, and compliance.
- Education—Students seek colleges that give them the best return on their investment. The College Scorecard (*https://collegescorecard.ed.gov/*) provides up-to-date, comprehensive, and reliable information about college costs, student loan amounts, student ability to repay loans, and their expected earnings.
- Public Safety—Emergency responders rely on up-to-date addresses for timely response. The Federal Geospatial Data Committee (*https://www.fgdc.gov/topics/national-address-database*) recognizes the need for a free, open, and up-to-date National Address Database (NAD) (*https://www.transportation.gov/nad*) to serve these critical needs as well as a broad range of government services such as mail delivery, permitting, and school siting. Based on a minimum content approach, the Department of Transportation and the US Census Bureau's NAD pilot collected and standardized addresses from 22 state partners.
- Health—Local communities and health professionals reacting to the opioid crisis require timely data to assess impact and deliver effective interventions. The Department of Health and Human Services' *5 Point Strategy to Combat the Opioids Crisis* includes Point 2, Better Data (*https://www.hhs.gov/opioids/about-the-epidemic/hhs-response/better-data/index.html*)—supporting more timely, specific public health data and reporting, and accelerating the Center for Disease Control's reporting of drug overdose data.

Why does the Federal Data Strategy need Use Cases?

While many high-level civic data challenges have been identified—archaic data management practices and IT legacy systems, issues with data sharing and interoperability, and a lack of secondary use considerations—the Federal Government lacks an overall approach to prioritize data infrastructure improvements that serve the public. The Federal Data Strategy is seeking priority data use cases to ensure it is comprehensive and actionable.

How will the Federal Data Strategy incorporate Use Cases?

These use cases will be identified and discussed in the Federal Data Strategy, and a select number of ready use cases will be assessed more deeply *in The Data Incubator Project.*

What is The Data Incubator Project?

A select number of Use Cases deemed ''ripe for testing'' will be included in *The Data Incubator Project.* To be ''ripe for testing,'' these Use Cases must demonstrate potential for replication, scaling, and mission impact. They also must have a ready team for further exploration and assessment purposes. *The Data Incubator Project* is not a new platform or set of resources, but rather is focused research aimed at identifying methods for the Federal Data Strategy and for agencies going forward. The Federal Data Strategy team will seek academic, private sector, and NGO partnerships to further our learning from *The Data Incubator Project.*

How can I submit a Use Case?

Please submit information about Use Cases in response to this RFC by July 27, 2018.

To ensure complete use case entries, please provide as much contextual information as possible, such as: contact information for follow-up questions, the Federal agencies or bureaus related to the relevant data, related reference materials (including URLs) such as documentation about the data, practice, or goal of the project, and why this Use Case should be included in Federal Data Strategy development.

Stakeholder Engagement

7. What are the best mechanisms for engaging stakeholders in the development of the data strategy? What platforms and processes are both comprehensive and efficient for collecting stakeholder feedback on

interim work products and input on next steps?

Guidance for Submitting Documents

We ask that each respondent include the name and address of his or her institution or affiliation, and the name, title, mailing and email addresses, and telephone number of a contact person for his or her institution or affiliation, if any. No specific information pertaining to the respondent is required, other than that necessary for self-identification, as a condition of the agency's full consideration of the comment.

Dated: June 20, 2018.

Karen Dunn Kelley,

Under Secretary for Economic Affairs, Performing the Nonexclusive Duties and Functions of the Deputy Secretary of Commerce, Department of Commerce.

[FR Doc. 2018–13768 Filed 6–26–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Smart Grid Advisory Committee Charter Renewal

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of Advisory Committee charter renewal.

SUMMARY: The National Institute of Standards and Technology (NIST) hereby gives notice that the Department of Commerce Acting Chief Financial Officer/Assistant Secretary for Administration, and Deputy Assistant Secretary for Administration has determined that charter renewal of the NIST Smart Grid Advisory Committee (Committee) is necessary and in the public interest. The renewed charter can be found on the Committee website at the following URL link: *https://www.nist.gov/file/443231.*

FOR FURTHER INFORMATION CONTACT: Mr. Cuong Nguyen, Smart Grid and Cyber-Physical Systems Program Office, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8200, Gaithersburg, MD 20899–8200; telephone 301–975–2254, fax 301–948–5668; or via email at *cuong.nguyen@nist.gov.*

SUPPLEMENTARY INFORMATION: The Committee was established in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Committee is composed of nine to fifteen members, appointed by the Director of NIST, who were selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting Smart Grid deployment and operations. The Committee advises the Director of NIST in carrying out duties authorized by section 1305 of the Energy Independence and Security Act of 2007 (Pub. L. 110–140). The Committee provides input to NIST on Smart Grid standards, priorities, and gaps, on the overall direction, status, and health of the Smart Grid implementation by the Smart Grid industry, and on the direction of research and standards activities. Background information on the Committee is available at *http://www.nist.gov/smartgrid/.*

The Committee functions solely as an advisory body and in compliance with provisions of the Federal Advisory Committee Act. Pursuant to section 9(c) of the Federal Advisory Committee Act, 5 U.S.C., App., as amended, copies of the Committee's charter were furnished to the Library of Congress and to the following committees of Congress:

- Senate Committee on Appropriations
- Senate Committee on Finance
- Senate Committee on Commerce, Science, and Transportation
- House Committee on Appropriations
- House Committee on Science, Space, and Technology

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2018–13822 Filed 6–26–18; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Prospective Grant of Exclusive Patent License

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States of America, its territories, possessions and commonwealths, to NIST's interest in the invention embodied in U.S. Patent 9,726,553 B2, titled ''Optical Temperature Sensor and Use of Same'' (NIST Docket 13–006) to Fluke Corporation, a subsidiary of Fortive, Inc. The grant of the license would be for manufacture of optical thermometers in all fields.

DATES: The prospective exclusive license may be granted unless NIST receives, by July 12, 2018, written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

ADDRESSES: Information related to this license may be submitted to NIST, Technology Partnerships Office, 100 Bureau Drive, Stop 2200, Gaithersburg, MD 20899, or emailed to *donald.archer@nist.gov.*

FOR FURTHER INFORMATION CONTACT: Donald G. Archer, National Institute of Standards and Technology, Technology Partnerships Office, 100 Bureau Drive, Stop 2200, Gaithersburg, MD 20899, (301) 975–2522, *donald.archer@nist.gov.*

SUPPLEMENTARY INFORMATION: This is a notice in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i) that NIST is contemplating the grant of an exclusive license in the United States of America, its territories, possessions and commonwealths, to NIST's interest in the invention embodied in 9,726,553 B2, titled ''Optical Temperature Sensor and Use of Same'' (NIST Docket 13–006) to Fluke Corporation, a subsidiary of Fortive, Inc. The grant of the license would be for manufacture of optical thermometers in all fields.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. The Patent was filed on June 11, 2014, issued on August 8, 2017, and describes an optical resonator thermometer.

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2018–13821 Filed 6–26–18; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Judges Panel of the Malcolm Baldrige National Quality Award

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of closed meeting.

SUMMARY: The Judges Panel of the Malcolm Baldrige National Quality

Award (Judges Panel) will meet in closed session on Wednesday, August 22, 2018, from 9:00 a.m. to 3:30 p.m. Eastern time. The purpose of this meeting is to review the results of examiners' scoring of written applications. Panel members will vote on which applicants merit site visits by examiners to verify the accuracy of quality improvements claimed by applicants. The meeting is closed to the public in order to protect the proprietary data to be examined and discussed.

DATES: The meeting will be held on Wednesday, August 22, 2018, from 9:00 a.m. to 3:30 p.m. Eastern time. The entire meeting will be closed to the public.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Robert Fangmeyer, Director, Baldrige Performance Excellence Program, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, Maryland 20899–1020, telephone number (301) 975–2360, email *robert.fangmeyer@nist.gov*.

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 3711a(d)(1) and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Judges Panel of the Malcolm Baldrige National Quality Award will meet on Wednesday, August 22, 2018, from 9:00 a.m. to 3:30 p.m. Eastern time. The Judges Panel is composed of twelve members, appointed by the Secretary of Commerce, with a balanced representation from U.S. service, manufacturing, nonprofit, education, and health care industries. Members are selected for their familiarity with quality improvement operations and competitiveness issues of manufacturing companies, service companies, small businesses, nonprofits, health care providers, and educational institutions. The purpose of this meeting is to review the results of examiners' scoring of written applications. Panel members will vote on which applicants merit site visits by examiners to verify the accuracy of quality improvements claimed by applicants. The meeting is closed to the public in order to protect the proprietary data to be examined and discussed.

The Acting Chief Financial Officer/Assistant Secretary for Administration and Deputy Assistant Secretary for Administration, with the concurrence of the Assistant General Counsel for Employment, Litigation and Information, formally determined on March 7, 2018, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Public Law 94–409, that the meeting of the Judges Panel may be closed to the public in accordance with 5 U.S.C. 552b(c)(4) because the meeting is likely to disclose trade secrets and commercial or financial information obtained from a person which is privileged or confidential and 5 U.S.C. 552b(c)(9)(B) because for a government agency the meeting is likely to disclose information that could significantly frustrate implementation of a proposed agency action. The meeting, which involves examination of current Malcolm Baldrige National Quality Award (Award) applicant data from U.S. organizations and a discussion of these data as compared to the Award criteria in order to recommend Award recipients, will be closed to the public.

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2018–13820 Filed 6–26–18; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Atlantic Highly Migratory Species Permit Family of Forms.

OMB Control Number: 0648–0327.

Form Number(s): None.

Type of Request: Regular (revision and extension of a currently approved information collection).

Number of Respondents: 37,105.

Average Hours per Response: Renewal of Atlantic Tunas Dealer Permit application, 5 minutes; renewal applications for the following vessel permits—Atlantic Tunas, HMS Charter/Headboat, HMS Angling, and Swordfish General Commercial, 10 minutes; initial Atlantic Tunas Dealer Permit application, 15 minutes; initial applications for the following vessel permits—Atlantic Tunas, HMS Charter/Headboat, HMS Angling, and Swordfish General Commercial, 35 minutes; One-time application for the IMO/LP number, 30 minutes.

Burden Hours: 9,971.

Needs and Uses: This request is for the revision and extension of a current information collection, which includes both vessel and dealer permits.

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) is responsible for management of the Nation's marine fisheries. In addition, NMFS must comply with the United States' obligations under the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 *et seq.*). NMFS issues permits to fishing vessels and dealers in order to collect information necessary to comply with domestic and international obligations, secure compliance with regulations, and disseminate necessary information.

Regulations at 50 CFR 635.4 require that vessels participating in commercial and recreational fisheries for Atlantic highly migratory species (HMS) and dealers purchasing Atlantic HMS from a vessel obtain a Federal permit issued by NMFS. This action addresses the renewal of permit applications currently approved under PRA 0648–0327, including both vessel and Atlantic Tunas Dealer permits. Vessel permits include Atlantic Tunas (except Longline permits, which are approved under OMB Control No. 0648–0205), HMS Charter/Headboat, HMS Angling, and Swordfish General Commercial permits. This action also includes the one-time requirement for commercial vessels greater than 20 meters in length to obtain a International Maritime Organization/Lloyd's Registry (IMO/LR) number.

The primary reason for the revision of this information collection is to reflect that HMS International Trade Permits have been removed from this collection as they were discontinued in 2016, and replaced with the International Fishing Trade Permit (IFTP). The IFTP is covered under OMB Control No. 0648–0732. Thus, the burden and costs associated with renewal and issuance of an initial HMS ITP are no longer applicable to this collection of information.

Affected Public: Business or other for-profit organizations; individuals or households.

Frequency: Annually and on occasion.

Respondent's Obligation: Mandatory.

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

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

Dated: June 22, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–13807 Filed 6–26–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management will hold a public meeting to solicit comments on the performance evaluation of the Hawaii Coastal Management Program.

DATES: *Hawaii Coastal Management Program Evaluation:* The public meeting will be held on August 29, 2018, and written comments must be received on or before September 7, 2018.

For specific dates, times, and locations of the public meetings, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: You may submit comments on the program or reserve NOAA intends to evaluate by any of the following methods:

Public Meeting and Oral Comments: A public meeting will be held in Honolulu, Hawaii. For the specific location, see **SUPPLEMENTARY INFORMATION.**

Written Comments: Please direct written comments to Ralph Cantral, Senior Advisor, NOAA Office for Coastal Management, 2234 South Hobson Avenue, Charleston, South Carolina 29405–2413, or via email to *Ralph.Cantral@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Ralph Cantral, Senior Advisor, Policy, NOAA Office for Coastal Management, 2234 South Hobson Avenue, Charleston, South Carolina 29405–2413, by phone at (843) 740–1143, or via email to *Ralph.Cantral@noaa.gov.* Copies of the previous evaluation findings and 2016–2020 Assessment and Strategy may be viewed and downloaded on the internet at *http://coast.noaa.gov/czm/evaluations.* A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION: Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved state and territorial coastal programs. The process includes one or more public meetings, consideration of written public comments, and consultations with interested Federal, state, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the state has met the national objectives, adhered to the management program approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

You may participate or submit oral comments at the public meeting scheduled as follows:

Date: August 29, 2018.

Time: 6:00 p.m., local time.

Location: Hawaii State Capital Auditorium, 415 Beretania Street, Honolulu, Hawaii 96813.

Written public comments must be received on or before September 7, 2018.

Dated: June 14, 2018.

Keelin Kuipers,

Acting Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2018–13774 Filed 6–26–18; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of Old Woman Creek National Estuarine Research Reserve; Public Meeting

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management will hold a public meeting to solicit comments for the performance evaluation of the Old Woman Creek National Estuarine Research Reserve.

DATES: *Old Woman Creek National Estuarine Research Reserve Evaluation:* The public meeting will be held on Wednesday, August 8, 2018, and written comments must be received on or before Friday, August 17, 2018.

For the specific date, time, and location of the public meetings, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: You may submit comments on the reserve by any of the following methods:

Public Meeting and Oral Comments: A public meeting will be held in Vermillion, Ohio for the Old Woman Creek Reserve. For the specific location, see **SUPPLEMENTARY INFORMATION.**

Written Comments: Please direct written comments to Ralph Cantral, Senior Advisor, NOAA Office for Coastal Management, 2234 South Hobson Avenue, Charleston, South Carolina 29405–2413, or via email to *Ralph.Cantral@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Ralph Cantral, Senior Advisor, Policy, NOAA Office for Coastal Management, 2234 South Hobson Avenue, Charleston, South Carolina 29405–2413, by phone at (843) 740–1143, or via email to *Ralph.Cantral@noaa.gov.* Copies of the previous evaluation findings, Management Plan, and Site Profile may be viewed and downloaded on the internet at *http://coast.noaa.gov/czm/evaluations.* A copy of the evaluation notification letter and most recent performance report may be obtained upon request by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION: Sections 312 and 315 of the Coastal Zone Management Act (CZMA) require NOAA to conduct periodic evaluations of federally-approved National Estuarine Research Reserves. The process includes a public meeting, consideration of written public comments, and consultations with interested Federal, state, and local agencies and members of the public. For the evaluation of National Estuarine Research Reserves, NOAA will consider the extent to which the state has met the national objectives, adhered to its management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance under

the Coastal Zone Management Act. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

You may participate and submit oral comments at the public meeting scheduled as follows:

Date: Wednesday, August 8, 2018.

Time: 5:00 p.m., local time.

Location: Ritter Public Library Community Room, 5680 Liberty Avenue, Vermillion, Ohio 44089.

Written comments must be received on or before August 8, 2018.

Dated: June 7, 2018.

Keelin Kuipers,

Acting Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2018–13772 Filed 6–26–18; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of Sapelo Island National Estuarine Research Reserve; Public Meeting

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management will hold a public meeting to solicit comments for the performance evaluation of the Sapelo Island National Estuarine Research Reserve.

DATES: *Sapelo Island National Estuarine Research Reserve Evaluation:* The public meeting will be held on Tuesday, August 21, 2018, and written comments must be received on or before Friday, August 31, 2018.

For the specific date, time, and location of the public meetings, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: You may submit comments on the reserve by any of the following methods:

Public Meeting and Oral Comments: A public meeting will be held in Darien, Georgia for the Sapelo Island Reserve. For the specific location, see **SUPPLEMENTARY INFORMATION.**

Written Comments: Please direct written comments to Pam Kylstra, Evaluator, NOAA Office for Coastal Management, 2234 South Hobson Avenue, Charleston, South Carolina 29405–2413, or via email to *Pam.Kylstra@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Pam Kylstra, Evaluator, NOAA Office for Coastal Management, 2234 South Hobson Avenue, Charleston, South Carolina 29405–2413, by phone at (843) 740–1259, or via email to *Pam.Kylstra@noaa.gov.* Copies of the previous evaluation findings, Management Plan, and Site Profile may be viewed and downloaded on the internet at *http://coast.noaa.gov/czm/evaluations.* A copy of the evaluation notification letter and most recent performance report may be obtained upon request by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Sections 312 and 315 of the Coastal Zone Management Act (CZMA) require NOAA to conduct periodic evaluations of federally-approved National Estuarine Research Reserves. The process includes a public meeting, consideration of written public comments, and consultations with interested Federal, state, and local agencies and members of the public. For the evaluation of National Estuarine Research Reserves, NOAA will consider the extent to which the state has met the national objectives, adhered to its management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the Coastal Zone Management Act. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

You may participate and submit oral comments at the public meeting scheduled as follows:

Date: Tuesday, August 21, 2018.

Time: 6:30 p.m., local time.

Location: Sapelo Island Visitors Center, 1766 Landing Road, Darien, GA 31305.

Written comments must be received on or before August 31, 2018.

Dated: June 7, 2018.

Keelin Kuipers,

Acting Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2018–13773 Filed 6–26–18; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Recreational Angler Survey of Sea Turtle Interactions.

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 12,300.

Average Hours per Response: 5 minutes each for angler intercept interviews and sea turtle incidental take capture forms.

Burden Hours: 1,025.

Needs and Uses: This request is for a new information collection.

NOAA NMFS would like to conduct an intercept survey to assess the extent of interactions between recreational anglers on piers and other shore-based fishing structures, and sea turtles. This survey will also assess the feasibility of an intercept survey for this purpose in terms response rates and data collection. The survey will be administered on piers and other fixed structures nationwide, but focused within NOAA Fisheries Greater Atlantic Region and Southeast Region, and will survey approximately 36,000 individual recreational fishermen. The respondents will be verbally asked a series of questions, no longer than 5 minutes, and the interviewer will record answers. Members of the Sea Turtle Stranding and Salvage Network will also complete sea turtle incidental take capture forms when applicable.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

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

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

Dated: June 22, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–13808 Filed 6–26–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: West Coast Limited Entry Groundfish Fixed Gear Economic Data Collection.

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 320.

Average Hours per Response: Initial telephone screen, 2 minutes; follow-up detailed survey, 22 minutes.

Burden Hours: 64.

Needs and Uses: This is a request for a new information collection.

The Northwest Fisheries Science Center is conducting a cost and earnings survey of active vessels operating with a limited entry groundfish permit that has a fixed gear (longline and/or pot) endorsement. Commercial fisheries economic data collections implemented by the Northwest Fisheries Science Center (NWFSC) have contributed to legally mandated analyses required under the Magnuson-Stevens Fishery Conservation and Management Act (MFCMS), the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (RFA), and Executive Order 12866 (E.O. 12866).

Surveys implemented by the NWFSC since 2005 have covered West Coast harvesters, processors, and coastal communities. These surveys have focused on the federally managed groundfish and salmon fisheries as well as the closely related crab and shrimp fisheries. This document describes a data collection covering catcher vessels operate with a limited entry groundfish permit that has a fixed gear (longline and/or pot) endorsement. During 2012 there were 169 vessels active on the West Coast that held a federal groundfish limited entry permit with a fixed gear endorsement. These 169 vessels landed $46.5 million of fish on the West Coast, including $25.3 million of groundfish (including $22.5 million of sablefish) and $16.6 million of crab.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

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

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

Dated: June 22, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–13809 Filed 6–26–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

Title: Washington and Oregon Charter Vessel Survey.

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 320.

Average Hours per Response: Initial telephone screen: 2 minutes; follow-up detailed survey: 22 minutes.

Burden Hours: 64.

Needs and Uses: This request is for a new information collection.

The Northwest Fisheries Science Center will conduct a cost and earnings survey of active marine charter fishing vessel companies in Washington and Oregon. The data collected will be used by the National Marine Fisheries Service (NMFS) to address statutory and regulatory mandates to determine the quantity and distribution of net benefits derived from living marine resources as well as to predict the economic impacts from proposed management options on charter fishing businesses, shore side industries, and fishing communities. In particular, these economic data collection programs contribute to legally mandated analyses required under the Magnuson-Stevens Fishery Conservation and Management Act (MFCMS), the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (RFA), and Executive Order 12866 (E.O. 12866).

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

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

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

Dated: June 22, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–13810 Filed 6–26–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG291

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Pile Driving Activities for the Restoration of Pier 62, Seattle Waterfront, Elliott Bay

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received a request from the Seattle Department of Transportation (Seattle DOT) for authorization to take marine mammals incidental to pile driving activities for the restoration of Pier 62, Seattle Waterfront, Elliott Bay in Seattle, Washington (Season 2). Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS

will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than July 27, 2018.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.egger@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Stephanie Egger, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the applications and supporting documents, as well as a list of the references cited in this document, may be obtained online at. *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

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

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

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

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

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

National Environmental Policy Act

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

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

Summary of Request

On January 27, 2018, NMFS received a request from the Seattle DOT for a second IHA to take marine mammals incidental to pile driving activities for the restoration of Pier 62, Seattle Waterfront, Elliott Bay in Seattle, Washington. A revised request was submitted on May 18, 2018 which was deemed adequate and complete. Seattle DOT's request is for take of 12 species of marine mammals, by Level B harassment and Level A harassment (three species only). Neither Seattle DOT nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued an IHA to Seattle DOT for related work for Season 1 of this activity (82 FR 47176; October 11, 2017). Seattle DOT complied with all the requirements (*e.g.,* mitigation, monitoring, and reporting) of the previous IHA and information regarding their monitoring results may be found in the Description of Marine Mammals in the Area of Specified Activities and Estimated Take sections.

This proposed IHA would cover the second season of work for the Pier 62 Project for which Seattle DOT obtained a prior IHA (82 FR 47176; October 11, 2017) and intends to request take authorization for subsequent facets of the project. The second season of the larger project is expected to primarily involve the remaining pile driving for Pier 62 and Pier 63. If the Seattle DOT encounters delays due to poor weather conditions, difficult pile driving, or other unanticipated challenges, an additional in-water work season may be necessary. If so, a separate IHA would be prepared for the third season of work.

Description of Specified Activities

Overview

The proposed project will replace Pier 62 and make limited modifications to Pier 63 on the Seattle waterfront of Elliott Bay, Seattle, Washington. The existing piers are constructed of creosote-treated timber piles and treated timber decking, which are failing. The proposed project would demolish and remove the existing timber piles and decking of Pier 62, and replace them with concrete deck planks, concrete pile caps, and steel piling. The majority of the timber pile removal required by the project occurred during the 2017–2018 in-water work season (Season 1).

The footprint of Pier 62 will remain as it currently is, with a small amount of additional over-water coverage (approximately 3,200 square feet) created by a new float system added to the south side of Pier 62. This float

system is intended for moorage of transient, small-boat traffic, and will not be designed to accommodate mooring or berthing for larger vessels. This includes removing 815 timber piles, and will require installation of 180 steel piles for Pier 62. To offset the additional over-water coverage associated with the new float system, approximately 3,700 square feet of Pier 63 will be removed. This includes removing 65 timber piles, and will require installation of nine steel piles to provide structural support for the remaining portion of Pier 63.

Dates and Duration

In-water construction for this application is proposed from August 1, 2018 to February 28, 2019. Pile removal and installation will occur during daylight hours, typically during a work shift of eight hours or less. Timber pile removal for the remaining piles of the Pier 62 Project is estimated to occur on 10 days during the 2018–2019 in-water work window. Pile installation will occur via vibratory and impact hammers. Vibratory hammer use is estimated to occur on up to 53 days, and impact hammer use may occur on up to 64 days, for a total of up to 117 days of pile installation. Therefore, the total number of working days for the project is 127. It is expected that many of the pile installation days will involve both a vibratory and an impact hammer, resulting in fewer cumulative days of pile installation. It is anticipated that the contractor will complete the pile installation during the 2018–2019 in-water work window. In-water work may occur within a modified or shortened work window (September through February) to reduce or minimize effect on juvenile salmonids.

Specific Geographic Region

Pier 62 and Pier 63 are located on the downtown Seattle waterfront on Elliot Bay in King County, Washington just north of the Seattle Aquarium (see Figure 1 from the Seattle DOT application). The project will occur between Pike Street and Lenora Street, an urban embayment in central Puget Sound. This is an important industrial region and home to the Port of Seattle, which ranked 8th in the top 10 metropolitan port complexes in the U.S. in 2015. This area includes the proposed construction zone, Elliott Bay, and a portion of Puget Sound.

Detailed Description of the Specific Activity

During Season 1, Pier 62 was fully removed, including all support piles, structural components, and decking. The 3,700-square-foot portion of Pier 63 was also removed. A total of 831 piles were removed from Pier 62 and Pier 63 (see Table 1 below). Timber pile removal work in Season 2 (2018–2019 in-water work window) may occur for an estimated 10 days (49 remaining timber piles, if the contractor encounters deteriorated piles that pose a safety hazard or are within the area where grated decking or habitat improvements are to be installed. Seattle DOT estimates 10 days will be needed to remove the old timber piles, 53 days for vibratory installation of steel piles, and 64 days for impact installation of steel piles for a total of 127 in-water construction days for both Pier 62 and Pier 63 (see Table 1 below). Seattle DOT expects most days for vibratory and impact installation of steel piles will overlap, for a total of fewer than 127 days.

TABLE 3—PILE INSTALLATION AND REMOVAL PLAN

Activity	Pile type	Number of piles	Completed during season 1	Actual duration season 1 (days)	Remaining work season 2	Anticipated duration season 2	Hours per day	Hammer type	Single source sound levels	Additive source sound levels
Remove ..	Creosote-treated timber, 14-inch [1].	880	831 piles removed.	19	49 timber piles	10 days	8	Vibratory	[2] 161 dB_{RMS}	.....
	Steel template pile, 24-inch.	2	.....	.....	2	Daily [3]	.....	Vibratory	[4] 177 dB_{RMS}	.....
Install	Steel pile, 30-inch	189	2 steel sheet piles installed.	1	189 steel piles	53 days	8	Vibratory	[6] 177 dB_{RMS}	[7] 180 dB_{RMS}
						64 days [8]	8	Impact	[9] 189 dB_{RMS}	[10] 189 dB_{RMS}
	Steel template pile, 24-inch.	2	.....	.....	2	Daily [3]	.....	Vibratory	[4] 177 dB_{RMS}	.....

Notes:
1. Assumed to be 14-inch diameter.
2. Hydroacoustic monitoring during Pier 62 Season 1 showed unweighted RMS ranging from 140 dB to 169 dB, the 75th percentile of these values is 161 dB_{RMS} and was used to calculate thresholds.
3. The two template piles will be installed and removed daily. The time associated with this activity is included in the overall 8-hour pile driving day associated with installation of the 30-inch steel piles.
4. Assumed to be no greater than vibratory installation of the 30-inch steel pile.
6. Source sound from Port Townsend Test Pile Project (WSDOT 2010).
7. For simultaneous operation of two vibratory hammers installing steel pipe piles, the 180 dB_{RMS} value is based on identical single-source levels, adding three dB based on WSDOT rules for decibel addition (2018).
8. Approximately 20 percent of the pile driving effort is anticipated to require an impact hammer, which results in approximately 11 cumulative days of impact hammer activity. However, the impact hammer activity is sporadic, often occurring for short periods each day. A total of 64 days represents the number of days in which pile installation with an impact hammer could occur, with the anticipation that each day's impact hammer activity would be short.
9. Source level from Colman Dock Test Pile Project (WSDOT 2016).
10. For simultaneous operation of one impact hammer and one vibratory hammer installing 30-inch piles, the original dB_{RMS} estimates differ by more than 10 dB, so the higher value, 189 dB_{RMS}, is used based on WSDOT rules for decibel addition (2018).
RMS—root mean square: The square root of the energy divided by the impulse duration. This level is the mean square pressure level of the pulse. It has been used by NMFS to describe disturbance-related effects (*i.e.,* harassment) to marine mammals from underwater impulse-type noises.
WSDOT—Washington State Department of Transportation.

Approximately 20 percent of the pile driving effort is anticipated to require an impact hammer. However, the impact hammer activity is sporadic, often occurring for short periods each day. A total of 64 days represents the number of days in which pile installation with an impact hammer could occur, with the anticipation that each day's impact hammer activity would be short.

The 14-inch (in) timber piles will be removed with a vibratory hammer or pulled with a clamshell bucket. The 30-in steel piles will be installed with a vibratory hammer to the extent possible. The maximum extent of pile removal and installation activities are described in Table 1.

An impact hammer will be used for proofing steel piles or when encountering obstructions or difficult ground conditions. In addition, a pile template will be installed to ensure the piles are placed properly. The template,

which consists of two temporary 24-inch pipe piles connected by a structural steel frame, is both installed and removed with a vibratory hammer; the contractor positions the template, installs a set of piles, then moves the template to a new area. Template piles typically do not need to be installed as deep as the structural piles; the necessary embedment will vary depending on the substrate conditions. The Seattle DOT anticipates moving the template daily, but this will not increase the total number of vibratory pile driving days. The contractor may elect to operate multiple pile crews for the Pier 62 Project. As a result, more than one vibratory or impact hammer may be active at the same time. The Seattle DOT will not operate more than two vibratory hammers concurrently. For the Pier 62 Project, there is a low likelihood that multiple impact hammers would operate in a manner that piles would be struck simultaneously; however, as a conservative approach we used multiple-source decibel rule when determining the Level A and B harassment zones for this project. Table 2 provides guidance on adding decibels to account for multiple sources (WSDOT 2015a):

TABLE 2—MULTIPLE SOURCE DECIBEL ADDITION

When two decibel values differ by:	Add the following to the higher decibel value:
0–1 dB	3 dB
2–3 dB	2 dB
4–9 dB	1 dB
>10 dB or more	0 dB

The Seattle DOT anticipates proofing 10 piles, spread over the different geological zones and construction zones of the pier foundation. For this proofing effort, one impact crane would be mobilized. In addition to proofing, if a pile reaches refusal (*i.e.,* can be driven no farther) with a vibratory hammer, an impact hammer would be used to drive the pile to the required depth or embedment. It is not possible to anticipate which piles will need to be driven with an impact hammer.

It is not possible to know in advance the location of the crews and hammers on a given day, nor how many crews will be working each day. The multiple-source decibel addition method does not result in significant increases in the noise source when an impact hammer and vibratory hammer are working at the same time, because the difference in noise sources is greater than 10 dB. For periods when two vibratory hammers are operating simultaneously, an increase in noise level could be generated, and this will be accounted for when determining Level A Harassment Zones (PTS isopleths) and Level B Harassment Zones for all marine mammal hearing groups.

If the Seattle DOT encounters delays due to poor weather conditions, difficult pile driving, or other unanticipated challenges, an additional in-water work season may be necessary. If so, a separate IHA would be prepared for the third season of work. In-water work will occur within the designated work window (August through February).

Description of Marine Mammals in the Area of Specified Activities

The marine mammal species under NMFS's jurisdiction that have the potential to occur in the construction area include Pacific harbor seal (*Phoca vitulina*), northern elephant seal (*Mirounga angustirostris*), California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), long-beaked common dolphin (*Delphinus delphis),* common bottlenose dolphin *(Tursiops truncatus),* both southern resident and transient killer whales (*Orcinus orca*), humpback whale (*Megaptera novaengliae*), gray whale (*Eschrichtius robustus*), and minke whale (*Balaenoptera acutorostrata*) (Table 3). Of these, the southern resident killer whale (SRKW) and humpback whale are protected under the Endangered Species Act (ESA). Pertinent information for each of these species is presented in this document to provide the necessary background to understand their demographics and distribution in the area.

TABLE 3—MARINE MAMMAL SPECIES POTENTIALLY PRESENT IN REGION OF ACTIVITY

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Eschrichtiidae:						
Gray whale	*Eschrichtius robustus*	Eastern North Pacific	-; N	20,990 (0.05; 20,125; 2011).	624	132
Family Balaenidae:						
Humpback whale	*Megaptera novaeangliae novaeangliae.*	California/Oregon/Washington	E; D	1,918 (0.03; 1,876; 2017)	11.0	≥9.2
Minke whale	*Balaenoptera acutorostrata scammoni.*	California/Oregon/Washington	-; N	636 (0.72, 369, 2014)	3.5	≥1.3
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Killer whale	*Orcinus orca*	Eastern North Pacific Offshore	-; N	240 (0.49, 162, 2014)	1.6	0
Killer whale	*Orcinus orca*	Eastern North Pacific Southern Resident.	E; D	83 (na, 83, 2016)	0.14	0
Long-beaked common dolphin.	*Dephinus delphis*	California	-; N	101,305 (0.49; 68,432, 2014).	657	≥35.4
Bottlenose dolphin	*Tursiops truncatus*	California/Oregon/Washington Offshore.	-; N	1,924 (0.54; 1,255, 2014)	11	≥1.6
Family Phocoenidae (porpoises):						
Harbor Porpoise	*Phocoena phocoena*	Washington Inland Waters	-; N	11,233 (0.37; 8,308; 2015).	66	≥7.2

TABLE 3—MARINE MAMMAL SPECIES POTENTIALLY PRESENT IN REGION OF ACTIVITY—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Dall's Porpoise	*Phocoenoides dalli*	California/Oregon/Washington	-; N	25,750 (0.45, 17,954, 2014).	172	0.3
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California sea lion	*Zalophus californianus*	U.S.	-; N	296,750 (na, 153,337, 2011).	9,200	389
Steller sea lion	*Eumetopias jubatus*	Eastern DPS	-; N	41,638 (-; 41,638; 2015)	2,498	108
Family Phocidae (earless seals):						
Harbor seal	*Phoca vitulina*	Washington Northern Inland Waters stock.	-; N	11,036 (0.15, -, 1999)	Undet.	9.8
Northern elephant seal	*Mirounga angustirostris*	California breeding	-; N	179,000 (na; 81,368, 2010).	4,882	8.8

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

2—NMFS marine mammal stock assessment reports online at: *www.nmfs.noaa.gov/pr/sars/*. CV is coefficient of variation; Nmin is the minimum estimate of stock abundance. In some cases, CV is not applicable.

3—These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual mortality/serious injury (M/SI) often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SAR; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website for whales (*https://www.fisheries.noaa.gov/whales*), dolphins and porpoises (*https://www.fisheries.noaa.gov/dolphins-porpoises*), and pinnipeds (*https://www.fisheries.noaa.gov/seals-sea-lions*).

Table 3 lists all species with expected potential for occurrence in Elliott Bay and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2017). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in the NMFS's U.S. 2017 Draft SARs for the Pacific (Carretta *et al.,* 2017), Alaska (Muto *et al.,* 2017) or the 2016 SARs (Carretta *et al.,* 2016) if species numbers haven't changed. All values presented in Table 3 are the most recent available at the time of publication and are available in the 2017 Draft SARs (Carretta *et al.,* 2017; Muto *et al.,* 2017) or 2016 SARs (Carretta *et al.* 2016). Additional information may be found in the 2015 Pacific Navy Marine Species Density Database (U.S. Department of the Navy (U.S. Navy) 2015) and can also be accessed online at: *http://nwtteis.com/Portals/NWTT/files/supporting_technical/REVISED_NWTT_FINAL_NMSDD_Technical_Report_04_MAY_2015.pdf.*

All species that could potentially occur in the proposed survey areas are included in Table 3. As described below, all 12 species temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur, and we have proposed authorizing it.

Summary of Season 1 Pier 62 Marine Mammal Occurrence

Marine mammal monitoring during pile driving/removal activities occurred for 21 days, between December 29, 2017, and February 21, 2018. Throughout the Season 1 monitoring season, a total of 167 California sea lions and 72 harbor seals were observed, mostly at the Alki and Magnolia sites, but only a few were taken by Level B harassment. Eight California sea lions and ten harbor seals were taken by Level B harassment. There were no takes by Level A harassment nor any serious injuries or mortalities. No other species were observed.

Harbor Seal

Individual harbor seals occur along the Elliott Bay shoreline. There is one documented harbor seal haulout area near Bainbridge Island, approximately 6 miles (9.66 km) from Pier 62. The haulout, which is estimated at less than 100 animals, consists of intertidal rocks and reef areas around Blakely Rocks and is within the area of potential effects but at the outer extent near Bainbridge Island (Jefferies *et al.* 2000), though harbor seals also make use of docks, buoys and beaches in the area. The level of use of this haulout during the fall and winter is unknown, but is expected to be much less than during the spring and summer, as air temperatures become colder than water temperatures, resulting in seals in general hauling out

less. Harbor seals are perhaps the most commonly observed marine mammal in the area of potential effects.

Six harbor seals were observed (and taken) within the Level B Harassment/Monitoring Zone during vibratory activity during Season 1 of the Seattle DOT Pier 62 project. Higher numbers of harbor seals were observed at the Alki and Magnolia sites; however, those animals were outside the Level B zone for vibratory pile removal so were not considered as ''taken'' under the previous IHA for Season 1. The number of harbor seals observed from all three monitoring locations (Alki, Magnolia and around the construction site) combined ranged from 0 to 11 per day, with an average of 3 harbor seals per day.

Marine mammal monitoring also occurred on 175 days during Seasons 1, 2, 3, and 4 of the Elliott Bay Seawall Project (EBSP), during which 267 harbor seals were documented as takes in the Pier 62 Project area (Anchor QEA 2014, 2015, 2016, and 2017). Numbers of harbor seals observed on the project varied from zero to seven per day, with an average of 1, 1, 2, and 3 observed daily in 2014, 2015, 2016, and 2017, respectively. Additional marine mammal monitoring results in the vicinity of the projects, are as follows:

- 2016 Seattle Test Pile Project: 56 Harbor seals were observed over 10 days in the area that corresponds to the upcoming project ZOIs. The maximum number sighted during one day was 13 (Washington State Ferries (WSF) 2016).
- 2012 Seattle Slip 2 Batter Pile Project: Six harbor seals were observed during this one-day project in the area that corresponds to the upcoming project ZOIs (WSF 2012).
- 2012 Seattle Aquarium Pier 60 Project: 281 Harbor seals were observed over 29 days in the area that corresponds to the upcoming project ZOIs (HiKARI 2012).

Northern Elephant Seal

No elephant seals were observed during Season 1 of the Seattle DOT Pier 62 project. Marine mammal monitoring also occurred on 175 days during Seasons 1, 2, 3, and 4 of the EBSP, during which no elephant seals were observed in the project area (Anchor QEA 2014, 2015, 2016, and 2017). Similarly, no elephant seals were observed during monitoring for the 2012 Seattle Slip 2 Batter Pile Project, the 2016 Seattle Test Pile Project, or the 2012 Seattle Aquarium Pier 60 Project (WSF 2016).

California Sea Lion

California sea lions are often observed in the area of potential effects. There are four documented haulout sites near Bainbridge Island, approximately six miles from Pier 62, and two documented haulout sites between Bainbridge Island and Magnolia (Jefferies *et al.* 2000). The nearest documented California sea lion haulout sites are 3 km (2 miles) southwest of Pier 62, although sea lions also make use of docks and buoys in the area.

Eight California sea lions were observed (and taken) within the Level B Harassment/Monitoring Zone during vibratory activity during Season 1 of the Seattle DOT Pier 62 project. Higher numbers of California sea lions were observed at the Alki and Magnolia sites; however, those animals were outside the Level B zone for vibratory pile removal so were not considered as ''taken'' under the previous IHA for Season 1. The number of sea lions observed from all three monitoring locations (Alki, Magnolia and around the construction site) combined ranged from 0 to 13 per day, with an average of 8 sea lions per day.

Marine mammal monitoring also occurred on 175 days during Seasons 1, 2, 3, and 4 of the EBSP, during which 951 California sea lions were documented as takes in the project area (Anchor QEA 2014, 2015, 2016, and 2017). California sea lions were frequently observed (average seven per day in 2014 and 2015, three per day in 2016 and 2017, and a maximum of 15 over a day) hauled out on two navigational buoys within the project area (near Alki Point) and swimming along the shoreline. Additional marine mammal monitoring results in the vicinity of the projects, are as follows:

- *2016 Seattle Test Pile project:* 12 California sea lions were observed over 10 days in the area that corresponds to the upcoming project ZOIs. The maximum number sighted during one day was four (WSF 2016).
- *2012 Seattle Slip 2 Batter Pile project:* 15 California sea lions were observed during this one-day project in the area that corresponds to the upcoming project ZOIs (WSF 2012).
- *2012 Seattle Aquarium Pier 60 project:* 382 California sea lions were observed over 29 days in the area that corresponds to the upcoming project ZOIs. The maximum number sighted during one day was 37; however seals, may have been double counted during these observations (HiKARI 2012).

Steller Sea Lion

Steller sea lions are a rare visitor to the Pier 62 area of potential effects. Steller sea lions use haulout locations in Puget Sound. The nearest haulout to the project area is located approximately six miles away (9.66 km). This haulout is composed of net pens offshore of the south end of Bainbridge Island. The population of Steller sea lions at this haulout has been estimated at less than 100 individuals (Jeffries *et al.* 2000).

No steller sea lions were observed during Season 1 of the Seattle DOT Pier 62 project. Marine mammal monitoring occurred on 175 days during Seasons 1, 2, 3, and 4 of the EBSP, during which three Steller sea lions were observed and documented as takes in the project area (Anchor QEA 2014, 2015, 2016, and 2017).

No Steller sea lions were observed during monitoring for the 2012 Seattle Slip 2 Batter Pile Project or the 2016 Seattle Test Pile Project (WSF 2016).

Killer Whale

The Eastern North Pacific SRKW and West Coast Transient (transient) stocks of killer whale may be found near the project site. The SRKW live in three family groups known as the J, K and L pods. The Southern Residents are listed as endangered under the ESA. Transient killer whales generally occur in smaller (less than 10 individuals), less structured pods (NMFS 2013). According to the Center for Whale Research (CWR) (2015), they tend to travel in small groups of one to five individuals, staying close to shorelines, often near seal rookeries when pups are being weaned. The transient killer whale sightings have become more common since mid-2000. Unlike the SRKW pods, transients may be present in an area for hours or days as they hunt pinnipeds.

A long-term database maintained by the Whale Museum contains sightings and geospatial locations of SRKWs, among other marine mammals, in inland waters of Washington State (Osborne 2008). Data are largely based on opportunistic sightings from a variety of sources (*i.e.,* public reports, commercial whale watching, Soundwatch, Lime Kiln State Park land-based observations, and independent research reports), but the database is regarded as a robust but difficult to quantify inventory of occurrences. The data provide the most comprehensive assemblage of broad-scale habitat use by the SRKW in inland waters.

Based on reports from 1990 to 2008, the greatest number of unique killer whale sighting-days near or in the area

of potential effects occurred from November through January, although observations were made during all months except May (Osborne 2008). Most observations were of SRKWs passing west of Alki Point (82 percent of all observations), which lies on the edge or outside the area of potential effects; this pattern is potentially due to the high level of human disturbance or highly degraded habitat features currently found within Elliott Bay. J Pod, with an estimated 23 members, is the pod most likely to appear year-round near the San Juan Islands, in the lower Puget Sound near Seattle, and in Georgia Strait at the mouth of the Fraser River. J Pod tends to frequent the west side of San Juan Island in mid to late spring (CWR 2011, 2017).

An analysis of sightings in 2011 described an estimated 93 sightings of SRKWs near the area of potential effects (Whale Museum 2011). During this same analysis period, 12 transient killer whales were also observed near the area of potential effects. The majority of all sightings in this area are of groups of killer whales moving through the main channel between Bainbridge Island and Elliott Bay and outside the area of potential effects (Whale Museum 2011). The purely descriptive format of these observations makes it impossible to discern what proportion of the killer whales observed entered the area of potential effects; however, it is assumed that individuals do enter this area on occasion.

No killer whales were observed during Season 1 of the Seattle DOT Pier 62 project. Marine mammal monitoring also occurred on 175 days during Seasons 1, 2, 3, and 4 (2014, 2015, 2016, and 2017) of the EBSP, during which two killer whales were documented as takes in the project area (unknown if SRKW or transient), and one pod of six whales was also observed in Elliott Bay more than 30 minutes before or after pile driving activity (no take documented; Anchor QEA 2014, 2015, 2016, 2017). This pod of six whales were not identified as SRKW or transients.

During the 2016 Seattle Test Pile project, 0 SRKW were observed over 10 days in the area that corresponds to the upcoming project ZOIs (WSF 2016). During the 2012 Seattle Slip 2 Batter Pile project, 0 SRKW were observed during this one day project in the area that corresponds to the upcoming project ZOIs (WSF 2012). On February 5, 2016, a pod of up to 7 transients were reported in the area (Orca Network Archive Report 2016a).

Long-Beaked Common Dolphin

No long-beaked common dolphins were observed during Season 1 of the Seattle DOT Pier 62 project. Marine mammal monitoring also occurred on 175 days during Seasons 1, 2, 3, and 4 (2014, 2015, 2016, and 2017) of the EBSP, during which no long-beaked common dolphins were observed in the project area (Anchor QEA 2014, 2015, 2016, 2017).

No long-beaked common dolphins were observed during monitoring for the 2012 Seattle Slip 2 Batter Pile Project, the 2016 Seattle Test Pile Project, or the 2012 Seattle Aquarium Pier 60 project. However, there were reported sightings in the Puget Sound in the summer of 2016. Beginning on June 16, long-beaked common dolphins were observed near Victoria, British Columbia. Over the following weeks, a pod of 15 to 20 (including a calf) was observed in central and southern Puget Sound. They were positively identified as long-beaked common dolphins (Orca Network 2016a). This is the first confirmed observation of a pod of long-beaked common dolphins in Washington waters—NMFS states that as of 2012, long-beaked common dolphins had not been observed during surveys in Washington waters (Carretta *et al.* 2016). Two individual long-beaked common dolphins were observed in 2011, one in August and one in September (Whale Museum 2015).

Bottlenose Dolphin

NOAA offshore surveys from 1991 to 2014 resulted in no sightings during study transects off the Oregon or Washington coasts (NOAA 2017d). However, in October 2017, multiple sightings of a bottlenose dolphin were reported to Orca Network throughout the Puget Sound and in Elliott Bay. Two bottlenose dolphins were observed in Elliott Bay in one week of monitoring (WSDOT 2017) and a group of seven dolphins were observed in 2017 and were positively identified as part of the CA coastal stock (Cascadia Research Collective, 2017). It is acknowledged that bottlenose dolphins could occur within the project area.

No bottlenose dolphins were observed during Season 1 of the Seattle DOT Pier 62 project. In addition, no bottlenose dolphins were observed during monitoring for the EBSP, the 2012 Seattle Slip 2 Batter Pile Project or the 2016 Seattle Test Pile Project (Anchor QEA 2014, 2015, 2016, and 2017; WSF 2012, 2016).

Gray Whale

Gray whale sightings are typically reported in February through May and include an observation of a gray whale off the ferry terminal at Pier 52 heading toward the East Waterway in March 2010 (CWR 2011). Three gray whales were observed near the project area during 2011 (Whale Museum 2011), but the narrative format of the observations make it difficult to discern whether these individuals entered the area of potential effects. It is assumed that gray whales might rarely occur in the area of potential effects.

No gray whales were observed during Season 1 of the Seattle DOT Pier 62 project. No gray whales were observed during monitoring for Seasons 1, 2,3, or 4 of the EBSP (Anchor QEA 2014, 2015, 2016, and 2017), the 2012 Seattle Slip 2 Batter Pile Project, the 2016 Seattle Test Pile Project, or the 2012 Seattle Aquarium Pier 60 Project (Anchor QEA 2014, 2015, 2016; WSF 2016a).

Humpback Whale

Prior to 2016, humpback whales were listed under the ESA as an endangered species worldwide. Following a 2015 global status review (Bettridge *et al.,* 2015), NMFS established 14 distinct population segments (DPS) with different listing statuses (81 FR 62259; September 8, 2016) pursuant to the ESA. The DPSs that occur in U.S. waters do not necessarily equate to the existing stocks designated under the MMPA and shown in Table 3. Because MMPA stocks cannot be portioned, *i.e.,* parts managed as ESA-listed while other parts managed as not ESA-listed, until such time as the MMPA stock delineations are reviewed in light of the DPS designations, NMFS considers the existing humpback whale stocks under the MMPA to be endangered and depleted for MMPA management purposes (*e.g.,* selection of a recovery factor, stock status). Within U.S. west coast waters, three current DPSs may occur: the Hawaii DPS (not listed), Mexico DPS (threatened), and Central America DPS (endangered).

Humpback whales are only rare visitors to Puget Sound. There is evidence of increasing numbers in recent years (Falcone *et al.* 2005). A rare encounter with one and possibly two humpbacks occurred in Hood Canal (well away from the area of potential effects) as recently as February 2012 (Whale Museum 2012). Humpbacks do not visit Puget Sound every year and are considered rare in the area of potential effects (Whale Museum 2011); however, they have the potential to occur at least during the Pier 62 Project construction period.

No humpback whales were observed during Season 1 of the Seattle DOT Pier 62 project. Marine mammal monitoring

also occurred on 175 days during Seasons 1, 2, 3, and 4 (2014, 2015, 2016, and 2017) of the EBSP, during which two humpback whales were observed in the project area (Anchor QEA 2014, 2015, 2016, and 2017). In addition, no humpback whales were observed during monitoring for the 2012 Seattle Slip 2 Batter Pile Project, the 2016 Seattle Test Pile Project, or the 2012 Seattle Aquarium Pier 60 Project (WSF 2016a).

Minke Whale

Minke whales are relatively common in the San Juan Islands and Strait of Juan de Fuca (especially around several of the banks in both the central and eastern Strait), but are relatively rare in Puget Sound (WSF 2016a). No minke whales were observed during Season 1 of the Seattle DOT Pier 62 project. No minke whales were observed during monitoring for Season 1, 2, 4, or 4 of the EBSP, the 2012 Seattle Slip 2 Batter Pile Project, the 2016 Seattle Test Pile Project, or the 2012 Seattle Aquarium Pier 60 Project (Anchor QEA 2014, 2015, 2016; WSF 2016).

Harbor Porpoise and Dall's Porpoise

No harbor porpoise or Dall's porpoise were observed during Season 1 of the Seattle DOT Pier 62 project. Marine mammal monitoring occurred on 175 days during Seasons 1, 2, 3, and 4 (2014, 2015, 2016, and 2017) of the EBSP, during which one harbor porpoise was observed and documented as a take in the project area; no Dall's porpoises were observed (Anchor QEA 2014, 2015, 2016. 2017).

During the 2012 Seattle Aquarium Pier 60 Project, five harbor porpoises and one Dall's porpoise were observed over 29 days in the area that corresponds to the upcoming project ZOIs, with a maximum of three observed in one day (HiKARI 2012). Neither harbor porpoise nor Dall's porpoise were observed during monitoring for the 2012 Seattle Slip 2 Batter Pile Project or the 2016 Seattle Test Pile Project (WSF 2016).

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.* 1995; Wartzok and Ketten 1999; Au and Hastings 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2016a) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 dB threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. The functional groups and the associated frequencies are indicated below (note that these frequency ranges correspond to the range for the composite group, with the entire range not necessarily reflecting the capabilities of every species within that group):

- Low-frequency cetaceans (mysticetes): Generalized hearing is estimated to occur between approximately 7 hertz (Hz) and 35 kilohertz (kHz);
- Mid-frequency cetaceans (larger toothed whales, beaked whales, and most delphinids): Generalized hearing is estimated to occur between approximately 150 Hz and 160 kHz;
- High-frequency cetaceans (porpoises, river dolphins, and members of the genera Kogia and Cephalorhynchus; including two members of the genus Lagenorhynchus, on the basis of recent echolocation data and genetic data): Generalized hearing is estimated to occur between approximately 275 Hz and 160 kHz;
- Pinnipeds in water; Phocidae (true seals): Generalized hearing is estimated to occur between approximately 50 Hz to 86 kHz; and
- Pinnipeds in water; Otariidae (eared seals and sea lions): Generalized hearing is estimated to occur between 60 Hz and 39 kHz.

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2016a) for a review of available information. Twelve marine mammal species (8 cetacean and 4 pinniped (2 otariid and 2 phocid) species) have the reasonable potential to co-occur with the proposed survey activities. Please refer to Table 3. Of the cetacean species that may be present, three are classified as low-frequency cetaceans (*i.e.,* all mysticete species), three are classified as mid-frequency cetaceans (*i.e.,* all delphinid and ziphiid species), and two are classified as high-frequency cetaceans (*i.e.,* harbor and Dall's porpoise).

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis and Determination'' section will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, and the ''Proposed Mitigation'' section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

The Seattle DOT's Pier 62 Project using in-water pile driving and pile removal could adversely affect marine mammal species and stocks by exposing them to elevated noise levels in the vicinity of the activity area.

Exposure to high intensity sound for a sufficient duration may result in auditory effects such as a noise-induced threshold shift (TS)—an increase in the auditory threshold after exposure to noise (Finneran *et al.* 2005). Factors that influence the amount of threshold shift include the amplitude, duration, frequency content, temporal pattern, and energy distribution of noise exposure. The magnitude of hearing threshold shift normally decreases over time following cessation of the noise exposure. The amount of threshold shift just after exposure is the initial threshold shift. If the threshold shift eventually returns to zero (*i.e.,* the threshold returns to the pre-exposure value), it is a temporary threshold shift (Southall *et al.* 2007).

Threshold Shift (noise-induced loss of hearing)—When animals exhibit reduced hearing sensitivity (*i.e.,* sounds must be louder for an animal to detect

them) following exposure to an intense sound or sound for long duration, it is referred to as TS. An animal can experience temporary threshold shift (TTS) or permanent threshold shift (PTS). TTS can last from minutes or hours to days (*i.e.,* there is complete recovery), can occur in specific frequency ranges (*i.e.,* an animal might only have a temporary loss of hearing sensitivity between the frequencies of 1 and 10 kHz), and can be of varying amounts (for example, an animal's hearing sensitivity might be reduced initially by only 6 dB or reduced by 30 dB). PTS is permanent, but some recovery is possible. PTS can also occur in a specific frequency range and amount as mentioned above for TTS.

For marine mammals, published data are limited to the captive bottlenose dolphin, beluga, harbor porpoise, and Yangtze finless porpoise (Finneran *et al.,* 2000, 2002, 2003, 2005, 2007, 2010a, 2010b; Finneran and Schlundt, 2010; Lucke *et al.,* 2009; Mooney *et al.,* 2009a, 2009b; Popov *et al.,* 2011a, 2011b; Kastelein *et al.,* 2012a; Schlundt *et al.,* 2000; Nachtigall *et al.,* 2003, 2004). For pinnipeds in water, data are limited to measurements of TTS in harbor seals, an elephant seal, and California sea lions (Kastak *et al.,* 1999, 2005; Kastelein *et al.,* 2012b).

Lucke *et al.* (2009) found a TS of a harbor porpoise after exposing it to airgun noise with a received SPL at 200.2 dB (peak-to-peak) re: 1 μPa, which corresponds to a sound exposure level (SEL) of 164.5 dB re: 1 μPa^2 s after integrating exposure. Because the airgun noise is a broadband impulse, one cannot directly determine the equivalent of rms SPL from the reported peak-to-peak SPLs. However, applying a conservative conversion factor of 16 dB for broadband signals from seismic surveys (McCauley *et al.* 2000) to correct for the difference between peak-to-peak levels reported in Lucke *et al.* (2009) and rms SPLs, the rms SPL for TTS would be approximately 184 dB re: 1 μPa, and the received levels associated with PTS (Level A harassment) would be higher. However, NMFS recognizes that TTS of harbor porpoises is lower than other cetacean species empirically tested (Finneran and Schlundt 2010; Finneran *et al.* 2002; Kastelein and Jennings 2012).

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. Also, depending on the degree and frequency range, the effects of PTS on an animal could range in severity, although it is considered generally more serious because it is a permanent condition. Of note, reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.* 2007), so one can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Masking—In addition, chronic exposure to excessive, though not high-intensity, noise could cause masking at particular frequencies for marine mammals that utilize sound for vital biological functions (Clark *et al.* 2009). Acoustic masking is when other noises such as from human sources interfere with animal detection of acoustic signals such as communication calls, echolocation sounds, and environmental sounds important to marine mammals. Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction.

Masking occurs at the frequency band that the animals utilize. Therefore, since noise generated from vibratory pile driving activity is mostly concentrated at low frequency ranges, it may have less effect on high frequency echolocation sounds by odontocetes (toothed whales). However, lower frequency man-made noises are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey noise. It may also affect communication signals when they occur near the noise band and thus reduce the communication space of animals (*e.g.,* Clark *et al.* 2009) and cause increased stress levels (*e.g.,* Foote *et al.* 2004; Holt *et al.* 2009).

Unlike TS, masking, which can occur over large temporal and spatial scales, can potentially affect the species at population, community, or even ecosystem levels, as well as individual levels. Masking affects both senders and receivers of the signals and could have long-term chronic effects on marine mammal species and populations. Recent science suggests that low frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of sound pressure level) in the world's ocean from pre-industrial periods, and most of these increases are from distant shipping (Hildebrand 2009). For Seattle DOT's Pier 62 Project, noises from vibratory pile driving and pile removal contribute to the elevated ambient noise levels in the project area, thus increasing potential for or severity of masking. Baseline ambient noise levels in the vicinity of project area are high due to ongoing shipping, construction and other activities in the Puget Sound.

Behavioral disturbance—Finally, marine mammals' exposure to certain sounds could lead to behavioral disturbance (Richardson *et al.,* 1995), such as: changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where noise sources are located; and/or flight responses (*e.g.,* pinnipeds flushing into water from haulouts or rookeries).

The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography) and is also difficult to predict (Southall *et al.,* 2007). Currently NMFS uses a received level of 160 dB re 1 μPa (rms) to predict the onset of behavioral harassment from impulse noises (such as impact pile driving), and 120 dB re 1 μPa (rms) for continuous noises (such as vibratory pile driving). For the Seattle DOT's Pier 62 Project, both of these noise levels are considered for effects analysis because Seattle DOT plans to use both impact and vibratory pile driving, as well as vibratory pile removal.

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However, the consequences of behavioral modification could be biologically significant if the change affects growth, survival, and/or reproduction, which depends on the severity, duration, and context of the effects.

Habitat—The primary potential impacts to marine mammal habitat are associated with elevated sound levels produced by pile driving and removal associated with marine mammal prey species. However, other potential impacts to the surrounding habitat from physical disturbance are also possible. Prey species for the various marine mammals include marine invertebrates and fish species. Short-term effects would occur to marine invertebrates during removal of existing piles. This effect is expected to be minor and short-term on the overall population of marine invertebrates in Elliott Bay. Construction will also have temporary effects on salmonids and other fish species in the project area due to disturbance, turbidity, noise, and the potential resuspension of contaminants. All in-water work will occur during the designated in-water work window, to minimize effects on juvenile salmonids with the exception of some Chinook salmon that may be found along the seawall into October. Additionally, marine resident fish species are only present in limited numbers along the seawall during the in-water work season and primarily occur during the summer months, when work would not be occurring (Anchor QEA 2012).

SPLs from impact pile driving has the potential to injure or kill fish in the immediate area. These few isolated fish mortality events are not anticipated to have a substantial effect on prey species population or their availability as a food resource for marine mammals.

Studies also suggest that larger fish are generally less susceptible to death or injury than small fish. Moreover, elongated forms that are round in cross section are less at risk than deep-bodied forms. Orientation of fish relative to the shock wave may also affect the extent of injury. Open water pelagic fish (*e.g.,* mackerel) seem to be less affected than reef fishes. The results of most studies are dependent upon specific biological, environmental, explosive, and data recording factors.

The huge variation in fish populations, including numbers, species, sizes, and orientation and range from the detonation point, makes it very difficult to accurately predict mortalities at any specific site of detonation. Most fish species experience a large number of natural mortalities, especially during early life-stages, and any small level of mortality caused by the Seattle DOT's impact pile driving will likely be insignificant to the population as a whole.

For non-impulsive sound such as that of vibratory pile driving, experiments have shown that fish can sense both the strength and direction of sound (Hawkins 1981). Primary factors determining whether a fish can sense a sound signal, and potentially react to it, are the frequency of the signal and the strength of the signal in relation to the natural background noise level.

The level of sound at which a fish will react or alter its behavior is usually well above the detection level. Fish have been found to react to sounds when the sound level increased to about 20 dB above the detection level of 120 dB (Ona 1988); however, the response threshold can depend on the time of year and the fish's physiological condition (Engas *et al.* 1993).

During construction activity of the Pier 62 Project, only a small fraction of the available habitat would be ensonified at any given time. Disturbance to fish species would be short-term and fish would return to their pre-disturbance behavior once the pile driving activity ceases. Thus, the proposed construction would have little, if any, impact on the abilities of marine mammals to feed in the area where construction work is proposed.

Finally, the time of the proposed construction activity would avoid the spawning season of the ESA-listed salmonid species between March and July.

Short-term turbidity is a water quality effect of most in-water work, including pile driving. Cetaceans are not expected to be close enough to the Pier 62 Project to experience turbidity, and any pinnipeds will be transiting the terminal area and could avoid localized areas of turbidity. Therefore, the impact from increased turbidity levels is expected to be discountable to marine mammals.

For these reasons, any adverse effects to marine mammal habitat in the area from the Seattle DOT's proposed Pier 62 would not be significant.

Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which informed both NMFS's consideration of whether the number of takes is ''small'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as exposure to pile driving activities has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for high frequency species due to larger predicted auditory injury zones. Auditory injury is unlikely to occur for mid-frequency species and most pinnipeds. The proposed mitigation and monitoring measures (*i.e.,* shutdown zones, use of a bubble curtain, etc. as discussed in detail below in ''Proposed Mitigation'' section), are expected to minimize the severity of such taking to the extent practicable. Below we describe how the take is estimated.

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

Acoustic Thresholds

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

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.* 2007, Ellison *et al.* 2011). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold

based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 µPa root mean square (rms) for continuous (*e.g.,* vibratory pile-driving, drilling) sources and above 160 dB re 1 µPa (rms) for non-explosive impulsive (*e.g.,* impact pile driving sources. Seattle DOT's proposed activity includes the use of continuous (vibratory pile driving and removal) and impulsive (impact pile driving) sources, and therefore the 120 and 160 dB re 1 µPa (rms) are applicable.

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

These thresholds were developed by compiling and synthesizing the best available science and soliciting input multiple times from both the public and peer reviewers to inform the final product, and are provided in Table 4 below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2016 Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/resource/document/underwater-acoustic-thresholds-onset-permanent-and-temporary-threshold-shiftshttp://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm*.

TABLE 4—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset thresholds	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	$L_{pk,flat}$: 219 dB $L_{E,LF,24h}$: 183 dB	$L_{E,LF,24h}$: 199 dB
Mid-Frequency (MF) Cetaceans	$L_{pk,flat}$: 230 dB $L_{E,MF,24h}$: 185 dB	$L_{E,MF,24h}$: 198 dB
High-Frequency (HF) Cetaceans	$L_{pk,flat}$: 202 dB $L_{E,HF,24h}$: 155 dB	$L_{E,HF,24h}$: 173 dB
Phocid Pinnipeds (PW) (Underwater)	$L_{pk,flat}$: 218 dB $L_{E,PW,24h}$: 185 dB	$L_{E,PW,24h}$: 201 dB
Otariid Pinnipeds (OW) (Underwater)	$L_{pk,flat}$: 232 dB $L_{E,OW,24h}$: 203 dB	$L_{E,OW,24h}$: 219 dB

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (Lpk) has a reference value of 1 µPa, and cumulative sound exposure level (LE) has a reference value of 1µPa2s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

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

Background noise is the sound level that would exist without the proposed activity (pile driving and removal, in this case), while ambient sound levels are those without human activity (NOAA 2009). The marine waterway of Elliott Bay is very active, and human factors that may contribute to background noise levels include ship traffic. Natural actions that contribute to ambient noise include waves, wind, rainfall, current fluctuations, chemical composition, and biological sound sources (*e.g.,* marine mammals, fish, and shrimp; Carr *et al.* 2006). Background noise levels were compared to the relevant threshold levels designed to protect marine mammals to determine the Level B Harassment Zones for noise sources. Based on hydroacoustic monitoring conducted during Season 1 of the Pier 62 Project to determine background noise in the vicinity of the project, the background level of 124 dB rms was used to calculate the attenuation for vibratory pile driving and removal in Season 2 (Greenbusch Group 2018). Although NMFS's harassment threshold is typically 120 dB for continuous noise, recent site-specific measurements collected by The Greenbusch Group (2018) as required by the Season 1 IHA indicate that ambient sound levels are typically higher than this sound level and ranged from 117 dB to 145 dB. Therefore, we used the, 124 dB rms (also the same noise level as Season 1), as the relevant threshold for Season 2 of the Seattle DOT Pier 62 project, assuming that any noise generated by the project below 124 dB would be subsumed by the existing background noise and have little likelihood of causing additional behavioral disturbance.

The source level of vibratory removal of 14-in timber piles is based on hydroacoustic monitoring measurements conducted at the Pier 62 project site during Season 1 vibratory removal (Greenbusch Group 2018). The recorded source level ranged from 140 to 169 dB rms re 1 micropascal (µPa) at 10 meters (m) from the pile, with the 75th percentile at 161 dB rms. This level, 161 dB rms, was chosen as the source value for vibratory timber removal in Season 2 because it is a conservative estimate of potential noise generation; 75 percent of the timber pile removal noise generated in Season 1 was on average lower than 161 dB rms. The sound source levels for installation of the 30-in steel piles and 24-in template piles are based on surrogate data compiled by WSDOT. This value was also used for other pile driving projects (*e.g.,* WSDOT Seattle

Multimodal Construction Project—Colman Dock (82 FR 31579; July 7, 2017)) in the same area as the Seattle Pier 62 project. In February of 2016, WSDOT conducted a test pile project at Colman Dock. The measured results from Colman Dock were used for that project and also here to provide source levels for the prediction of isopleths ensonified over thresholds for the Seattle Pier 62 project. The results showed that the sound pressure level (SPL) root-mean-square (rms) for impact pile driving of a 36-in steel pile is 189 dB re 1 µPa at 14 m from the pile (WSDOT 2016b). This value is also used for impact driving of the 30-in steel piles, which is a precautionary approach. Source level of vibratory pile driving of 36-in steel piles is based on test pile driving at Port Townsend in 2010 (Laughlin 2011). Recordings of vibratory pile driving were made at a distance of 10 m from the pile. The results show that the SPLrms for vibratory pile driving of 36-in steel pile was 177 dB re 1 µPa (WSDOT 2016a). The source sound level of 177 dB is used for vibratory steel installation of 30-in piles and 24-in template piles. The template pile activity occurs in conjunction with vibratory installation of 30-in steel piles. As such, the template pile activity is conservatively included as part of 30-in vibratory steel installation for the purposes of estimating take and monitoring the project activities. Sound generated by template pile activity (removal and installation of 24-in steel piles) is expected to be quieter than sound generated during vibratory steel installation of 30-in piles, because the piles are smaller and do not need to be driven as deep as structural, permanent 30-in steel piles.

The method of incidental take requested is Level B acoustical harassment of marine mammals within the 160 dB rms disturbance threshold (impact pile driving); the 120 dB rms disturbance threshold (vibratory pile driving); and the 120 dB rms disturbance threshold for vibratory removal of piles. Therefore, three different Level B Harassment/Monitoring Zones were established and will be in place during pile driving installation or removal (Table 5). Measured ambient noise levels in the area are 124 dB; therefore, NMFS only considers take likely to occur in the area ensonified above 124 dB, as pile driving noise below 124 dB would likely be masked or their impacts diminished such that any reactions would not be considered take as a result of the high ambient noise levels.

For the Level B Harassment/Monitoring Zones, sound waves propagate in all directions when they travel through water until they dissipate to background levels or encounter barriers that absorb or reflect their energy, such as a landmass. Therefore, the area of the Level B Harassment/Monitoring Zones was determined using land as the boundary on the north, east and south sides of the project. On the west, land was also used to establish the zone for vibratory driving. From Alki on the south and Magnolia on the north, a straight line of transmission was established out to Bainbridge Island. For impact driving (and vibratory removal), sound dissipates much quicker and the impact zone stays within Elliott Bay. Pile-related construction noise would extend throughout the nearshore and open water environments to just west of Alki Point and a limited distance into the East Waterway of the Lower Duwamish River, a highly industrialized waterway. Because landmasses block in-water construction noise, a ''noise shadow'' created by Alki Point is expected to be present immediately west of this feature (refer to Seattle DOT's application for maps depicting the Level B Harassment/Monitoring Zones).

TABLE 5—LEVEL B ZONE HARASSMENT/MONITORING ZONES DESCRIPTIONS AND DURATION OF ACTIVITY

Sound source	Activity	Construction method	Level B threshold (m)	Level B harassment zones (km^2) [2]	Days of activity
1	Removal of 14-in Timber Piles	Vibratory [1]	1,848	4.8	10
2	Installation of 30-in Steel Piles and Temporary 24-in Template Steel Piles.	Vibratory [1]	54,117	91	53
3	Installation of 30-in Steel Piles	Impact	2,929	2.3	64

Notes:
[1] The Level B thresholds for vibratory installation and removal were calculated to 124 dB rms as the actual ambient noise level rather than 120 dB.
[2] The Level B Harassment Zones are not based on the distances given but represent actual ensonified area given the surrounding land configuration of Elliott Bay.

When NMFS Technical Guidance (NMFS 2016) was published, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which will result in some degree of overestimate of Level A harassment take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources such as vibratory and impact pile driving, NMFS's User Spreadsheet predicts the closest distance at which, if a marine mammal remained at that distance the whole duration of the activity, it would not incur PTS. Inputs used in the User Spreadsheet, and the resulting isopleths/Level A Harassment Zones are reported below.

The PTS isopleths were identified for each hearing group for impact and vibratory installation and removal methods that will be used in the Pier 62 Project. The PTS isopleth distances were calculated using the NMFS acoustic threshold calculator (NMFS 2016), with inputs based on measured and surrogate noise measurements taken during the EBSP and from WSDOT, and estimating conservative working durations (Table 6 and Table 7).

TABLE 6—NMFS TECHNICAL ACOUSTIC GUIDANCE USER SPREADSHEET INPUT TO PREDICT PTS ISOPLETHS/LEVEL A HARASSMENT

[User Spreadsheet Input]

Spreadsheet Tab Used	Sound source 1	Sound source 2	Sound source 3
	(A) Vibratory pile driving (removal)	(A) Vibratory pile driving (installation)	(E.1) Impact pile driving (installation)
Source Level (rms SPL)	[a] 161 dB	[b] 180 dB	.....
Source Level (Single Strike/shot SEL)	.....	.....	[c] 176 dB
Weighting Factor Adjustment (kHz)	2.5	2.5	2
(a) Number of strikes in 1 h	.....	.....	20
(a) Activity Duration (h) within 24-h period	8	8	4
Propagation (xLogR)	15	15	15
Distance of source level measurement (meters) †	10	10	14

[a] Greenbusch Group 2018. Pier 62 Project—Draft Acoustic Monitoring Season 1 (2017/2018) Report. Prepared for City of Seattle Department of Transportation. April 9, 2018.

[b] Source level for 30-in steel piles was from test pile driving at Port Townsend Ferry Terminal in 2010. SPLrms for vibratory pile driving was 177 dB re 1 μPa. and 3 dB was added for use of two hammers.

[c] Source information is from the Underwater Sound Level Report: Colman Dock Test Pile Project 2016.

TABLE 7—NMFS TECHNICAL ACOUSTIC GUIDANCE USER SPREADSHEET OUTPUT FOR PREDICTED PTS ISOPLETHS AND LEVEL A HARASSMENT DAILY ENSONIFIED AREAS

[User Spreadsheet Output]

Sound source type	PTS isopleth (meters)				
	Low-frequency cetaceans	Mid-frequency cetaceans	High-frequency cetaceans	Phocid pinnipeds	Otariid Pinnipeds
1—Vibratory (pile removal)	27.3	2.4	40.4	16.6	1.2
2—Vibratory (installation)	504.8	44.7	746.4	306.8	21.5
3—Impact (installation)	88.6	3.2	105.6	47.4	3.5
Level A Harassment Daily ensonified area (km^2) [a]					
Vibratory (pile removal)	0.001171	0.0000091	0.002564	0.000433	0.0000023
Vibratory (installation)	0.400275	0.003139	0.875111	0.147853	0.000726
Impact (installation)	0.012331	0.000016	0.017517	0.003529	1.92423E–05

Note:

[a] Daily ensonified areas were divided by two to only account for the ensonified area within the water and not over land.

Marine Mammal Occurrence and Take Calculation and Estimation

In this section we provide the information about the presence, density, or group dynamics of marine mammals that informed the take calculation and we describe how the marine mammal occurrence information is brought together to produce a quantitative take estimate. In some cases (*e.g.,* harbor seals and California sea lions) we used local monitoring to calculate estimated take; however, We also present take estimates (where available) using the species density data from the 2015 Pacific Navy Marine Species Density Database (U.S. Navy 2015), as a comparison for estimated take of marine mammals. For harbor porpoise, we estimated take using the density estimates provided in Jefferson *et al.,* 2016 as this is the best available density information for this species.

Where species density is available, take estimates are based on average marine mammal density in the project area multiplied by the area size of ensonified zones within which received noise levels exceed certain thresholds (*i.e.,* Level A and B harassment) from specific activities, then multiplied by the total number of days such activities would occur.

Unless otherwise described, incidental take is estimated by the following equation:

Incidental take estimate = species density * zone of influence * days of pile-related activity

However, adjustments were made for nearly every marine mammal species, whenever their local abundance is known through monitoring during Season 1 activities and other monitoring efforts. In those cases, the local abundance data was used for take calculations for the authorized take instead of general animal density (see below).

Harbor Seal

The take estimate for harbor seals for Pier 62 is based on local seal abundance information using the maximum number of seals (13) sighted in one day during the 2016 Seattle Test Pile project multiplied by the total of 127 pile driving days for the Seattle DOT Pier 62 Project Season 2 for 1,651 seals. Fifty-three of the 127 days of activity would involve installation by vibratory pile driving, which has a much larger Level A Harassment Zone (306.8 m) than the Level A Harassment Zones for vibratory removal (16.6 m) and impact pile driving (47.4 m). Harbor seals may be difficult to observe at greater distances, therefore, during vibratory pile driving, it may not be known how long a seal is present in the Level A Harassment Zone. We estimate that four instances of harbor seals may occur by Level A harassment during these 53 days. Four instances of potential take by Level A harassment was based the local

observational data for harbor seals, the larger ensonified area during vibratory pile driving for installation, and our best professional judgment that an animal would remain within the injury zone for prolonged exposure of intense noise. The instances of take by Level B harassment (1,651 seals) was adjusted to exclude those already counted for instances of take bye Level A harassment, so the proposed authorized instances of take by Level B harassment is 1,647 harbor seals.

As a comparison, using U.S. Navy species density estimates (U.S. Navy 2015) for the inland waters of Puget Sound, potential take of harbor seal is shown in Table 8. Based on these calculations, instances of take by Level A is estimated at 10 harbor seals from vibratory pile driving and instances of take by Level B is estimated at 6,107 harbor seals from all sound sources. However, observational data from previous projects on the Seattle waterfront have documented only a fraction of what is calculated using the Navy density estimates for Puget Sound. For example, between zero and seven seals were observed daily for the EBSP and 56 harbor seals were observed over 10 days in the area with the maximum number of 13 harbor seals sighted during the 2016 Seattle Test Pile project (WSF 2016). During marine mammal monitoring for Season 1 of the Seattle DOT Pier 62 Project, 10 harbor seals were observed within the Level B Harassment/Monitoring Zone during vibratory activity. Project activities in Season 1, primarily timber vibratory removal, had a smaller Level B Harassment/Monitoring Zone than vibratory steel installation (the primary activity for Seasons 2), so it is expected that harbor seal observations and takes in Season 2 will be greater and will more closely resemble observational data from other monitoring efforts such as EBSP and Seattle Test Pile Project.

TABLE 8—HARBOR SEAL ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated take Level A	Estimated take Level B
1	1.219	0.000176	4.8	10	0	58.
2	1.219	0.147853	91	53	10	5,879 (*Adjusted 5,869).
3	1.219	0.003529	2.3	64	0	180.

Note:
km^2—square kilometers.
* Number of Level B takes was adjusted to exclude those already counted for Level A takes.

Northern Elephant Seal

For the Northern elephant seal, the Whale Museum (as cited in WSDOT 2016a) reported one sighting in the relevant area between 2008 and 2014. In addition, based on U.S. Navy species density estimates (U.S. Navy 2015), potential take of northern elephant seal is expected to be zero. Therefore, the Seattle DOT is requesting authorization for an instance of take by Level B harassment of one northern elephant seal.

California Sea Lion

The take estimate of California sea lions for Pier 62 is based on Season 1 marine mammal monitoring for the Seattle DOT Pier 62 Project and four seasons of local sea lion abundance information from the EBSP. Marine mammal visual monitoring during the EBSP indicates that a maximum of 15 sea lions were observed in a day during 4 years of project monitoring (Anchor QEA 2014, 2015, 2016, 2017). Based on a total of 127 pile driving days for the Seattle Pier 62 project Season 2, it is estimated that up to 1,905 California sea lions (15 sea lions multiplied by 127 days) could be exposed to noise levels associated with ''take.'' Since the calculated Level A Harassment Zones of otariids are all very small (Table 7), we do not consider it likely that any sea lions would be taken by Level A harassment. Therefore, all California sea lion takes estimated here are expected to be takes by Level B harassment and NMFS proposes to authorize instances of take by Level B harassment of 1,905 California sea lions.

As a comparison, using the U.S. Navy species density estimates (U.S. Navy 2015) for the inland waters of Washington, including Eastern Bays and Puget Sound, potential take of California sea lion is shown in Table 9. The estimated instances of take by Level B harassment is 636 California sea lions. However, the Seattle DOT believes that this estimate is unrealistically low, based on local marine mammal monitoring.

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.1266	2.26E–06	4.8	10	0	6
2	0.1266	0.000726	91	53	0	611
3	0.1266	1.92423E–05	2.3	64	0	19

Note:
km^2—square kilometers.

Steller Sea Lion

No local monitoring data of Steller sea lions is available. Therefore, the estimated take for Steller sea lions is based on U.S. Navy species density estimates (U.S. Navy 2015), and is shown in Table 10. Since the calculated Level A Harassment Zones of otariids are all very small (Table 7), we do not consider it likely that any Steller sea lions would be taken by Level A harassment. The Seattle DOT is requesting authorization instances of take by Level B harassment of 185 Steller sea lions.

TABLE 10—STELLER SEA LION ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.0368	2.26E–06	4.8	10	0	2
2	0.0368	0.000726	91	53	0	178
3	0.0368	1.92423E–05	2.3	64	0	5

Note:
km^2—square kilometers.

Southern Resident Killer Whale

The take estimate of SRKW for Pier 62 is based on local data and information from the Center for Whale Research (CWR). J-pod is the pod most likely to appear in the lower Puget Sound near Seattle with a group size of approximately 23 SRKW in 2017, 24 in 2016, and 29 in 2015. (CWR 2017). Therefore, NMFS proposes to authorize instances of take by Level B harassment of 23 SRKW based on a single occurrence of one pod (*i.e.,* J Pod—23 individuals) that would be most likely to be seen near Seattle. Since the Level A Harassment Zones of mid-frequency cetaceans are small (Table 7), we do not consider it likely that any SRKW would be taken by Level A harassment.

The Seattle DOT will coordinate with the Orca Network and the CWR in an attempt to avoid all take of SRKW, but it may be possible that a group may enter the Level B Harassment/Monitoring Zones before Seattle DOT could shut down due to the larger size of the Level B Harassment/Monitoring Zones particularly during vibratory pile driving (installation).

As a comparison, using the U.S. Navy species density estimates (U.S. Navy 2015) the density for the SRKW is variable across seasons and across the range. The inland water density estimates vary from 0.000000 to 0.000090/km^2 in summer, 0.001461 to 0.004760/km^2 in fall, and 0.004761 to 0.020240/km^2 in winter. Therefore, estimated takes as shown in Table 11 are based on the highest density estimated during the winter season (0.020240/km^2) for the SRKW population. With the variable winter density, estimates can range from 24 to 102 SRKW, with the upper take estimate greater than the estimated population size.

TABLE 11—SOUTHERN RESIDENT KILLER WHALE ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.020240	0.0000091	4.8	10	0	1
2	0.020240	0.003139	91	53	0	98
3	0.020240	0.000016	2.3	64	0	3

Note:
km^2—square kilometers.

Transient Killer Whale

The take estimate of transient killer whales for Pier 62 is based on local data. Seven transients were reported in the project area (Orca Network Archive Report 2016a). Therefore, NMFS proposes to authorize instances of take by Level B harassment of 42 transient killer whales, which would cover up to 2 groups of up to 7 transient whales entering into the project area and remaining there for three days. Since the Level A Harassment Zones of mid-frequency cetaceans are small (Table 7), we do not consider it likely that any transient killer whales would be taken by Level A harassment.

As a comparison, based on U.S. Navy species density estimates (U.S. Navy 2015), potential take of transient killer whale is shown in Table 12. As with the SRKW, the density estimate of transient killer whales is variable between seasons and regions. Density estimates range from 0.000575 to 0.001582/km^2 in summer, from 0.001583 to 0.002373/km^2 in fall, and from 0.000575 to 0.001582/km^2 in winter. Work could occur throughout summer, fall and winter, so the highest estimate, fall density, was used to conservatively estimate take. For instances of take by Level B harassment, this results in a take estimate of twelve SRKW. However, the Seattle DOT believes that this estimate is low based on local data of seven transients that were reported in the area (Orca Network Archive Report 2016a).

TABLE 12—TRANSIENT KILLER WHALE ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.002373	0.000004	4.8	10	0	0
2	0.002373	0.003139	91	53	0	12
3	0.002373	0.000016	2.3	64	0	0

Note:
km^2—square kilometers.

Long-beaked Common Dolphin

The take estimate of Long-beaked common dolphin for Pier 62 is based on local monitoring data.. In 2016, the Orca Network (2016c) reported a pod of up to 20 long-beaked common dolphins. Therefore, the Seattle DOT is requesting authorization for instances of take by Level B harassment of 20 long-beaked common dolphins. Since the Level A Harassment Zones of mid-frequency cetaceans are all very small (Table 7), we do not consider it likely that the long-beaked common dolphin would be taken by Level A harassment. Based on U.S. Navy species density estimates (U.S. Navy 2015), potential instances take of long-beaked common dolphin is expected to be zero; therefore, we believe it more appropriate to use local monitoring data.

Bottlenose Dolphin

The take estimate of bottlenose dolphin for Pier 62 is based on local monitoring data. In 2017 the Orca Network (2017) reported sightings of a bottlenose dolphin in Puget Sound and in Elliott Bay, and WSDOT observed two bottlenose dolphins in one week during monitoring for the Colman Dock Multimodal Project (WSDOT 2017). In addition, a group of seven dolphins were observed in 2017 and were positively identified as part of the CA coastal stock (Cascadia Research Collective, 2017). Bottlenose dolphins typically travel in groups of 2 to 15 in coastal waters (NOAA 2017). Therefore, the Seattle DOT is requesting instances of takes by Level B harassment of seven bottlenose dolphins. Since the Level A Harassment Zones of mid-frequency cetaceans are all very small (Table 7), we do not consider it likely that the common bottlenose dolphin would be taken by Level A harassment. Based on U.S. Navy species density estimates (U.S. Navy 2015), instances of potential take by Level B harassment of bottlenose dolphin is expected to be zero; therefore, we believe it more appropriate to use local monitoring data.

Harbor Porpoise

Species density estimates from Jefferson *et al.* (2016), is the best available density data available for the potential take of harbor porpoise and is shown in Table 13. Instances of take by Level A harassment is estimated at 32 harbor porpoises and instances of take by Level B harassment is estimated at 3,431 exposures to harbor porpoises. Therefore, NMFS proposes to authorize instances take by Level A harassment of 32 harbor porpoises and instances of take by Level B harassment of 3,431 harbor porpoises.

TABLE 13—HARBOR PORPOISE ESTIMATED TAKE BASED ON JEFFERSON *et al.,* (2016)

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.69	0.002564	4.8	10	0	33.
2	0.69	0.875111	91	53	32	3,328 (* Adjusted 3,296).
3	0.69	0.017517	2.3	64	0	102.

Note:
km^2—square kilometers
* Number of Level B takes was adjusted to exclude those already counted for Level A takes. Take is instances not individuals.

Dall's Porpoise

No local monitoring data of Dall's porpoise is available. Therefore, the estimated instances of take for Dall's porpoise is based on U.S. Navy species density estimates (U.S. Navy 2015), as shown in Table 14. Based on these calculations, NMFS proposes to authorize instances of take by Level A harassment of two Dall's porpoise and instances take by Level B harassment of 196 Dall's porpoise.

TABLE 14—DALL'S PORPOISE ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.039	0.002564	4.8	10	0	2.
2	0.039	0.875111	91	53	2	190 (* Adjusted 188).
3	0.039	0.017517	2.3	64	0	6.

Note:
km^2—square kilometers.
* Number of Level B takes was adjusted to exclude those already counted for Level A takes.

Humpback Whale

Based on U.S. Navy species density estimates (U.S. Navy 2015), potential take of humpback whale is shown in Table 15. Although the standard take calculations would result in an estimated take of less than one humpback whale, to be conservative, the Seattle DOT is requesting authorization for instances of take by Level B harassment of five humpback whales based on take during previous work in Elliott Bay where two humpback whales were observed, including one take, during the 175 days of work during the previous four years (Anchor QEA 2014, 2015, 2016, and 2017). Since the Level A Harassment Zones of low-frequency cetaceans are smaller during vibratory removal (27.3 m) or impact installation (88.6 m) compared to the Level A Harassment Zone for vibratory installation (504.8 m) (Table 7), we do not consider it likely that any humpbacks would be taken by Level A harassment during removal or impact installation. We also do not believe any humpbacks would be taken during vibratory installation due to the ability to see humpbacks easily during monitoring and additional coordination with the Orca Network and the CWR which would enable the work to be shut down before a humpback would be taken by Level A harassment.

TABLE 15—HUMPBACK WHALE ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.00001	0.001171	4.8	10	0	0
2	0.00001	0.400275	91	53	0	0
3	0.00001	0.012331	2.3	64	0	0

Note:
km^2—square kilometers.

Gray Whale

No local monitoring data of gray whales is available. Therefore, the instances of estimated take for gray whales is based on U.S. Navy species density estimates (U.S. Navy 2015), as shown in Table 16. Therefore, the Seattle DOT is requesting authorization for instances of take by Level B harassment of four gray whales. Since the Level A Harassment Zones of low-frequency cetaceans are smaller during vibratory removal (27.3 m) or impact installation (88.6 m) compared to the Level A Harassment Zone for vibratory installation (504.8 m) (Table 7), we do not consider it likely that any gray whales would be taken by Level A harassment during removal or impact installation. We also do not believe any gray whales would be taken by Level A harassment during vibratory installation due to the ability to see gray whales easily during monitoring and additional coordination with the Orca Network and the CWR, which would enable the work to be shut down before a gray whale would be taken by Level A harassment.

TABLE 16—GRAY WHALE ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Sound source	Species density	Level A ZOI (km^2)	Level B ZOI (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.00051	0.001171	4.8	10	0	0
2	0.00051	0.400275	91	53	0	3
3	0.00051	0.012331	2.3	64	0	1

Note:
km^2—square kilometers.

Minke Whale

Between 2008 and 2014, the Whale Museum (as cited in WSDOT 2016a) reported one sighting in the relevant area. To be conservative the Seattle DOT is requesting authorization for instances of take by Level B harassment of two minke whales, based on previous sightings in the construction area by the Whale Museum. Based on the low probability that a minke whale would be observed during the project and then also enter into a Level A zone, we do not consider it likely that any minke whales would be taken by Level A harassment. As a comparison, based on U.S. Navy species density estimates (U.S. Navy 2015), the instance of potential take of minke whales is expected to be zero (Table 17).

TABLE 17—MINKE WHALE ESTIMATED TAKE BASED ON NMSDD PRESENTED FOR COMPARISON

Level B zone	Species density	Level A ZOI (km^2)	Level B ZO I (km^2)	Days of activity	Estimated Level A take	Estimated Level B take
1	0.00003	0.001171	4.8	10	0	0
2	0.00003	0.400275	91	53	0	<1
3	0.00003	0.012331	2.3	64	0	0

Note:
km^2—square kilometers.

The summary of the authorized take by Level A and Level B Harassment is described below in Table 18.

TABLE 18—SUMMARY OF REQUESTED INCIDENTAL TAKE BY LEVEL A AND LEVEL B HARASSMENT

Species	Stock size	Authorized Level A take	Authorized Level B take	Authorized total take	% of population
Pacific harbor seal (*Phoca vitulina*).	11,036	4	1,647 [a]	1,651	14.96.
Northern elephant seal (*Mirounga angustirostris*).	179,000	0	1 [b]	1	Less than 1.
California sea lion (*Zalophus californianus*).	296,750	0	1,905 [c]	1,905	Less than 1.
Steller sea lion (*Eumetopias jubatus*).	41,638	0	185	185	Less than 1.

TABLE 18—SUMMARY OF REQUESTED INCIDENTAL TAKE BY LEVEL A AND LEVEL B HARASSMENT—Continued

Species	Stock size	Authorized Level A take	Authorized Level B take	Authorized total take	% of population
Southern resident killer whale DPS (*Orcinus orca*).	83	0	23 (single occurrence of one pod) [d].	23 (single occurrence of one pod).	27.1.
Transient killer whale (*Orcinus orca*).	240	0	42 [e]	42	17.5.
Long-beaked common dolphin (*Dephinus capensis).*	101,305	0	20 [f]	20	Less than 1.
Bottlenose dolphin (*Tursiops truncatus*).	1,924	0	7 [g]	7	Less than 1.
Harbor porpoise (*Phocoena phocoena*).	11,233	32	3,431	3,463	30.82.
Dall's porpoise (*Phocoenoides dalli*).	25,750	2	196	198	Less than 1.
Humpback whale (*Megaptera novaengliae*).	1,918	0	5 [h]	5	Less than 1.
Gray whale (*Eschrichtius robustus*).	20,990	0	4	4	Less than 1.
Minke whale (*Balaenoptera acutorostrata*).	636	0	2 [i]	2	Less than 1.

Note:

[a] The take estimate is based on a maximum of 13 seals observed on a given day during the 2016 Seattle Test Pile project. The number of Level B takes was adjusted to exclude those already counted for Level A takes.

[b] The take estimate is based on The Whale Museum (as cited in WSDOT 2016a) reporting one sighting of a northern elephant seal in the area between 2008 and 2014.

[c] The take estimate is based on a maximum of 15 California sea lions observed on a given day during 4 monitoring seasons of the EBSP project.

[d] The take estimate is based on a single occurrence of one pod of SRKW (*i.e.,* J-pod of 24 SRKW) that would be most likely to be seen near Seattle.

[e] The take estimate is based on local data which is greater than the estimates produced using the Navy density estimates.

[f] The take estimate is based on the Orca Network (2016c) reporting a pod of up to 20 long-beaked common dolphins.

[g] The take estimate is based on local data. A group of seven dolphins were observed in Puget Sound in 2017 and were positively identified as part of the CA coastal stock (Cascadia Research Collective, 2017). .

[h] The take estimate is based on take during previous work in Elliott Bay, where two humpback whales were observed and is greater than what was calculated using 2015 Navy density estimates.

[i] The take estimate is based on The Whale Museum (as cited in WSDOT 2016a) reporting one sighting in the relevant area. Although the take calculations would result in an estimated take of less than one minke whale, to be conservative the Seattle DOT is requesting take of two minke whales.

Proposed Mitigation

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

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

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

(2) the practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations.

Several measures for mitigating effects on marine mammals and their habitat from the pile installation and removal activities at Pier 62 are described below.

Timing Restrictions

All work will be conducted during daylight hours.

Pre-Construction Briefing

Seattle DOT shall conduct briefings for construction supervisors and crews, the monitoring team, and Seattle DOT staff prior to the start of all pile driving activity, and when new personnel join the work, in order to explain responsibilities, communication procedures, the marine mammal monitoring protocol, and operational procedures.

Bubble Curtain

A bubble curtain will be used during pile driving activities with an impact hammer to reduce sound levels. Seattle DOT has stated as part of their specified activity that they and has agreed to employ a bubble curtain during impact pile driving of steel piles and will implement the following bubble curtain performance standards:

(i) The bubble curtain must distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column.

(ii) The lowest bubble curtain ring will be deployed on or as close to the mudline for the full circumference of

the ring as possible, without causing turbidity.

(iii) Seattle DOT will require that construction contractors train personnel in the proper balancing of air flow to the bubblers, and will require that construction contractors submit an inspection/performance report for approval by Seattle DOT within 72 hours following the performance test. Corrections to the attenuation device to meet the performance standards will occur prior to impact driving.

Shutdown Zones

Shutdown Zones will be implemented to protect marine mammals from Level A harassment (Table 20 below). The PTS isopleths described in Table 7 were used as a starting point for calculating the shutdown zones; however, Seattle DOT will implement a minimum shutdown zone of a 10 m radius around each pile for all construction methods for all marine mammals. Therefore, in some cases the shutdown zone will be slightly larger than was calculated for the PTS isopleths as described in Table 7 (*i.e.,* for mid-frequency cetaceans and otariid pinnipeds). Outside of any Level A take authorized, if a marine mammal is observed at or within the Shutdown Zone, work will shut down (stop work) until the individual has been observed outside of the zone, or has not been observed for at least 15 minutes for all marine mammals. A determination that the shutdown zone is clear must be made during a period of good visibility (*i.e.,* the entire shutdown zone and surrounding waters must be visible to the naked eye). If a marine mammal approaches or enters the shutdown zone during activities or pre-activity monitoring, all pile driving activities at that location shall be halted or delayed, respectively. If pile driving is halted or delayed due to the presence of a marine mammal, the activity may not resume or commence until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone and 15 minutes have passed without re-detection of the animal. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than thirty minutes.

TABLE 20—SHUTDOWN ZONES FOR VARIOUS PILE DRIVING ACTIVITIES FOR MARINE MAMMAL HEARING GROUPS

Sound source type	Shutdown Zones (meters)				
	Low-frequency cetaceans	Mid-frequency cetaceans	High-frequency cetaceans	Phocid pinnipeds	Otariid pinnipeds
1—Vibratory (pile removal)	27	10	40	17	10
2—Vibratory (installation)	505	45	746	307	22
3—Impact (installation)	89	10	106	47	10

Additional Shutdown Measures

For in-water heavy machinery activities other than pile driving, if a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions.

Seattle DOT will implement shutdown measures if the cumulative total number of individuals observed within the Level B Harassment/Monitoring Zones (below in Table 21) for any particular species reaches the number authorized under the IHA and if such marine mammals are sighted within the vicinity of the project area and are approaching the Level B Harassment/Monitoring Zone during in-water construction activities.

Level B Harassment/Monitoring Zones

Seattle DOT will monitor the Level B Harassment/Monitoring Zones as described in Table 21.

TABLE 21—LEVEL B HARASSMENT/MONITORING ZONES FOR VARIOUS PILE DRIVING ACTIVITIES

Activity	Construction method	Level B threshold (m)	Level B ZOI (km^2)
Removal of 14-in Timber Piles	Vibratory	1,848	4.8
Installation of 30-in Steel Piles	Vibratory	54,117	91
Installation of 30-in Steel Piles	Impact	2,929	2.3

Soft-Start for Impact Pile Driving

Each day at the beginning of impact pile driving or any time there has been cessation or downtime of 30 minutes or more without impact pile driving, Seattle DOT will use the soft-start technique by providing an initial set of three strikes from the impact hammer at 40 percent energy, followed by a 30-secondwaiting period, then two subsequent three-strike sets.

Additional Coordination

The project team will monitor and coordinate with local marine mammal networks on a daily basis (*i.e.,* Orca Network and/or the CWR) for sightings data and acoustic detection data to gather information on the location of whales prior to pile removal or pile driving activities. The project team will also coordinate with WSF to discuss marine mammal sightings on days when pile driving and removal activities are occurring on their nearby projects. Marine mammal monitoring will be conducted to collect information on the presence of marine mammals within the Level B Harassment/Monitoring Zones for this project. In addition, reports will be made available to interested parties upon request. With this level of coordination in the region of activity, Seattle DOT will get real-time information on the presence or absence of whales before starting any pile driving or removal activities.

During Season 1, Seattle DOT carried out additional voluntary mitigation measures during pile driving and

removal activities to minimize impacts from noise on the Seattle Aquarium's captive marine mammals as well as for air and water quality concerns. These measures were successfully coordinated and implemented, and Seattle DOT will implement the same measures during Season 2 work, as follows:

1. If aquarium animals are determined by the Aquarium veterinarian to be distressed, Seattle DOT will coordinate with Aquarium staff to determine appropriate next steps, which may include suspending pile driving work for 30 minutes, provided that suspension does not pose a safety issue for the Pier 62 project construction crews.

2. Seattle DOT will make reasonable efforts to take at least one regularly scheduled 20-minute break in pile driving each day.

3. Seattle DOT will regularly communicate with the Aquarium staff when pile driving is occurring.

4. Seattle DOT will further coordinate with the Aquarium to determine appropriate methods to avoid and minimize impacts to water quality.

5. Seattle DOT does not anticipate the project resulting in impacts associated with airborne dust. If, during construction, odors associated with the project are an issue, Seattle DOT will coordinate with its contractor to determine appropriate mitigation measures.

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

Proposed Monitoring and Reporting

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

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

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density).
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas).
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors.
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks.
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat).
- Mitigation and monitoring effectiveness.

Marine mammal monitoring will be conducted at all times during in-water pile driving and pile removal activities in strategic locations around the area of potential effects as described below:

- During pile removal or installation with a vibratory hammer, three to four monitors would be used, positioned such that each monitor has a distinct view-shed and the monitors collectively have overlapping view-sheds (refer to Appendix A, Figures 1–3 of the Seattle DOT's application).
- During pile driving activities with an impact hammer, one monitor, based at or near the construction site, will conduct the monitoring.
- In the case(s) where visibility becomes limited, additional land-based monitors and/or boat-based monitors may be deployed.
- Monitors will record take when marine mammals enter the relevant Level B Harassment/Monitoring Zones based on type of construction activity.
- If a marine mammal approaches a Shutdown Zone, the observation will be reported to the Construction Manager and the individual will be watched closely. If the marine mammal crosses into a Shutdown Zone, a stop-work order will be issued. In the event that a stop-work order is triggered, the observed marine mammal(s) will be closely monitored while it remains in or near the Shutdown Zone, and only when it moves well outside of the Shutdown Zone or has not been observed for at least 15 minutes for pinnipeds and small cetaceans and 30 minutes for large whales will the lead monitor allow work to recommence.

Protected Species Observers

Seattle DOT will employ NMFS-approved protected species observers (PSOs) to conduct marine mammal monitoring for its Pier 62 Project. The PSOs will observe and collect data on marine mammals in and around the project area for 30 minutes before, during, and for 30 minutes after all pile removal and pile installation work. NMFS-approved PSOs will meet the following requirements:

1. Independent observers (*i.e.,* not construction personnel) are required.

2. At least one observer must have prior experience working as an observer.

3. Other observers may substitute education (undergraduate degree in biological science or related field) or training for experience.

4. Where a team of three or more observers are required, one observer should be designated as lead observer or monitoring coordinator. The lead observer must have prior experience working as an observer.

5. NMFS will require submission and approval of observer CVs.

6. PSOs will monitor marine mammals around the construction site using high-quality binoculars *(e.g.,* Zeiss, 10 x 42 power) and/or spotting scopes. Due to the different sizes of the Level B Harassment/Monitoring Zones from different pile sizes, several different Level B Harassment/ Monitoring Zones and different monitoring protocols corresponding to a specific pile size will be established.

7. If marine mammals are observed, the following information will be documented:

(A) Date and time that monitored activity begins or ends;

(B) Construction activities occurring during each observation period;

(C) Weather parameters (*e.g.,* percent cover, visibility);

(D) Water conditions (*e.g.,* sea state, tide state);

(E) Species, numbers, and, if possible, sex and age class of marine mammals;

(F) Description of any observable marine mammal behavior patterns,

including bearing and direction of travel and distance from pile driving activity;

(G) Distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point;

(H) Locations of all marine mammal observations; and

(I) Other human activity in the area.

Acoustic Monitoring

In addition, acoustic monitoring will occur on up to six days per in-water work season to evaluate, in real time, sound production from construction activities and will capture all hammering scenarios that may occur under the proposed project. Background noise recordings (in the absence of pile-related work) will also be made during the study to provide a baseline background noise profile. Acoustic monitoring will follow NMFS's 2012 Guidance Documents: Sound Propagation Modeling to Characterize Pile Driving Sounds Relevant to Marine Mammals; Data Collection Methods to Characterize Impact and Vibratory Pile Driving Source Levels Relevant to Marine Mammals; and Data Collection Methods to Characterize Underwater Background Sound Relevant to Marine Mammals in Coastal Nearshore Waters and Rivers of Washington and Oregon.

The results and conclusions of the acoustic monitoring will be summarized and presented to NMFS with recommendations on any modifications to this plan or Shutdown Zones.

Reporting Measures

Marine Mammal Monitoring Report

Seattle DOT will submit a draft marine mammal monitoring report within 90 days after completion of the in-water construction work, the expiration of the IHA (if issued), or 60 days prior to the requested date of issuance of any subsequent IHA, whichever sooner. The report would include data from marine mammal sightings as described: Date, time, location, species, group size, and behavior, any observed reactions to construction, distance to operating pile hammer, and construction activities occurring at time of sighting and environmental data for the period (*i.e.,* wind speed and direction, sea state, tidal state, cloud cover, and visibility). The marine mammal monitoring report will also include total takes, takes by day, and stop-work orders for each species. NMFS will have an opportunity to provide comments on the report, and if NMFS has comments, Seattle DOT will address the comments and submit a final report to NMFS within 30 days.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA, such as an injury (Level A harassment), serious injury, or mortality, Seattle DOT would immediately cease the specified activities and immediately report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS and the NMFS' West Coast Stranding Coordinator. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hrs preceding the incident;
- Water depth;
- Environmental conditions (*e.g.,* wind speed and direction, sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hrs preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the prohibited take. NMFS would work with Seattle DOT to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Seattle DOT may not resume their activities until notified by NMFS via letter, email, or telephone.

Reporting of Injured or Dead Marine Mammals

In the event that Seattle DOT discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as described in the next paragraph), Seattle DOT will immediately report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS and the NMFS' West Coast Stranding Coordinator. The report must include the same information identified in the paragraph above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS would work with Seattle DOT to determine whether modifications in the activities are appropriate.

In the event that Seattle DOT discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Seattle DOT will report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS and the NMFS Stranding Hotline and/or by email to the NMFS' West Coast Stranding Coordinator within 24 hrs of the discovery. Seattle DOT would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS. Activities may continue while NMFS reviews the circumstances of the incident.

Acoustic Monitoring Report

Seattle DOT will submit an Acoustic Monitoring Report within 90 days after completion of the in-water construction work or the expiration of the IHA (if issued), whichever comes earlier. The report will provide details on the monitored piles, method of installation, monitoring equipment, and sound levels documented during both the sound source measurements and the background monitoring. NMFS will have an opportunity to provide comments on the report or changes in monitoring for a third season (if needed), and if NMFS has comments, Seattle DOT will address the comments and submit a final report to NMFS within 30 days. If no comments are received from NMFS within 30 days, the draft report will be considered final. Any comments received during that time will be addressed in full prior to finalization of the report.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses

(*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

No serious injury or mortality is anticipated or authorized for the Pier 62 Project (Season 2). Takes that are anticipated and authorized are expected to be limited to short-term Level A and Level B (behavioral) harassment. Marine mammals present in the vicinity of the action area and taken by Level A and Level B harassment would most likely show overt brief disturbance (startle reaction) and avoidance of the area from elevated noise levels during pile driving and pile removal. However, many marine mammals showed no observable changes during Season 1 of the Pier 62 project and similar project activities for the EBSP.

A fair number of instances of takes are expected to be repeat takes of the same animals. This is particularly true for harbor porpoise, because they generally use subregions of Puget Sound, and the abundance of the Seattle sub-region from the Puget Sound Study was estimated to be 147 animals, which is much lower than the calculated take. Very few harbor porpoises have been observed during past projects in Elliott Bay (ranging from one to five harbor porpoises).

There are two endangered species that may occur in the project area, humpback whales and SRKW. However, few humpbacks are expected to occur in the project area and few have been observed during previous projects in Elliott Bay. SRKW have occurred in small numbers in the project area. Seattle DOT will shut down in the Level B Harassment/Monitoring Zones should they meet or exceed the take of one occurrence of one pod (J-pod, 24 whales).

There is ESA-designated critical habitat in the vicinity of Seattle DOT's Pier 62 Project for SRKW. However, this IHA is authorizing the harassment of marine mammals, not the production of sound, which is what would result in adverse effects to critical habitat for SRKW.

There is one documented harbor seal haulout area near Bainbridge Island, approximately 6 miles (9.66 km) from Pier 62. The haulout, which is estimated at less than 100 animals, consists of intertidal rocks and reef areas around Blakely Rocks and is at the outer edge of potential effects at the outer extent near Bainbridge Island (Jefferies *et al.* 2000). The recent level of use of this haulout is unknown. Harbor seals also make use of docks, buoys, and beaches in the project area, as noted in marine mammal monitoring reports for Season 1 of the Pier 62 Project and for the EBSP (Anchor QEA 2014, 2015, 2016, and 2017).The observational data from previous projects on the Seattle waterfront have documented only a fraction of what is calculated using the Navy density estimates for Puget Sound; therefore, we believe the actual take will be much lower than the calculated take. Similarly, the nearest Steller sea lion haulout to the project area is located approximately 6 miles away (9.66 km) and is also on the outer edge of potential effects. This haulout is composed of net pens offshore of the south end of Bainbridge Island. There are four documented California sea lion haulout areas near Bainbridge Island as well, approximately six miles from Pier 62, and two documented haulout areas between Bainbridge Island and Magnolia (Jefferies *et al.* 2000). The haulouts consist of buoys and floats, and some are within the area of potential effects, but at the outer extent, and some are just outside the area of potential effects (Jefferies *et al.* 2000). California sea lions were also frequently observed during marine mammal monitoring for Season 1 of the Pier 62 project (average of eight sea lions) at the Alki monitoring site and were frequently observed resting on two buoys in the southwest area of Elliott Bay. California sea lions were also frequently observed during the EBSP (average seven per day in 2014 and 2015, and three per day in 2016 and 2017; Anchor QEA 2014, 2015, 2016, and 2017), resting on two navigational buoys within the project area (near Alki Point) and swimming along the shoreline near the project.

The project also is not expected to have significant adverse effects on affected marine mammal habitat, as analyzed in the ''Potential Effects of Specified Activities on Marine Mammals and their Habitat'' section. Project activities would not permanently modify existing marine mammal habitat. The activities may kill some fish and cause other fish to leave the area temporarily, thus impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences. Therefore, given the consideration of potential impacts to marine mammal prey species and their physical environment, Seattle DOT's Pier 62 Project would not adversely affect marine mammal habitat.

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

- No serious injury or mortality is anticipated or authorized.
- Takes that are anticipated and authorized are expected to be limited to short-term Level B harassment (behavioral) and a small number of takes of Level A harassment for three species.
- The project also is not expected to have significant adverse effects on affected marine mammals' habitat.
- There are no known important feeding or pupping areas. There are haulouts for California sea lions, harbor seals and Steller sea lions. However, they are at the most outer edge of the potential effects and approximately 6.6 miles from Pier 62. There are no other known important areas for marine mammals.
- For nine of the twelve species, take is less than one percent of the stock abundance. Instances of take for the other three species (harbor seals, killer whales, and harbor porpoise) range from about 15–31 percent of the stock abundance. One occurrence of J-pod of SRKW would account for 29 percent of the stock abundance. However, when the fact that a fair number of these instances are expected to be repeat takes of the same animals is considered, particularly for harbor porpoise, the number of individual marine mammals taken is significantly lower.

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

Small Numbers

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

Take of nine of the twelve species is less than one percent of the stock abundance. Instances of take for the SRKW and transient killer whales, harbor seals, and harbor porpoise ranges from about 15–31 percent of the stock abundance. However, when the fact that a fair number of these instances are expected to be repeat takes of the same animals is considered, the number of individual marine mammals taken is significantly lower. Specifically, for example, Jefferson *et al.,* 2016 conducted harbor porpoise surveys in eight regions of Puget Sound, and estimated an abundance of 147 harbor porpoise in the Seattle area (1,798 porpoise in North Puget Sound and 599 porpoise in South Puget Sound). While individuals do move between regions, we would not realistically expect that 3000+ individuals would be exposed around the pile driving for the Seattle DOT's Pier 62 Project. Considering these factors, as well as the general small size of the project area as compared to the range of the species affected, the numbers of marine mammals estimated to be taken are small proportions of the total populations of the affected species or stocks. Further, for SRKW we acknowledge that 27.1 percent of the stock is authorized to be taken by Level B harassment, but we believe that a single, brief incident of take of one group of any species represents take of small numbers for that species. We believe transient killer whales also represents small numbers, as the estimated take is very conservative. Estimated take was derived on local data of seven transients that were observed. However to be conservative, it was assumed that up to two groups of seven transient killer whales may pass through Elliott Bay and stay in the area for up to three days for a total of 42 takes (17.5 percent of the stock). We also believe harbor seal take represents small numbers. Although 14.96 percent of the stock is authorized, the estimated take was based on a maximum number of harbor seals observed in a day (13) and is therefore conservative as to what has been observed previously. Observations from Season 1 of the Pier 62 project ranged from 0 to 11 harbor seals daily. Based on the analysis contained herein of the proposed activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population sizes of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has preliminary determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

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

NMFS is proposing to authorize take of SRKW and humpback whales, which are listed under the ESA. The Permit and Conservation Division has requested initiation of Section 7 consultation with the West Coast Regional Office for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to Seattle DOT for conducting piledriving activities at Pier 62 (Season 2), Elliott Bay, Seattle, Washington from August 2018 through February 2019, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

The proposed IHA language is provided next.

1. This Authorization is valid from August 1, 2018, through February 28, 2019.

2. This Authorization is valid only for activities associated with in-water construction work at the Seattle Department of Transportation's (Seattle DOT) Pier 62 Project (Season 2) in Elliott Bay, Seattle, Washington.

3. General Conditions

(a) The species authorized for taking, by Level A harassment and Level B harassment, and in the numbers shown in Table 18 are: Harbor seal (*Phoca vitulina*), northern elephant seal (*Mirounga angustirostris*), California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), long-beaked common dolphin (*Delphinus capensis*), bottlenose dolphin (*Tursiops truncatus*), both southern resident killer whale (SRKW) and transient killer whale (*Orcinus orca*), humpback whale (*Megaptera novaeangliae*), gray whale (*Eschrichtius robustus*), and minke whale (*Balaenoptera acutorostrata*).

(b) The authorization for taking by harassment is limited to the following acoustic sources and from the following activities:

- Impact pile driving;
- Vibratory pile driving; and
- Vibratory pile removal

4. Prohibitions

The taking, by incidental harassment only, is limited to the species listed under condition 3(a) above and by the numbers listed in Table 18 of this notice. The taking by serious injury or death of these species or the taking by harassment, injury or death of any other species of marine mammal is prohibited unless separately authorized or exempted under the MMPA and may result in the modification, suspension, or revocation of this Authorization.

5. Mitigation Measures

The holder of this Authorization shall be required to implement the following mitigation measures:

(a) Timing Restriction

In-water construction work shall occur only during daylight hours.

(b) Pre-Construction Briefing

Seattle DOT shall conduct briefings for construction supervisors and crews, the monitoring team, and Seattle DOT staff prior to the start of all pile driving activity, and when new personnel join the work, in order to explain

responsibilities, communication procedures, the marine mammal monitoring protocol, and operational procedures.

(c) Bubble Curtain

A bubble curtain shall be used during pile driving activities with an impact hammer and will be conducted using the following bubble curtain performance standards:

(i) The bubble curtain must distribute air bubbles around 10 percent of the piling perimeter for the full depth of the water column.

(ii) The lowest bubble curtain ring shall be deployed on or as close to the mudline for the full circumference of the ring as possible, without causing turbidity.

(iii) Seattle DOT shall require that construction contractors train personnel in the proper balancing of air flow to the bubblers, and shall require that construction contractors submit an inspection/performance report for approval by Seattle DOT within 72 hours following the performance test. Corrections to the attenuation device to meet the performance standards shall occur prior to impact driving.

(d) Level B Harassment/Monitoring Zones

Seattle DOT shall implement the Level B Harassment/Monitoring Zones as described in Table 5 of this notice.

(e) Shutdown Zones

(i) Seattle DOT shall implement shutdown measures if a marine mammal is detected within or approaching the Shutdown Zones as outlined in Table 7. Seattle DOT shall implement a minimum shutdown zone of 10 m radius around each pile for all construction methods for all marine mammals.

(ii) If a marine mammal is observed at or within the Shutdown Zone, work shall stop until the individual has been observed outside of the zone, or has not been observed for at least 15 minutes for all marine mammals.

(iii) A determination that the shutdown zone is clear must be made during a period of good visibility (*i.e.,* the entire shutdown zone and surrounding waters must be visible to the naked eye).

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

(f) Additional Shutdown Measures

(i) For in-water heavy machinery activities other than pile driving, if a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions.

(ii) Seattle DOT shall implement shutdown measures if the cumulative total of individuals observed within the Level B Harassment/Monitoring Zones for any particular species exceeds the number authorized under the IHA and if such marine mammals are sighted within the vicinity of the project area and are approaching the Level B Harassment/Monitoring Zones during in-water construction activities.

(g) Soft-Start for Impact Pile Driving

Each day at the beginning of impact pile driving or any time there has been cessation or downtime of 30 minutes or more without pile driving, contractors shall initiate soft-start for impact hammers by providing an initial set of three strikes from the impact hammer at 40 percent energy, followed by a 30-second waiting period, then two subsequent three-strike sets.

(h) Additional Coordination

The project team shall monitor and coordinate with local marine mammal sighting networks (*i.e.,* The Orca Network and/or The Center for Whale Research) on a daily basis for sightings data and acoustic detection data to gather information on the location of whales prior to initiating pile removal or pile removal activities. The project team shall also coordinate with WSF to discuss marine mammal sightings on days when pile driving and removal activities are occurring on their nearby projects. In addition, reports shall be made available to interested parties upon request. With this level of coordination in the region of activity, Seattle DOT shall obtain real-time information on the presence or absence of whales before starting any pile driving or removal activities.

In addition, to minimize impacts from noise on the Seattle Aquarium's captive marine mammals as well as for air and water quality concerns, Seattle DOT shall implement the following:

(i) If aquarium animals are determined by the Aquarium veterinarian to be distressed, Seattle DOT shall coordinate with Aquarium staff to determine appropriate next steps, which may include suspending pile driving work for 30 minutes, provided that suspension does not pose a safety issue for the Pier 62 project construction crews.

(ii) Seattle DOT shall make reasonable efforts to take at least one regularly scheduled 20-minute break in pile driving each day.

(iii) Seattle DOT shall regularly communicate with the Aquarium staff when pile driving is occurring.

(iv) Seattle DOT shall further coordinate with the Aquarium to determine appropriate methods to avoid and minimize impacts to water quality.

(v) Seattle DOT does not anticipate the project resulting in impacts associated with airborne dust. If, during construction, odors associated with the project are an issue, Seattle DOT shall coordinate with its contractor to determine appropriate mitigation measures.

6. Monitoring

(a) Protected Species Observers

Seattle DOT shall employ NMFS-approved PSOs to conduct marine mammal monitoring for its construction project. NMFS-approved PSOs shall meet the following qualifications.

(i) Independent observers (*i.e.,* not construction personnel) are required.

(ii) At least one observer must have prior experience working as an observer.

(iii) Other observers may substitute education (undergraduate degree in biological science or related field) or training for experience.

(iv) Where a team of three or more observers are required, one observer should be designated as lead observer or monitoring coordinator. The lead observer must have prior experience working as an observer.

(v) NMFS shall require submission and approval of observer CVs.

(b) Monitoring Protocols

PSOs shall be present on site at all times during pile removal and driving. Marine mammal visual monitoring will be conducted for different Level B Harassment/Monitoring Zones based on different sizes of piles being driven or removed.

(i) A 30-minute pre-construction marine mammal monitoring shall be required before the first pile driving or pile removal of the day. A 30-minute post-construction marine mammal monitoring shall be required after the last pile driving or pile removal of the

day. If the constructors take a break between subsequent pile driving or pile removal for more than 30 minutes, then additional 30-minute pre-construction marine mammal monitoring shall be required before the next start-up of pile driving or pile removal.

(ii) During pile removal or installation with a vibratory hammer, three to four monitors shall be used, positioned such that each monitor has a distinct view-shed and the monitors collectively have overlapping view-sheds.

(iii) During pile driving activities with an impact hammer, one monitor, based at or near the construction site, shall conduct the monitoring.

(iv) Where visibility becomes limited, additional land-based monitors and/or boat-based monitors shall be deployed.

(v) Monitors shall record take when marine mammals enter their relevant Level B Harassment/Monitoring Zones based on type of construction activity.

(vi) If a marine mammal approaches a Shutdown Zone, the observation shall be reported to the Construction Manager and the individual shall be watched closely. If the marine mammal crosses into a Shutdown Zone, a stop-work order shall be issued. In the event that a stop-work order is triggered, the observed marine mammal(s) shall be closely monitored while it remains in or near the Shutdown Zone, and only when it moves well outside of the Shutdown Zone or has not been observed for at least 15 minutes for pinnipeds and small cetaceans and 15 minutes for large whales will the lead monitor allow work to recommence.

(vii) PSOs shall monitor marine mammals around the construction site using high-quality binoculars *(e.g.,* Zeiss, 10 x 42 power) and/or spotting scopes.

(viii) If marine mammals are observed, the following information shall be documented:

(A) Date and time that monitored activity begins or ends;

(B) Construction activities occurring during each observation period;

(C) Weather parameters (*e.g.,* percent cover, visibility);

(D) Water conditions (*e.g.,* sea state, tide state);

(E) Species, numbers, and, if possible, sex and age class of marine mammals;

(F) Description of any observable marine mammal behavior patterns, including bearing and direction of travel and distance from pile driving activity;

(G) Distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point;

(H) Locations of all marine mammal observations; and

(I) Other human activity in the area.

(ix) *Acoustic Monitoring*—Seattle DOT shall conduct acoustic monitoring up to six days per in-water work season to evaluate, in real time, sound production from construction activities and shall capture all hammering scenarios that may occur under the planned project. Background noise recordings (in the absence of pile-related work) shall also be made during the study to provide a baseline background noise profile. Acoustic monitoring shall follow NMFS's 2012 Guidance Documents: *Sound Propagation Modeling to Characterize Pile Driving Sounds Relevant to Marine Mammals; Data Collection Methods to Characterize Impact and Vibratory Pile Driving Source Levels Relevant to Marine Mammals;* and *Data Collection Methods to Characterize Underwater Background Sound Relevant to Marine Mammals in Coastal Nearshore Waters and Rivers of Washington and Oregon.*

7. Reporting

(a) Marine Mammal Monitoring

(i) Seattle DOT shall submit a draft marine mammal monitoring report within 90 days after completion of the in-water construction work, the expiration of the IHA (if issued), whichever comes earlier. The report shall include data from marine mammal sightings as described in 6(b)(viii).The marine mammal monitoring report shall also include total takes, takes by day, and stop-work orders for each species.

(ii) If no comments are received from NMFS, the draft report shall be considered the final report. Any comments received during that time shall be addressed in full prior to finalization of the report.

(iii) In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA (if issued), such as an injury (Level A harassment) of unauthorized species, or serious injury, or mortality of any species, Seattle DOT shall immediately cease the specified activities and immediately report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS and the NMFS' West Coast Stranding Coordinator. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hrs preceding the incident;
- Water depth;
- Environmental conditions (*e.g.,* wind speed and direction, sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hrs preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with Seattle DOT to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Seattle DOT shall not resume their activities until notified by NMFS via letter, email, or telephone.

(b) Reporting of Injured or Dead Marine Mammals

(i) In the event that Seattle DOT discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as described in the next paragraph), Seattle DOT shall immediately report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS and the NMFS' West Coast Stranding Coordinator. The report must include the same information identified in 7(a)(iii). Activities may continue while NMFS reviews the circumstances of the incident. NMFS shall work with Seattle DOT to determine whether modifications in the activities are appropriate.

(ii) In the event that Seattle DOT discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Seattle DOT shall report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS and the NMFS Stranding Hotline and/or by email to the NMFS' West Coast Stranding Coordinator within 24 hrs of the discovery. Seattle DOT shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS. Activities may continue while NMFS reviews the circumstances of the incident.

(c) Acoustic Monitoring Report

Seattle DOT shall submit an Acoustic Monitoring Report within 90 days after completion of the in-water construction work, expiration of the IHA (if issued), or 60 days prior to the requested date of issuance of any subsequent IHA, whichever sooner. The report shall provide details on the monitored piles, method of installation, monitoring equipment, and sound levels documented during both the sound source measurements and the background monitoring. NMFS shall have an opportunity to provide comments on the report or changes in monitoring for the second season, and if NMFS has comments, Seattle DOT shall address the comments and submit a final report to NMFS within 30 days. If no comments are received from NMFS within 30 days, the draft report shall be considered final. Any comments received during that time shall be addressed in full prior to finalization of the report.

8. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein or if NMFS determines the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

9. A copy of this Authorization must be in the possession of each contractor who performs the construction work at the Pier 62 Project.

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this Notice of Proposed IHA for the proposed pile driving activities by Seattle DOT. We also request comment on the potential for renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

On a case-by-case basis, NMFS may issue a subsequent one-year IHA without additional notice when (1) another year of identical or nearly identical activities as described in the Specified Activities section is planned or (2) the activities would not be completed by the time the IHA expires and a subsequent IHA would allow for completion of the activities beyond that described in the Dates and Duration section, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to expiration of the current IHA.
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted beyond the initial dates either are identical to the previously analyzed activities or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, take estimates, or mitigation and monitoring requirements.

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures remain the same and appropriate, and the original findings remain valid.

Elaine T. Saiz,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

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BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2018–0032]

Patent Cooperation Treaty Collaborative Search and Examination Pilot Project Between the IP5 Offices

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO), the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO) and the State Intellectual Property Office of the People's Republic of China (SIPO), referred to collectively as the IP5 Offices, will launch a pilot project on Collaborative Search and Examination (CS&E) under the Patent Cooperation Treaty (PCT). This will be the third such pilot. The USPTO, the EPO, and the KIPO conducted two previous pilots in 2010 and in 2011–2012. The third pilot is needed to further develop and test the concept amongst all the IP5 Offices. In particular, this IP5 pilot project aims at assessing user interest for a CS&E product and the expected efficiency gains for the IP5 Offices.

DATES:

Pilot Effective date: July 1, 2018.

Duration: Requests to participate in the PCT CS&E pilot project may be filed with international applications filed through the receiving Office of one of the IP5 Offices or the International Bureau of the World Intellectual Property Organization (WIPO) until June 30, 2020. During each year, the USPTO, in its capacity as the main International Searching Authority, will accept a total of 50 international applications into the pilot.

FOR FURTHER INFORMATION CONTACT: Inquiries regarding the handling of any specific application participating in the pilot may be directed to Daniel Hunter, Director of International Work Sharing, Planning, and Implementation, Office of International Patent Cooperation, by telephone at (571) 272–8050 or by email to *daniel.hunter@uspto.gov.* Inquiries concerning this notice may be directed to Michael Neas, Deputy Director, International Patent Legal Administration, by phone (571) 272–3289 or by email to *michael.neas@uspto.gov.*

SUPPLEMENTARY INFORMATION:

I. Concept

The concept of CS&E under the PCT refers to the collaboration of examiners from different International Searching Authorities in different regions and with different working languages on one international application for the establishment of an international search report and written opinion under PCT Chapter I, which, although remaining the opinion of the chosen International Search Authority, is based on contributions from all participating IP5 Offices.

Under the pilot project, the examiner of the IP5 Office from the chosen International Searching Authority under PCT Rule 35 for a given international application (''the main examiner'') works on the application by conducting the search and examination and by establishing a provisional international search report and written opinion. These provisional work products are transmitted to examiners from the other participating IP5 Offices in their capacity as an International Searching Authority (''the peer examiners''). Each peer examiner provides the main examiner with his contribution, in light of the provisional international search report and written opinion. The final international search report and written opinion are subsequently established by the main examiner after having taken into consideration the contributions of the peer examiners. Further details regarding the implementation of the

CS&E concept within the framework of this pilot project are provided below.

II. Framework

Under the pilot project, with a view to assessing the users' interest for a CS&E product, international applications processed under the collaborative scheme will be selected by applicants (''applicant-driven approach''), whereas, under the two previous pilot projects, the applications were selected by the participating IP5 Offices.

Applicants wishing to participate in the pilot project must submit a request for participation in the pilot on a standard participation form and file it together with the international application at the receiving Office of one of the IP5 Offices or the International Bureau. The participation form is available in all official languages of the IP5 Offices on WIPO's website at *http://www.wipo.int/pct/en/filing/cse.html.*

For international applications filed in English, requests for participation in the pilot may be filed beginning July 1, 2018. Each applicant will be able to select only a limited number of international applications for inclusion in the program.

Initially, only international applications filed in English will be accepted into the pilot. Eventually, international authorities that work in languages other than English will accept international applications filed in those languages into the pilot. Each main International Searching Authority that will accept international applications filed in a language other than English will inform the applicants accordingly by a communication published on its website. Such communication will specify the additional languages that will be accepted by a main International Searching Authority for the purposes of this pilot and the date as of which requests for participation in the pilot may be filed in such languages. The USPTO in its capacity as an International Searching Authority only accepts applications in English.

The receiving Office will transmit the participation form to the International Bureau and the main International Searching Authority as part of the record copy and search copy, respectively. Upon receipt of the search copy, the main International Searching Authority will determine if the request for participation in the pilot may be accepted based on whether the applicable requirements detailed below in part III are met. The International Searching Authority will notify the applicant and the International Bureau of the acceptance or refusal of the request for participation in the pilot using Form PCT/ISA/224 (Communication in Cases for Which No Other Form Is Applicable).

The main International Searching Authority will perform the search and examination as it would for any other international application not processed under this pilot. It will establish a provisional international search report (Form PCT/ISA/210) (or, where appropriate, declaration of non-establishment of international search report (Form PCT/ISA/203)) and written opinion (Form PCT/ISA/237), and, where applicable, a record of the search strategy. The form and content of the record of the search strategy will generally be according to the current practice of each International Searching Authority.

The main International Searching Authority will transmit the above mentioned provisional work products to the peer International Searching Authorities, where a peer examiner will prepare a contribution to the final work product, taking into consideration the provisional work products prepared by the main International Searching Authority and performing additional searching to the extent deemed necessary.

With respect to the handling of cases lacking unity of invention by the peer International Searching Authorities, a principle of the first invention will be followed. This means that each main International Searching Authority proceeds with the non-unity procedure according to its own standard practice, while the provisional work products submitted to the peer International Searching Authorities are based only on the invention first mentioned in the claims as determined by the main International Searching Authority. Peer examiners will focus their searches on what they determine to be the first invention, regardless of whether the provisional work products are directed to one or more inventions.

Each peer International Searching Authority will transmit its contribution to the main International Searching Authority using a standard peer contribution form. Depending on its practice, each peer International Searching Authority will either record its contribution directly on the peer contribution form or use the peer contribution form as a cover sheet for the standard forms PCT/ISA/210 and PCT/ISA/237. Peer contribution forms and peer contributions attached to such forms, if any, will be made available as separate documents in WIPO's PATENTSCOPE.

The main International Searching Authority will consider the contributions received from the peer International Searching Authorities and prepare the final international search report (Form PCT/ISA/210) (or, where appropriate, declaration of non-establishment of international search report (Form PCT/ISA/203)) and written opinion (Form PCT/ISA/237) in light of these contributions. The main International Searching Authority will strive to establish these final work products within the time limit under PCT Rule 42.1; however, compliance with this time limit may not be guaranteed due to the collaborative nature of the pilot project, which inherently results in additional administrative burdens. The final work products will be transmitted to the applicant and the International Bureau.

Final CS&E work products will be identified, either by a direct indication in box V of Form PCT/ISA/237 or at the top of a supplemental sheet referenced in said box, as the result of the collaboration under the pilot, which does not necessarily reflect the opinions of all IP5 Offices. Only the final CS&E work product may serve as a basis for requesting participation in a Patent Prosecution Highway (PPH) pilot program.

All exchanges of documents and information among the IP5 Offices will be carried out via an ePCT-based platform allowing a secure and confidential data transmission. This ePCT-based platform is provided and maintained by the International Bureau.

In this pilot project, the international search fee charged by each IP5 Office remains unchanged. Therefore, applicants participating in this pilot will pay only the standard fee for a PCT Chapter I search at the chosen International Searching Authority. However, if following this pilot the CS&E product is implemented as a regular product under the PCT, applicants will have to pay a specific fee for such product (the CS&E fee). The maximum prospective amount of the CS&E fee is the aggregated amount of the search fees of the participating International Searching Authorities plus an administrative fee to cover the collaboration costs.

Towards the end of the pilot project, participating applicants will be asked to complete a questionnaire about their interest for a regular CS&E product under the PCT. Responses to the questionnaire will be taken into account by the IP5 Offices in the assessment of the pilot project.

III. Requirements and Limitations for Participation

Applicants who would like to participate in the pilot project must be aware of both the following requirements to be met by applicants and the following limitations set by the IP5 Offices.

A. Requirements To Be Met by Applicants

The following requirements must be met by applicants wishing to participate in the pilot project:

(a) The request for participation in the pilot must be submitted on the standard participation form and filed together with the international application.

(b) The participation form and the international application must be filed at the receiving Office of one of the IP5 Offices or at the International Bureau as receiving Office, and the applicant must select one of the IP5 Offices as the main International Searching Authority under PCT Rule 35. For example, U.S. applicants filing with the USPTO or the International Bureau as receiving Office may select the USPTO, the EPO, the KIPO, or the JPO as International Searching Authority, subject to certain limitations as described in the PCT Applicant's Guide, Annex C/US.

(c) Where the participation form and the international application are filed with the USPTO, they must be filed in electronic form via the USPTO's EFS-Web system. The participation form must be loaded into EFS-Web as a separate document using document description ''Request to Participate in PCT CS&E Pilot.'' This is true even where the participation form is prepared using WIPO's ePCT system since EFS-Web only extracts the PCT Request form and Fee Calculation sheet from ePCT or PCT Safe zip files.

(d) The participation form and the international application must be filed in English when they are filed with the USPTO. As noted above, the other IP5 Offices will initially only accept applications filed in English and will announce when they are prepared to accept applications in languages other than English.

B. Limitations Set by the IP5 Offices

The following limitations related to organizational aspects of the pilot must be complied with for the main International Searching Authority to accept a request for participation in the pilot:

(a) The applicant must not have had ten international applications accepted in the pilot by the same main International Searching Authority.

(b) The main International Searching Authority must not have accepted 100 international applications into the pilot. The USPTO, in its capacity as the main International Searching Authority, will accept 50 applications during the first year of the pilot, that is from July 1, 2018, to June 30, 2019, and 50 applications during the second year of the pilot, that is from July 1, 2019, to June 30, 2020.

(c) The main International Searching Authority must not determine that there is a defect in the application (*e.g.,* the application does not contain a sequence listing portion of the description and/or a copy of a sequence listing in computer readable form as provided for in the Administrative Instructions under the PCT) impeding the processing of the application according to the timeline for the collaborative process.

IV. Duration

The pilot project is divided into two phases, a preparatory phase and an operational phase. The preparatory phase started on June 2, 2016, and was dedicated to the administrative and practical preparations required for a smooth functioning of the pilot. The operational phase will start on July 1, 2018, and will be dedicated to the processing of applications under the collaborative scheme, the monitoring of applications for evaluation purposes, and the assessment of the outcome of the pilot. The operational phase will last for a period of three years ending on July 1, 2021, and will include an evaluation of the impact of the pilot on examination during the subsequent national/regional stages. Requests for participation in the pilot will be accepted only during the first two years of the operational phase, *i.e.,* from July 1, 2018, to June 30, 2020.

Dated: June 21, 2018.

Andrei Iancu,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2018–13800 Filed 6–26–18; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2018–OS–0039]

Manual for Courts-Martial; Proposed Amendments

AGENCY: Joint Service Committee on Military Justice (JSC), Department of Defense.

ACTION: Notice of proposed amendments to the Manual for Courts-Martial, United States (2016 ed.) and notice of public meeting.

SUMMARY: The Department of Defense requests comments on proposed changes to the Manual for Courts-Martial, United States (2016 ed.) (MCM). The proposed changes concern the rules of procedure and evidence applicable in trials by courts-martial as well as amendments to portions of the MCM discussing the punitive articles of the Uniform Code of Military Justice. The approval authority for these changes is the President. These proposed changes have not been coordinated within the Department of Defense under DoD Directive 5500.01, ''Preparing, Processing and Coordinating Legislation, Executive Orders, Proclamations, Views Letters, and Testimony,'' June 15, 2007, and do not constitute the official position of the Department of Defense, the Military Departments, or any other Government agency.

DATES: Comments on the proposed changes must be received no later than August 27, 2018. A public meeting for comments will be held on July 11, 2018, at 1:30 p.m. in the United States Court of Appeals for the Armed Forces building, 450 E Street NW, Washington DC 20442–0001.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Lieutenant Alexandra Nica, JAGC, USN, Executive Secretary, JSC, (202) 685–7058, *alexandra.nica@navy.mil.* The JSC website is located at *http://jsc.defense.gov.*

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with

DoD Instruction 5500.17, ''Role and Responsibilities of the Joint Service Committee (JSC) on Military Justice,'' February 21, 2018.

The JSC invites members of the public to comment on the proposed changes; such comments should address specific recommended changes and provide supporting rationale.

This notice also sets forth the date, time, and location for a public meeting of the JSC to discuss the proposed changes.

This notice is intended only to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, its agencies, its officers, or any person.

The proposed amendments to the MCM are as follows:

Section 1. Part II of the Manual for Courts-Martial, United States as amended by E.O. 13825 is further amended as follows:

(a) R.C.M. 705(d)(1) is amended and reads as follows:

''(1) *In general.* Subject to such limitations as the Secretary concerned may prescribe pursuant to R.C.M. 705(a), a plea agreement that limits the sentence that can be imposed by the court-martial for one or more charges and specifications may contain:

(A) A limitation on the maximum punishment that can be imposed by the court-martial;

(B) a limitation on the minimum punishment that can be imposed by the court-martial;

(C) limitations on the maximum and minimum punishments that can be imposed by the court-martial; or,

(D) a specified sentence or portion of a sentence that shall be imposed by the court-martial.''

(b) R.C.M. 916(e) is amended and reads as follows:

''(e) *Self-defense.*

(1) *Homicide or assault cases involving deadly force.* It is a defense to a homicide, assault involving deadly force, or battery involving deadly force that the accused:

(A) Apprehended, on reasonable grounds, that death or grievous bodily harm was about to be inflicted wrongfully on the accused; and

(B) Believed that the force the accused used was necessary for protection against death or grievous bodily harm.

(2) *Certain aggravated assault cases.* It is a defense to assault with a dangerous weapon or assault in which substantial or grievous bodily harm is inflicted that the accused:

(A) Apprehended, on reasonable grounds, that bodily harm was about to be inflicted wrongfully on the accused; and

(B) In order to deter the assailant, offered but did not actually inflict or attempt to inflict substantial or grievous bodily harm.

(3) *Other assaults.* It is a defense to any assault punishable under Article 89, 91, or 128 and not listed in paragraphs (e)(1) or (2) of this rule that the accused:

(A) Apprehended, upon reasonable grounds, that bodily harm was about to be inflicted wrongfully on the accused; and

(B) Believed that the force that the accused used was necessary for protection against bodily harm, provided that the force used by the accused was less than the force inflicting substantial or grievous bodily harm.''

(c) R.C.M. 920(g) is new and reads as follows:

''(g) *Waiver.* Instructions on a lesser included offense shall not be given when both parties waive such an instruction. After receiving applicable notification of those lesser included offenses of which an accused may be convicted, the parties may waive the reading of a lesser included offense instruction. A written waiver is not required. The accused must affirmatively acknowledge that he or she understands the rights involved and affirmatively waives the instruction on the record. The accused's waiver must be made freely, knowingly, and intelligently. In the case of a joint or common trial, instructions on a lesser included offense shall not be given as to an individual accused when that accused and the government agree to waive such an instruction.''

(d) R.C.M. 1208(c) is new and reads as follows:

''(c) *Effective date of sentences.* The effective date of portions of a sentence adjudged at a new trial, other trial, or rehearing shall be calculated without regard to any previous adjudged sentence. The effective dates shall not relate back to any previously adjudged sentence.''

Section 2. Part III of the Manual for Courts-Martial, United States as amended by E.O. 13825 is further amended as follows:

(a) Mil. R. Evid. 315(b)(3) is new and reads as follows:

''(3) ''Warrant for Wire or Electronic Communications'' means a warrant issued by a military judge pursuant to 18 U.S.C. 2703(a), (b)(1)(A), or (c)(1)(A) in accordance with 10 U.S.C. 846(d)(3) and R.C.M. 309(b)(2) and R.C.M. 703A.''

(b) Mil. R. Evid. 315(d) is amended and reads as follows:

''(d) *Who May Authorize.* A search authorization under this rule is valid only if issued by an impartial individual in one of the categories set forth in subdivisions (d)(1), (d)(2), and (d)(3). Only a military judge may issue a warrant for wire or electronic communications under this rule. An otherwise impartial authorizing official does not lose impartiality merely because he or she is present at the scene of a search or is otherwise readily available to persons who may seek the issuance of a search authorization; nor does such an official lose impartiality merely because the official previously and impartially authorized investigative activities when such previous authorization is similar in intent or function to a pretrial authorization made by the United States district courts.

(1) *Commander.* A commander or other person serving in a position designated by the Secretary concerned as either a position analogous to an officer in charge or a position of command, who has control over the place where the property or person to be searched is situated or found, or, if that place is not under military control, having control over persons subject to military law or the law of war;

(2) *Military Judge or Magistrate.* A military judge or magistrate if authorized under regulations prescribed by the Secretary of Defense or the Secretary concerned; *or*

(3) *Other competent search authority.* A competent, impartial official as designated under regulations by the Secretary of Defense or the Secretary concerned as an individual authorized to issue search authorizations under this rule.''

Section 3. Part IV of the Manual for Courts-Martial, United States as amended by E.O. 13825 is further amended as follows:

(a) Paragraph 20.c is amended as follows:

''c. *Explanation.*

(1) *In general.* The prevention of inappropriate sexual activity by trainers, recruiters, and drill instructors with recruits, trainees, students attending service academies, and other potentially vulnerable persons in the initial training environment is crucial to the maintenance of good order and military discipline. Military law, regulation, and custom invest officers, non-commissioned officers, drill instructors, recruiters, cadre, and others with the right and obligation to exercise control over those they supervise. In this context, inappropriate sexual activity

between recruits/trainees and their respective recruiters/trainers is inherently destructive to good order and discipline.

(2) *Prohibited activity.* The responsibility for identifying relationships subject to this offense and those outside the scope of this offense is entrusted to the individual Services to determine and specify by appropriate regulations. This offense is intended to cover those situations which involve the improper use of authority by virtue of an individual's position in either a training or recruiting environment. Not all contact or associations are prohibited by this article. Service regulations must consider circumstances where pre-existing relationships (for example, marriage relationships) exist. Additionally, this offense only criminalizes activity occurring when there is a training or recruiting relationship between the accused and the alleged victim of this offense.

(3) *Knowledge.* The accused must have actual or constructive knowledge that a person was a ''specially protected junior member of the armed forces'' or an ''applicant for military service'' (as those terms are defined in this offense). Knowledge may be proved by circumstantial evidence.

(4) *Consent.* Consent is not a defense to this offense.''

(d) Paragraph 69.c.(1) is amended and reads as follows:

''(1) ''Access'' means to gain entry to, instruct, cause input to, cause output from, cause data processing with, or communicate with, the logical, arithmetical, or memory function resources of a computer, computer system, or computer network.''

(e) Paragraph 89.c.(2) is amended and reads as follows:

''(2) *Personnel action.* For purposes of this offense, ''personnel action'' means—

(a) any action taken against a Servicemember that affects, or has the potential to affect, that Servicemember's current position or career, including promotion, disciplinary or other corrective action, transfer or reassignment, performance evaluations, decisions concerning pay, benefits, awards, or training, relief or removal, separation, discharge, referral for mental health evaluations, and any other personnel actions as defined by law or regulation, such as DoD Directive 7050.06 (17 April 2015); or,

(b) any action taken against a civilian employee that affects, or has the potential to affect, that person's current position or career, including promotion, disciplinary or other corrective action, transfer or reassignment, performance evaluations, decisions concerning pay, benefits, awards, or training, relief and removal, discharge, and any other personnel actions as defined by law or regulation such as 5 U.S.C. 2302.''

Dated: June 21, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–13783 Filed 6–26–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0037]

Proposed Collection; Comment Request

AGENCY: Under Secretary of Defense for Acquisition and Sustainment, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Logistics Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 27, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24 Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to ODASD (Supply Chain Integration), 3500 Defense Pentagon RM 1E518, Washington DC 20301–3500, Anthony VanBuren, *anthony.d.vanburen.ctr@mail.mil* or (571) 372–5259.

SUPPLEMENTARY INFORMATION:

Title: Associated Form; and OMB Number: Defense Materiel Disposition Procedures for the Sale of DoD Materiel; DRMS 1645, DRMS 2006, SF 114–A; OMB Control Number 0704–0534.

Needs and Uses: This collection allows the Department of Defense (DoD) and its representatives to assess the ability of prospective purchasers to comply with applicable laws and regulations before the sale of materiel. Defense Reutilization and Marketing Service (DRMS) Form 1645, ''Statement of Intent,'' and Standard Form (SF) 114–A, ''Sale of Government Property—Item Bid Page—Sealed Bid,'' are used to identify the nature of the purchaser's business, where the materials will be stored, and what the buyer's intentions are with the materiel (*i.e.,* use the materiel as intended, re-sell to others, scrap the materiel for recovery of contents, or re-refine or re-process the materiel). These forms are used to determine if DRMS Form 2006, ''Pre-Award/Post-Award On-Site Review,'' will also be needed; DRMS Form 2006 allows DoD components to determine if the purchaser is capable of meeting environmental and hazardous material handling responsibilities, in compliance with CFR part 102 of Title 41. Compliance with this regulation must be ascertained before DoD components may make an award of hazardous and dangerous property.

Affected Public: Business or other for-profit.

Annual Burden Hours: 232.

Number of Respondents: 72.

Responses per Respondent: 2.63.

Annual Responses: 189.

Average Burden per Response: 1.23 hours.

Frequency: On occasion.

Dated: June 21, 2018.

Shelly E. Finke,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–13838 Filed 6–26–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0068]

Agency Information Collection Activities; Comment Request; The College Assistance Migrant Program (CAMP) Annual Performance Report (APR)

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 27, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0068. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 107–13, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Michelle Georgia, 202–453–5501.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: The College Assistance Migrant Program (CAMP) Annual Performance Report (APR).

OMB Control Number: 1810–0727.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 50.

Total Estimated Number of Annual Burden Hours: 1,150.

Abstract: The College Assistance Migrant Program (CAMP) office staff collects information for the CAMP Annual Performance Report (APR) in compliance with Higher Education Act of 1965, as amended, Title IV, Sec. 418A; 20 U.S.C. 1070d–2 (special programs for students whose families are engaged in migrant and seasonal farm-work), and the Code of Federal Regulations (CFR), 2 CFR 200.238. CFR states that recipients of multi-year discretionary grants must submit an APR demonstrating that that substantial progress has been made towards meeting the approved objectives. The CAMP office staff requests to continue a customized APR that goes beyond the generic 524B APR to facilitate the collection of more standardized and comprehensive data to inform GPRA, to improve the overall quality of data collected, and to increase the quality of data that can be used to inform policy decisions.

Dated: June 22, 2018.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–13824 Filed 6–26–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0067]

Agency Information Collection Activities; Comment Request; High School Equivalency Program (HEP) Annual Performance Report

AGENCY: Department of Education (ED), Office of Elementary and Secondary Education (OESE).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 27, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0067. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 107–13, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Michelle Georgia, 202–453–5501.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the

following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: High School Equivalency Program (HEP) Annual Performance Report.

OMB Control Number: 1810–0684.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 51.

Total Estimated Number of Annual Burden Hours: 1,173.

Abstract: The High School Equivalency Program (HEP) office staff collects information for the HEP Annual Performance Report (APR) in compliance with Higher Education Act of 1965, as amended, Title IV, Sec. 418A; 20 U.S.C. 1070d–2 (special programs for students whose families are engaged in migrant and seasonal farmwork), and the Code of Federal Regulations (CFR), 2 CFR 200.238. CFR states that recipients of multi-year discretionary grants must submit an APR demonstrating that that substantial progress has been made towards meeting the approved objectives. The HEP office staff requests to continue a customized APR that goes beyond the generic 524B APR to facilitate the collection of more standardized and comprehensive data to inform GPRA, to improve the overall quality of data collected, and to increase the quality of data that can be used to inform policy decisions.

Dated: June 22, 2018.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–13823 Filed 6–26–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Native Hawaiian Career and Technical Education Program (NHCTEP)

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2018 for the Native Hawaiian Career and Technical Education Program (NHCTEP), Catalog of Federal Domestic Assistance (CFDA) number 84.259A.

DATES:

Applications Available: June 27, 2018.

Deadline for Notice of Intent to Apply: July 9, 2018. We will be able to develop a more efficient process for reviewing grant applications if we can anticipate the number of applicants that intend to apply for funding under this competition. Therefore, we strongly encourage each potential applicant to notify us of the applicant's intent to submit an application for funding by sending a short email message. This short email should provide the applicant organization's name and address. Please send this email notification to *NHCTEPgrant@ed.gov* with ''Intent to Apply'' in the email subject line. Applicants that do not provide this email notification may still apply for funding.

Deadline for Transmittal of Applications: July 27, 2018.

Pre-Application Teleconference Information: The Department will hold a pre-application meeting via teleconference for prospective applicants on July 9, 2018 at 2:00 p.m. Eastern Time. The teleconference is intended to provide technical assistance to all interested grant applicants. Information regarding the teleconference can be found on the Perkins Collaborative Resource Network at *http://cte.ed.gov/.*

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

FOR FURTHER INFORMATION CONTACT: Linda Mayo, U.S. Department of Education, 400 Maryland Avenue SW, Potomac Center Plaza, Room 11075, Washington, DC 20202–7241. Telephone: (202) 245–7792. Email: *linda.mayo@ed.gov*.

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Native Hawaiian Career and Technical Education Program (NHCTEP) provides grants to eligible community-based organizations to plan, conduct, and administer programs, or portions of programs, that are for the benefit of Native Hawaiians and authorized by and consistent with the purposes of section 116 of the Carl D. Perkins Career and Technical Education Act of 2006 (Act). Section 116(e) of the Act provides that programs, services, and activities funded under NHCTEP must support and improve career and technical education programs. (20 U.S.C. 2326(e))

Background: Under section 116(h) of the Act, eligible community-based organizations receive NHCTEP grants to plan, conduct, and administer programs, or portions thereof that are consistent with the purposes of section 116 of the Act, for the benefit of Native Hawaiians. Section 116(e) of the Act provides that educational programs, services, and activities funded under NHCTEP must support and help to improve career and technical education programs. (20 U.S.C. 2326(e)). This requirement, along with the statutory definition of ''career and technical education,'' aligns NHCTEP with other programs authorized under the Act that offer a sequence of courses that provides individuals with coherent and rigorous content.

Under section 3(5)(A) of the Act (20 U.S.C. 2302(5)(A)), the Department awards grants under this competition to carry out career and technical education projects that provide organized educational activities offering a sequence of courses that—

(a) Provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;

(b) Provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; and

(c) Includes competency-based applied learning that contributes to the

academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual. Projects may include prerequisite courses (other than remedial courses) that meet the definition of ''career and technical education,'' in section 3(5)(A) of the Act. (20 U.S.C. 2302(5)(A)). In addition, at the secondary level, coherent and rigorous academic curriculum in reading or language arts and in mathematics must be aligned with challenging academic content standards and student academic achievement standards that the State in which the applicant is located has established under the Elementary and Secondary Education Act of 1965 (ESEA).

Note: Contacts for State ESEA programs may be found on the internet at: *www.ed.gov/about/contacts/state/index.html.*

Priority: This notice contains one invitational priority. The invitational priority is from the Secretary's Final Supplemental Priorities and Definitions for Discretionary Grant Programs, published on March 2, 2018 (83 FR 9096) (Secretary's Supplemental Priorities).

Invitational Priority: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Creating or expanding opportunities for students to obtain recognized postsecondary credentials in science, technology, engineering, mathematics, or computer science.

For the purposes of this invitational priority, *computer science* means the study of computers and algorithmic processes and includes the study of computing principles and theories, computational thinking, computer hardware, software design, coding, analytics, and computer applications.

Computer science often includes computer programming or coding as a tool to create software, including applications, games, websites, and tools to manage or manipulate data; or development and management of computer hardware and the other electronics related to sharing, securing, and using digital information.

In addition to coding, the expanding field of computer science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation in our digital world.

Computer science does not include using a computer for everyday activities, such as browsing the internet; use of tools like word processing, spreadsheets, or presentation software; or using computers in the study and exploration of unrelated subjects. (See definition of ''computer science'' in the Secretary's Supplemental Priorities)

Requirements: Requirements 1–6 are from the notice of final requirements, definitions, and selection criteria for this program (notice of final requirements), published in the **Federal Register** on March 24, 2009 (74 FR 12341). Requirement 7 is from section 315 of the Act.

Requirement 1—Authorized Programs:

(a) In accordance with section 116(e) of the Act, under this program, NHCTEP projects must—

(1) Develop new programs, services, or activities or improve or expand existing programs, services, or activities that are consistent with the purposes of the Act. In other words, the Department will support ''expansions'' or ''improvements'' that include, but are not necessarily limited to, the expansion of effective programs or practices; upgrading of activities, equipment, or materials; increasing staff capacity; adoption of new technology; modification of curriculum; or implementation of new policies to improve program effectiveness and outcomes; and

(2) Fund a CTE program, service, or activity that—

(i) Is a new program, service, or activity that was not provided by the applicant during the instructional term (a defined period, such as a semester, trimester, or quarter, within the academic year) that preceded the request for funding under NHCTEP;

(ii) Will improve or expand an existing CTE program; or

(iii) Inherently improves CTE. A program, service, or activity ''inherently improves CTE'' if it—

(A) Develops new CTE programs of study for approval by the appropriate accreditation agency;

(B) Strengthens the rigor of the academic and career and technical components of funded programs;

(C) Uses curriculum that is aligned with industry-recognized standards and will result in students attaining industry-recognized credentials, certificates, or degrees;

(D) Integrates academics (other than remedial courses) with CTE programs through a coherent sequence of courses to help ensure learning in the core academic and career and technical subjects;

(E) Links CTE at the secondary level with CTE at the postsecondary level and facilitates students' pursuit of a baccalaureate degree;

(F) Expands the scope, depth, and relevance of curriculum, especially content that provides students with a comprehensive understanding of all aspects of an industry and a variety of hands-on, job-specific experiences; or

(G) Offers—

(1) Work-related experience, internships, cooperative education, school-based enterprises, studies in entrepreneurship, community service learning, and job shadowing that are related to CTE programs;

(2) Coaching/mentoring, support services, and extra help for students after school, on the weekends, or during the summer, so they can meet higher standards;

(3) Career guidance and academic counseling for students participating in CTE programs under NHCTEP;

(4) Placement services for students who have successfully completed CTE programs and attained a technical skill proficiency that is aligned with industry-recognized standards;

(5) Professional development programs for teachers, counselors, and administrators;

(6) Strong partnerships among grantees and local educational agencies, postsecondary institutions, community leaders, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, parents, and local partnerships, to enable students to achieve State academic standards and attain career and technical skills;

(7) The use of student assessment and evaluation data to improve continually instruction and staff development; or

(8) Research, development, demonstration, dissemination, evaluation and assessment, capacity-building, and technical assistance, related to CTE programs.

Requirement 2—Evaluation:

To help ensure the high quality of NHCTEP projects and the achievement of the goals and purposes of section 116(h) of the Act, each grantee must budget for and conduct an ongoing evaluation of the effectiveness of its project. An independent evaluator must conduct the evaluation. The evaluation must—

(a) Be appropriate for the project and be both formative and summative in nature; and

(b) Include—

(1) Collection and reporting of the performance measures for NHCTEP that are identified in the Performance Measures section of this notice; and

(2) Qualitative and quantitative data with respect to—

(i) Academic and career and technical competencies demonstrated by the participants and the number and kinds of academic and work credentials acquired by individuals, including their participation in programs providing skill proficiency assessments, industry certifications, or training at the associate degree level that is articulated with an advanced degree option;

(ii) Enrollment, completion, and placement of participants by gender, for each occupation for which training was provided;

(iii) Job or work skill attainment or enhancement, including participation in apprenticeship and work-based learning programs, and student progress in achieving technical skill proficiencies necessary to obtain employment in the field for which the student has been prepared, including attainment or enhancement of technical skills in the industry the student is preparing to enter;

(iv) Activities, during the formative stages of the project, to help guide and improve the project, as well as a summative evaluation that includes recommendations for disseminating information on project activities and results;

(v) The number and percentage of students who obtained industry-recognized credentials, certificates, or degrees;

(vi) The outcomes of students' technical assessments, by type and scores, if available;

(vii) The rates of attainment of a proficiency credential or certificate, in conjunction with a secondary school diploma;

(viii) The effectiveness of the project, including a comparison between the intended and observed results and a demonstration of a clear link between the observed results and the specific treatment given to project participants;

(ix) The extent to which information about or resulting from the project was disseminated at other sites, such as through the grantee's development and use of guides or manuals that provide step-by-step directions for practitioners to follow when initiating similar efforts; and

(x) The impact of the project, *e.g.,* follow-up data on students' employment, sustained employment, promotions, further and continuing education or training, or the impact the project had on Native Hawaiian economic development or career and technical education activities.

Requirement 3—Student Stipends:

A portion of an award under this program may be used to provide stipends (as defined in the Definitions section of this notice) to help students meet the costs of participation in a NHCTEP project.

(1) To be eligible for a stipend a student must—

(i) Be enrolled in a CTE project funded under this program;

(ii) Be in regular attendance in a NHCTEP project and meet the training institution's attendance requirement;

(iii) Maintain satisfactory progress in his or her program of study according to the training institution's published standards for satisfactory progress; and

(iv) Have an acute economic need that—

(A) Prevents participation in a project funded under this program without a stipend; and

(B) Cannot be met through a work-study program.

(2) The amount of a stipend is the greater of either the minimum hourly wage prescribed by State or local law or the minimum hourly wage established under the Fair Labor Standards Act.

(3) A grantee may award a stipend only if the stipend combined with other resources the student receives does not exceed the student's financial need. A student's financial need is the difference between the student's cost of attendance and the financial aid or other resources available to defray the student's cost of attending a NHCTEP project.

(4) To calculate the amount of a student's stipend, a grantee must multiply the number of hours a student actually attends CTE instruction by the amount of the minimum hourly wage that is prescribed by State or local law, or by the minimum hourly wage that is established under the Fair Labor Standards Act. The grantee must reduce the amount of a stipend if necessary to ensure that it does not exceed the student's financial need.

Example: If a grantee uses the Fair Labor Standards Act minimum hourly wage of $7.25 and a student attends classes for 20 hours a week, the student's stipend would be $145 for the week during which the student attends classes ($7.25 × 20 = $145.00). If the program lasts 16 weeks and the student's total financial need is $2,000, the grantee must reduce the weekly stipend to $125, because the total stipend for the course would otherwise exceed the student's financial need by $320 (or $20 a week).

Note: Grantees must maintain records that fully support their decisions to award stipends to students, as well as the amounts that are paid, such as proof of a student's enrollment in a NHCTEP project, stipend applications, timesheets showing the number of hours of student attendance that are confirmed in writing by an instructor, student financial status information, and evidence that a student could not participate in the NHCTEP project without a stipend. (See generally 20 U.S.C. 1232f; 34 CFR 75.700–75.702; 75.730; and 75.731.)

(5) An eligible student may receive a stipend when taking a course for the first time. However, generally a stipend may not be provided to a student who has already taken, completed, and had the opportunity to benefit from a course and is merely repeating the course.

(6) An applicant must include in its application the procedure it intends to use to determine student eligibility for stipends and stipend amounts, and its oversight procedures for the awarding and payment of stipends.

Requirement 4—Direct Assistance to Students:

A grantee may provide direct assistance (as defined elsewhere in this notice under the heading Definitions) to a student only if the following conditions are met:

(1) The recipient of the direct assistance is an individual who is a member of a special population (as defined in section 3(29) of the Act) and who is participating in a NHCTEP project.

(2) The direct assistance is needed to address barriers to the individual's successful participation in a NHCTEP project.

(3) The direct assistance is part of a broader, more generally focused program or activity for addressing the needs of an individual who is a member of a special population.

Note: Direct assistance to individuals who are members of special populations is not, by itself, a ''program or activity for special populations.''

(4) The grant funds used for direct assistance must be expended to supplement, and not supplant, assistance that is otherwise available from non-Federal sources. For example, generally, a community-based organization could not use NHCTEP funds to provide child care for single parents if non-Federal funds previously were made available for this purpose, or if non-Federal funds are used to provide child care services for single parents participating in non-career and technical education programs and these services otherwise (in the absence of

NHCTEP funds) would have been available to CTE students.

(5) In determining how much of the NHCTEP grant funds it will use for direct assistance to an eligible student, a grantee—

(i) May only provide assistance to the extent that it is needed to address barriers to the individual's successful participation in CTE; and

(ii) Considers whether the specific services to be provided are a reasonable and necessary cost of providing career and technical education programs for special populations. However, the Secretary does not envision a circumstance in which it would be a reasonable and necessary expenditure of NHCTEP project funds for a grantee to utilize a majority of a project's budget to pay direct assistance to students, in lieu of providing the students served by the project with CTE.

Requirement 5—Career and Technical Education Agreement:

Any applicant that is not proposing to provide CTE directly to Native Hawaiian students and proposes instead to pay one or more qualified educational entities to provide such CTE to Native Hawaiian students must include with its application a written CTE agreement between the applicant and the educational entity. The written agreement must describe the commitment between the applicant and the educational entity and must include, at a minimum, a statement of the responsibilities of the applicant and the entity. The agreement must be signed by the appropriate individuals on behalf of each party, such as the authorizing official or administrative head of the applicant Native Hawaiian community-based organization.

Requirement 6: Supplement-Not-Supplant:

Grantees may not use funds under NHCTEP to replace otherwise available non-Federal funding for ''direct assistance to students'' (as defined elsewhere in this notice under the heading Definitions) and family assistance programs. For example, NHCTEP funds must not be used to supplant non-Federal funds to pay the costs of students' tuition, dependent care, transportation, books, supplies, and other costs associated with participation in a CTE program.

Further, funds under NHCTEP may not be used to replace Federal student financial aid. The Act does not authorize the Secretary to fund projects that serve primarily as entities through which students may apply for and receive tuition and other financial assistance.

Requirement 7—Additional Statutory Requirement Limiting Services:

Section 315 of the Act prohibits the use of funds received under the Act to provide vocational and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under the Act may be used by such students. (20 U.S.C. 2395)

Definitions: These definitions are from the Act and the notice of final requirements. The source of each definition is noted after the definition.

Acute economic need means an income that is at or below the national poverty level according to the latest available data from the U.S. Department of Commerce or the U.S. Department of Health and Human Services Poverty Guidelines. (Notice of Final Requirements)

Career and technical education (CTE) means organized educational activities that—

(a) Offer a sequence of courses that—

(1) Provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;

(2) Provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; and

(3) May include prerequisite courses (other than a remedial course) that meet the requirements of this definition; and

(b) Include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual. (20 U.S.C. 2302(5))

Coherent sequence of courses means a series of courses in which career and academic education is integrated, and that directly relates to, and leads to, both academic and occupational competencies. The term includes competency-based education and academic education, and adult training or retraining, including sequential units encompassed within a single adult retraining course, that otherwise meets the requirements of this definition. (Notice of Final Requirements)

Direct assistance to students means tuition, dependent care, transportation, books, and supplies that are necessary for a student to participate in a project funded under this program. (Notice of Final Requirements)

Individual with a disability means an individual with any disability (as defined in section 12102 of title 42) (20 U.S.C. 2302(17)

Individual with limited English proficiency means a secondary school student, an adult, or an out-of-school youth, who has limited ability in speaking, reading, writing, or understanding the English language, and—

(a) Whose native language is a language other than English; or

(b) Who lives in a family or community environment in which a language other than English is the dominant language. (20 U.S.C. 2302(16))

Native Hawaiian means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii. (20 U.S.C. 2326(a)(4))

Special populations means—

(a) Individuals with disabilities;

(b) Individuals from economically disadvantaged families, including foster children;

(c) Individuals preparing for nontraditional fields;

(d) Single parents, including single pregnant women;

(e) Displaced homemakers; and

(f) Individuals with limited English proficiency. (20 U.S.C. 2302(29))

Stipend means a subsistence allowance—

(a) For a student who is enrolled in a CTE program funded under the NHCTEP;

(b) For a student who has an acute economic need that cannot be met through work-study programs; and

(c) That is necessary for the student to participate in a project funded under this program. (Notice of Final Requirements)

Support services means services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices. (20 U.S.C. 2302(31))

Program Authority: 20 U.S.C. 2301, *et seq.,* particularly 2326(a)–(g).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of

the Department in 2 CFR part 3474. (d) The notice of final requirements published in the **Federal Register** on March 24, 2009 (74 FR 12341). (e) The Secretary's Supplemental Priorities published on March 2, 2018 (83 FR 9096).

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $2,753,000, for the first 12 months of the project period. Funding for years two and three is subject to the availability of funds and to a grantee meeting the requirements of 34 CFR 75.253.

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

Estimated Range of Awards: $250,000 to $500,000.

Estimated Average Size of Awards: $276,000.

Maximum Award: We will not make an award exceeding $500,000 for a single budget period of 12 months.

Estimated Number of Awards: 10.

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

Project Period: Up to 36 months. The Secretary may extend the performance periods of funded NHCTEP grantees for an additional two years, should Congress continue to appropriate funds under the Act.

III. Eligibility Information

1. *Eligible Applicants:* The following entities are eligible to apply under this competition:

(a) Community-based organizations primarily serving and representing Native Hawaiians. For purposes of the NHCTEP, a community-based organization means a public or private organization that provides career and technical education, or related services, to individuals in the Native Hawaiian community.

(b) Any community-based organization may apply individually or as part of a consortium with one or more eligible community-based organizations. (Eligible applicants seeking to apply for funds as a consortium must meet the requirements in 34 CFR 75.127–75.129.)

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

(b) *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. In accordance with section 311(a) of the Act, funds under this program may not be used to supplant non-Federal funds used to carry out CTE activities. Further, the prohibition against supplanting also means that grantees are required to use their negotiated restricted indirect cost rates under this program. (34 CFR 75.563)

We caution applicants not to plan to use funds under NHCTEP to replace otherwise available non-Federal funding for direct assistance to students and family assistance programs. For example, NHCTEP funds must not be used to supplant non-Federal funds with Federal funds in order to pay the costs of students' tuition, dependent care, transportation, books, supplies, and other costs associated with participation in a CTE program.

Funds under NHCTEP should not be used to replace Federal student financial aid. The Act does not authorize the Secretary to fund projects that serve primarily as entities through which students may apply for and receive tuition and other financial assistance.

(c) *Limitation on Services:* Section 315 of the Act prohibits the use of funds received under the Act to provide CTE programs to students prior to the seventh grade.

IV. Application and Submission Information

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

2. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

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

4. *Notice of Intent to Apply:* The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application. To do so, please email *NHCTEPgrant@ed.gov* with the subject line ''Intent to Apply,'' and include the applicant's name and a contact person's name and email address. Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from the notice of final requirements, and are as follows.

The maximum possible score for addressing each criterion is indicated in parentheses.

(a) *Quality of the Project Design (35 points).* In determining the quality of the design of the proposed project, we consider the following factors:

(1) The extent to which the design of the proposed project is appropriate to and will successfully address the needs of the target population or other identified needs (as evidenced by such data as local labor market demand, occupational trends, and surveys). (Up to 5 points)

(2) The extent to which goals, objectives, and outcomes are clearly specified and measurable. (For example, we look for clear descriptions of proposed student career and technical education activities; recruitment and retention strategies; expected student enrollments, completions, and placements in jobs, military specialties, and continuing education/training opportunities; the number of teachers, counselors, and administrators to be trained; and identification of requirements for each program of study to be provided under the project, including related training areas and a description of performance outcomes.) (Up to 10 points)

(3) The extent to which the proposed project will establish linkages with other appropriate agencies (*e.g.,* community, State, and other Federal resources) and organizations providing services to the target population in order to improve services to students and strengthen outcomes for the proposed project. (Up to 5 points)

(4) The extent to which the services to be provided by the proposed project will create and offer activities that focus on enabling participants to obtain the skills necessary to gain employment in high-skill, high-wage, and high-demand occupations in emerging fields or in a specific career field. (Up to 5 points)

(5) The extent to which the services to be provided by the proposed project will create opportunities for students to acquire skills identified by the State at the secondary level or by industry-recognized career and technical education programs for licensure, degree, certification, or as required by a career or profession. (Up to 5 points)

(6) The extent to which the proposed project will provide opportunities for

high-quality training or professional development services that—

(i) Are of sufficient quality, intensity, and duration to lead to improvements in practice among instructional personnel;

(ii) Will improve and increase instructional personnel's knowledge and skills to help students meet challenging and rigorous academic and career and technical skill proficiencies;

(iii) Will advance instructional personnel's understanding of effective instructional strategies that are supported by scientifically based research; and

(iv) Include professional development plans that clearly address ways in which learning gaps will be addressed and how continuous review of performance will be conducted to identify training needs. (Up to 5 points)

(b) *Quality of the Management Plan (15 points).* In determining the quality of the management plan for the proposed project, we consider the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and the milestones and performance standards for accomplishing project tasks. (Up to 5 points)

(2) The extent to which the time commitments of the project director and other key project personnel, including instructors, are appropriate and adequate to meet the objectives of the proposed project. (Up to 5 points)

(3) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project. (Up to 5 points)

(c) *Quality of Project Personnel (25 points).* In determining the quality of project personnel, we consider the following factors:

(1) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (Up to 5 points)

(2) The qualifications, including relevant training, expertise, and experience, of the project director. (Up to 10 points)

(3) The qualifications, including relevant training, expertise, and experience, of key project personnel, especially the extent to which the project will use instructors who are certified to teach in the field in which they will provide instruction. (Up to 5 points)

(4) The qualifications, including training, expertise, and experience, of project consultants. (Up to 5 points)

(d) *Adequacy of Resources (20 points).* In determining the adequacy of resources for the proposed project, we consider the following factors:

(1) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization(s) and the entities to be served, including the evidence and relevance of commitments (*e.g.,* articulation agreements, memoranda of understanding, letters of support, or commitments to employ project participants) of the applicant, local employers, or entities to be served by the project. (Up to 10 points)

(2) The extent to which the budget is adequate and costs are reasonable in relation to the objectives and design of the proposed project. (Up to 5 points)

(3) The potential for continued support of the project after Federal funding ends. (Up to 5 points)

(e) *Quality of the Project Evaluation (25 points).* In determining the quality of the evaluation, we consider the following factors:

(1) The extent to which the methods of evaluation proposed by the grantee are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.[1] (Up to 10 points)

(2) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and the performance measures discussed elsewhere in this notice and will produce quantitative and qualitative data, to the extent possible. (Up to 5 points)

(3) The extent to which the methods of evaluation will provide performance feedback and continuous improvement toward achieving intended outcomes. (Up to 5 points)

(4) The quality of the proposed evaluation to be conducted by an external evaluator with the necessary background and technical expertise to carry out the evaluation. (Up to 5 points)

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

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

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

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

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

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S.

[1] This may include the Government Performance and Results Act of 1993 (GPRA) performance measures.

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

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

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

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

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

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

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

5. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), Federal departments and agencies must clearly describe the goals and objectives of their programs, identify resources and actions needed to accomplish these goals and objectives, develop a means of measuring progress made, and regularly report on their achievement. One important source of program information on successes and lessons learned is the project evaluation conducted under individual grants. The Department has established the following core factors and measures for evaluating the overall effectiveness of the NHCTEP and projects supported under this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these core factors and measures.

(a) Number of Secondary, Postsecondary, and Adult Projects. The number of secondary, postsecondary, and adult projects that—

(1) Apply industry-recognized skill standards so that students can earn skill certificates in those projects; and

(2) Offer skill competencies, related assessments, and industry-recognized skill certificates in an area of study offered by secondary and postsecondary institutions.

(b) Secondary Projects. The percentage of participating secondary career and technical education students who—

(1) Meet or exceed State proficiency standards in reading/language arts and mathematics;

(2) Attain a secondary school diploma or its State-recognized equivalent, or a proficiency credential in conjunction with a secondary school diploma;

(3) Attain career and technical education skill proficiencies aligned with industry-recognized standards; and

(4) Are placed in postsecondary education, advanced training, military service, or employment in high-skill, high-wage, and high-demand occupations or in current or emerging occupations.

(c) Postsecondary Projects. The percentage of participating postsecondary students in career and technical education programs who—

(1) Receive postsecondary degrees, certificates, or credentials;

(2) Attain career and technical education skill proficiencies aligned with industry-recognized standards;

(3) Receive industry-recognized credentials, certificates, or degrees;

(4) Are retained in postsecondary education or transfer to a baccalaureate degree program; and

(5) Are placed in military service or apprenticeship programs, or are placed in employment, receive an employment promotion, or retain employment.

Note: All grantees must submit an annual performance report addressing these performance measures, to the extent feasible and to the extent that they apply to each grantee's NHCTEP project.

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

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

VII. Other Information

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

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

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

your search to documents published by the Department.

Dated: June 22, 2018.

Michael E. Wooten,

Acting Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2018–13856 Filed 6–26–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Training Program for Federal TRIO Programs

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2018 for the Training Program for Federal TRIO Programs (Training Program), Catalog of Federal Domestic Assistance (CFDA) number 84.103A.

DATES:

Applications Available: June 27, 2018.

Deadline for Transmittal of Applications: July 27, 2018.

Deadline for Intergovernmental Review: September 25, 2018.

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

FOR FURTHER INFORMATION CONTACT: Suzanne Ulmer or, if unavailable, Carmen Gordon, U.S. Department of Education, 400 Maryland Avenue SW, Room 278–44, Washington, DC 20202. Telephone: (202) 453–7700. Email: *TRIO@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Training Program provides grants to train the staff and leadership personnel employed in, participating in, or preparing for employment in, projects funded under the Federal TRIO Programs, so as to improve the operation of these projects.

Priorities: This notice contains six absolute priorities and three invitational priorities. In accordance with 34 CFR 75.105(b)(2)(iv) and 34 CFR 75.105(b)(2)(ii), the absolute priorities are selected from section 402G(b) of the Higher Education Act of 1965, as amended (HEA), and the regulations for this program at 34 CFR 642.24.

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

In accordance with 34 CFR 642.7, each application must clearly identify the specific absolute priority for which a grant is requested. An applicant must submit a separate application for each absolute priority it proposes to address. If an applicant submits more than one application for the same absolute priority, we will accept only the application with the latest ''date/time received'' validation.

These priorities are:

Absolute Priority 1. Training to improve reporting of student and project performance and the evaluation of project performance in order to design and operate a model project funded under the Federal TRIO Programs.

Estimated number of awards: 2.

Maximum award amount: $265,764.

Absolute Priority 2. Training on budget management and the statutory and regulatory requirements for operation of projects funded under the Federal TRIO Programs.

Estimated number of awards: 2.

Maximum award amount: $265,764.

Absolute Priority 3. Training on assessment of student needs; retention and graduation strategies; and the use of appropriate educational technology in the operation of projects funded under the Federal TRIO programs.

Estimated number of awards: 1.

Maximum award amount: $344,945.

Absolute Priority 4. Training on assisting students in receiving adequate financial aid from programs assisted under title IV of the HEA and from other programs, on college and university admissions policies and procedures, and on proven strategies to improve the financial literacy and economic literacy of students, including topics such as basic personal finance information, household money management and financial planning skills, and basic economic decision making skills.

Estimated number of awards: 2.

Maximum award amount: $265,764.

Absolute Priority 5. Training on strategies for recruiting and serving hard to reach populations, including students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as this term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.

Estimated number of awards: 1.

Maximum award amount: $344,945.

Absolute Priority 6. Training on general project management for new project directors who have been in their positions less than two years, including training on the content of absolute priorities 1 through 5. The training should provide new directors with the basic tools required to be a successful TRIO project director.

Estimated number of awards: 2.

Maximum award amount: $294,464.

Under this competition we are particularly interested in applications that address the following priorities.

Invitational Priorities: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications for this competition, these priorities are invitational priorities. Under 34 CFR 75.105(c)(1), we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1:

Applications that propose projects designed to address one or more of the following priority areas:

(a) Implementing strategies that ensure education funds are spent in a way that increases their efficiency and cost-effectiveness, including by reducing waste or achieving better outcomes.

(b) Supporting training toward innovative strategies or research that have the potential to lead to significant and wide-reaching improvements in the delivery of educational services.

(c) Reducing compliance burden within the grantee's operations (including on partners working to achieve grant objectives or being served by the grant) in a manner that decreases paperwork or staff time spent on administrative functions, or other measurable ways that help education providers to save money, benefit more students, or improve results.

Invitational Priority 2:

Applications that propose projects designed to assist TRIO grantees with the ongoing implementation of the evidence-based strategies for which they

received competitive preference in their approved applications.

Invitational Priority 3:

Applications that propose projects designed to assist TRIO grantees with improving student achievement or other educational outcomes in one or more of the following areas: Science, technology, engineering, math, or computer science (as defined in the Secretary's Final Supplemental Priorities and Definitions for Discretionary Grant Programs, published in the **Federal Register** on March 2, 2018 (83 FR 9096): Specifically, supporting programs that lead to recognized postsecondary credentials (as defined in section 3(52) of the Workforce Innovation and Opportunity Act) or skills that align with the skill needs of industries in the State or regional economy involved for careers in science, technology, engineering, and math fields, including computer science.

Program Authority: 20 U.S.C. 1070a–11 and 1070a–17.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75 (except for 75.215 through 75.221), 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 642.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Consolidated Appropriations Act, 2018 provided $1,010,000,000 for the Federal TRIO Programs for FY 2018, of which we intend to use an estimated $2,873,402 for Training Program awards.

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

Estimated Range of Awards: $265,764–$344,945.

Estimated Average Size of Awards: $287,340.

Maximum Award and Minimum Participants: We will not make an award exceeding the maximum award amount listed here for a single budget period of 12 months. Projects proposed under each absolute priority also must propose to serve the minimum number of applicable participants listed here.

Under Absolute Priorities 1, 2, and 4, the maximum award amount is $265,764 and the minimum number of participants is 231. Under Absolute Priorities 3 and 5, the maximum award amount is $344,945 and the minimum number of participants is 300. Under Absolute Priority 6, the maximum award amount is $294,464 and the minimum number of participants is 256.

Estimated Number of Awards: 10.

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

Project Period: Up to 24 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs and other public and private nonprofit institutions and organizations.

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

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

IV. Application and Submission Information

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

2. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

3. *Funding Restrictions:* We specify unallowable costs in 34 CFR 642.31. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* and *Application Review Information* sections of this notice.

4. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative, which includes the budget narrative and invitational priority, to no more than 55 pages and (2) use the following standards.

Note: Applications that do not follow the page limit and formatting recommendations will not be penalized.

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins.
- Double-space all text in the application narrative, and single-space titles, headings, footnotes, quotations, references, and captions.
- Use a 12-point font.
- Use an easily readable font such as Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the Application for Federal Assistance face sheet (SF 424); Part II, the Budget Information Summary form (ED Form 524); Part III–A, the Program Profile form; Part III–B, the one-page Project Abstract form; or Part IV, the Assurances and Certifications. The recommended page limit also does not apply to a table of contents, which we recommend that you include in the application narrative.

5. *Content and Form of Application Submission:* You should indicate the absolute priority addressed in your application both on the one-page abstract and on the Training Program Profile Sheet. You must include your complete response to the selection criteria and absolute priorities in the application narrative. Other requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 642.21 and are as follows:

(a) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Individuals with disabilities; and

(D) The elderly.

(b) *Quality of key personnel.* (20 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Individuals with disabilities; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (15 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

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

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

For this competition, a panel of non-Federal reviewers will review each application in accordance with the selection criteria in 34 CFR 642.21. The individual scores of the reviewers will be added and the sum divided by the number of reviewers to determine the peer review score received in the review process. Additionally, in accordance with 34 CFR 642.22, the Secretary will award prior experience points to eligible applicants by evaluating the applicant's current performance under its expiring Training Program grant. Pursuant to 34 CFR 642.22(b)(1), prior experience points, if any, will be added to the application's averaged peer review score to determine the total score for each application.

Under section 402A(c)(3) of the HEA, the Secretary is not required to make awards under the Training Program in the order of the scores received.

In the event a tie score exists, the Secretary will select for funding the applicant that has the greatest capacity to provide training to eligible participants in all regions of the Nation in order to assure accessibility to the greatest number of prospective training participants, consistent with 34 CFR 642.20(e).

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

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

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

VI. Award Administration Information

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

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

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other

requirements in the *Applicable Regulations* section of this notice.

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

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

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

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

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* The success of the Training Program is measured by its cost-effectiveness based on the number of TRIO project personnel receiving training each year; the percentage of Training Program participants that, each year, evaluate the training as benefiting them in increasing their qualifications and skills in meeting the needs of disadvantaged students; and the percentage of Training Program participants that, each year, evaluate the training as benefiting them in increasing their knowledge and understanding of the Federal TRIO Programs. All grantees will be required to submit an annual performance report documenting their success in training personnel working on TRIO-funded projects, including the average cost per trainee and the trainees' evaluations of the effectiveness of the training provided. The success of the Training Program also is assessed on the quantitative and qualitative outcomes of the training projects based on project evaluation results.

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

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

VII. Other Information

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

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

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

Dated: June 22, 2018.

Frank T. Brogan,

Principal Deputy Assistant Secretary and Delegated the duties of the Assistant Secretary, Office of Planning, Evaluation and Policy Development, Delegated the duties of the Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 2018–13862 Filed 6–26–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–176–000]

City of Falmouth, Kentucky; Notice of Petition for Declaratory Order

Take notice that on June 20, 2018, the City of Falmouth, Kentucky (Falmouth or Petitioner) filed a petition for a declaratory order requesting the Commission confirm that when Falmouth changes power suppliers on May 1, 2019, Falmouth will be able to continue to obtain transmission service over the facilities of East Kentucky Power Cooperative at the same rates, and under the same terms and conditions, as would have applied for deliveries to Falmouth's load had it remained a power supply customer of Kentucky Utilities Company, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.*

Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on July 19, 2018.

Dated: June 21, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–13850 Filed 6–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–177–000]

CXA La Paloma, LLC v. California Independent System Operator Corporation; Notice of Complaint

Take notice that on June 20, 2018, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, CXA La Paloma, LLC (Complainant) filed a formal complaint against California Independent System Operator Corporation (CAISO or Respondent) alleging that, CAISO's continued reliance on short-term, interim, stopgap mechanisms for resource adequacy has created a resource adequacy regime that is unjust and unreasonable and unduly discriminatory. CXA La Paloma, LLC requests that the Commission order CAISO to implement a centralized resource adequacy procurement process including a downward sloped demand curve, uniform locational pricing, and several other key features, all as more fully explained in the complaint.

CXA La Paloma, LLC certifies that copies of the complaint were served on the contacts for Respondent as 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 and 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 Respondents' answer and all interventions, or protests must be filed on or before the comment date. The Respondents' answer, motions to intervene, and protests must be served on the Complainant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 10, 2018.

Dated: June 21, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–13851 Filed 6–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–175–000]

American Municipal Power, Inc.; Notice of Filing

Take notice that on June 20, 2018, American Municipal Power, Inc. submitted a filing of proposed cost-based revenue requirement for the provision of Reactive Supply and Voltage Control from Generation or Other Sources Service under Schedule 2 of the PJM Interconnection, L.L.C. Open Access Transmission Tariff.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 11, 2018.

Dated: June 21, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–13854 Filed 6–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–501–000]

Southern Star Central Gas Pipeline, Inc.; Notice of Request Under Blanket Authorization

Take notice that on June 11, 2018, Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 Highway 56, Owensboro, Kentucky 42301, filed a prior notice application pursuant to sections 157.205, and 157.208 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA), and Southern Star's blanket certificate

issued in Docket No. CP82–479–000. Southern Star requests authorization to increase the maximum operating pressure on Southern Star's Blue Mountain Chisholm Trail Lateral (also referred to herein as Line VP–079) pipeline in Grady County, Oklahoma to its designed maximum allowable operating pressure (MAOP) of 1460 psig, all as more fully set forth in the application, which is open to the public for inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Cindy Thompson, Manager, Regulatory, Southern Star Central Gas Pipeline, Inc., 4700 Highway 56, Owensboro, Kentucky 42301 or phone (270) 852–4655, or by email at *Cindy.C.Thompson@sscgp.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenter will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: June 21, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–13848 Filed 6–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Institution of Section 206 Proceedings and Refund Effective Date

Ameren Illinois Company	Docket Nos. EL18–155–000.
Ameren Transmission Company of Illinois	Docket Nos. EL18–156–000.
American Transmission Company, LLC	Docket Nos. EL18–157–000.
GridLiance West Transco LLC	Docket Nos. EL18–158–000.
International Transmission Company	Docket Nos. EL18–159–000.
ITC Midwest, LLC	Docket Nos. EL18–160–000.
Northern States Power Company, a Minnesota corporation	Docket Nos. EL18–161–000.
Northern States Power Company, a Wisconsin corporation	Docket Nos. EL18–162–000.
Public Service Company of Colorado	Docket Nos. EL18–163–000.
Southern California Edison Company	Docket Nos. EL18–164–000.
TransCanyon DCR, LLC	Docket Nos. EL18–165–000.
Southwestern Public Service Company	Docket Nos. EL18–166–000.
Virginia Electric and Power Company	Docket Nos. EL18–167–000 (not consolidated).

On June 21, 2018, the Commission issued an order in Docket Nos. EL18–155–000, EL18–156–000, EL18–157–000, EL18–158–000, EL18–159–000, EL18–160–000, EL18–161–000, EL18–162–000, EL18–163–000, EL18–164–000, EL18–165–000, EL18–166–000, and EL18–167–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting investigations into whether the transmission formula rates of Ameren Illinois Company, Ameren Transmission Company of Illinois, American Transmission Company, LLC, GridLiance West Transco LLC, International Transmission Company, ITC Midwest, LLC, Northern States Power Company, a Minnesota corporation, Northern States Power Company, a Wisconsin corporation, Public Service Company of Colorado, Southern California Edison Company, TransCanyon DCR, LLC, Southwestern Public Service Company, and Virginia Electric and Power Company (collectively, Respondents) may be unjust, unreasonable, or unduly discriminatory or preferential. *Ameren Illinois Company, et al.,* 163 FERC 61,200 (2018).

The refund effective date in Docket Nos. EL18–155–000, EL18–156–000, EL18–157–000, EL18–158–000, EL18–159–000, EL18–160–000, EL18–161–000, EL18–162–000, EL18–163–000,

EL18–164–000, EL18–165–000, EL18–166–000, and EL18–167–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in the proceeding associated with a particular Respondent must file a notice of intervention or motion to intervene, as appropriate, in the docket number identified in the caption of this notice, with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2017), within 21 days of the date of issuance of the order.

Dated: June 21, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–13849 Filed 6–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5596–019]

Town of Bedford; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 5596–019.

c. *Date Filed:* April 30, 2018.

d. *Submitted By:* Town of Bedford.

e. *Name of Project:* Bedford Hydroelectric Project.

f. *Location:* On the James River, in Amherst and Bedford Counties, Virginia. The project does not occupy federal lands.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Applicant Contact:* M. Scott Salmon, Electrical Department, Town of Bedford, 877 Monroe Street, Bedford, Virginia 24523, (540) 587–6022; or Jot Splenda at (919) 866–4417; email—*jsplenda@louisberger.com.*

i. *FERC Contact:* Allyson Conner at (202) 502–6082; or email at *allyson.conner@ferc.gov.*

j. The Town of Bedford filed its request to use the Traditional Licensing Process on April 30, 2018. The Town of Bedford provided public notice of its request on May 23, 2018. In a letter dated June 21, 2018, the Director of the Division of Hydropower Licensing approved the Town of Bedford's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402. We are also initiating consultation with the Virginia State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. The Town of Bedford filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

m. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (*http://www.ferc.gov*), using the eLibrary link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

n. The Town of Bedford states its unequivocal intent to submit an application for a new license for Project No. 5596. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 2021.

o. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: June 21, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–13855 Filed 6–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–900–000.

Applicants: Midcontinent Express Pipeline LLC.

Description: § 4(d) Rate Filing: Removal of Expiring Newfield Agreements to be effective 8/1/2018.

Filed Date: 6/20/18.

Accession Number: 20180620–5017.

Comments Due: 5 p.m. ET 7/2/18.

Docket Numbers: RP18–901–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Pioneer July–Sept 2018) to be effective 7/1/2018.

Filed Date: 6/20/18.

Accession Number: 20180620–5091.

Comments Due: 5 p.m. ET 7/2/18.

Docket Numbers: RP18–902–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Tariff Merger Filing—June 18 to be effective 7/21/2018.

Filed Date: 6/20/18.

Accession Number: 20180620–5093.

Comments Due: 5 p.m. ET 7/2/18.

Docket Numbers: RP18–903–000.

Applicants: Dauphin Island Gathering Partners.

Description: § 4(d) Rate Filing: Negotiated Rate Filing 6–21–2018 to be effective 6/21/2018.

Filed Date: 6/20/18.

Accession Number: 20180620–5117.

Comments Due: 5 p.m. ET 7/2/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For

other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 21, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–13847 Filed 6–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–458–000]

Midship Pipeline Company, LLC; Notice of Availability of the Final Environmental Impact Statement for the Proposed Midcontinent Supply Header Interstate Pipeline Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a final environmental impact statement (EIS) for the Midcontinent Supply Header Interstate Pipeline Project, proposed by Midship Pipeline Company, LLC (Midship Pipeline) in the above-referenced docket. Midship Pipeline requests authorization to construct and operate approximately 234.1 miles of new pipeline, three compressor stations, a booster station, and accompanying facilities in Oklahoma. The project would deliver an additional 1,440 million standard cubic feet per day of year-round firm transportation capacity from Kingfisher County, Oklahoma to existing natural gas pipelines near Bennington, Oklahoma for transport to growing Gulf Coast and Southeast Markets.

The final EIS 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 would result in some adverse environmental impacts; however, these impacts would be reduced to less-than-significant levels with the implementation of Midship Pipeline's proposed mitigation and the additional measures recommended in the final EIS.

The U.S. Environmental Protection Agency participated as a cooperating agency in the preparation of the EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The U.S. Environmental Protection Agency provided input to the conclusions and recommendations presented in the final EIS.

The final EIS addresses the potential environmental effects of the construction and operation of the following proposed project facilities in Oklahoma:

- 199.7 miles of new 36-inch-diameter natural gas pipeline in Kingfisher, Canadian, Grady, Garvin, Stephens, Carter, Johnston, and Bryan Counties;
- 20.5 miles of new 30-inch-diameter pipeline lateral in Kingfisher County;
- 13.8 miles of new 16-inch-diameter pipeline lateral in Stephens, Carter, and Garvin Counties;
- 0.1 mile of new 24-inch-diameter tie-in piping in Canadian County;
- three new compressor stations and one new booster station in Canadian, Garvin, Bryan, and Stephens Counties; and
- eight new receipt meters, two new receipt taps, four new delivery meters, and appurtenant facilities.

The FERC staff mailed copies of the EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. Paper copy versions of Volume I of the EIS were mailed to those specifically requesting them; all recipients received a CD version containing both Volumes I and II of the EIS. In addition, the EIS is available for public viewing on the FERC's website (*www.ferc.gov*) using the eLibrary link. A limited number of copies are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE, Room 2A, Washington, DC 20426, (202) 502–8371.

Questions?

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. Click on the eLibrary link, click on General Search, and enter the docket number in the Docket Number field excluding the last three digits (*i.e.,* CP17–458). 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; for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription, which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: June 21, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–13852 Filed 6–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–105–000.

Applicants: GenOn Energy Management, LLC, GenOn Mid-Atlantic, LLC, NRG REMA LLC.

Description: Joint Application of GenOn Energy Management, LLC, *et al.* for Approval Under Section 203 of the Federal Power Act and Request for Expedited Action.

Filed Date: 6/20/18.

Accession Number: 20180620–5120.

Comments Due: 5 p.m. ET 7/11/18.

Docket Numbers: EC18–106–000.

Applicants: Colorado Green Holdings LLC.

Description: Application for Approval Pursuant to Section 203 of the Federal Power Act, and Requests for Waivers, Privileged Treatment and Expedited Consideration of Colorado Green Holdings LLC.

Filed Date: 6/21/18.

Accession Number: 20180621–5077.

Comments Due: 5 p.m. ET 7/12/18.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–102–000.

Applicants: Holloman Lessee LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Holloman Lessee LLC.

Filed Date: 6/21/18.

Accession Number: 20180621–5057.

Comments Due: 5 p.m. ET 7/12/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1667–003.

Applicants: Battery Utility of Ohio, LLC.

Description: Notice of Change in Status of Battery Utility of Ohio, LLC.

Filed Date: 6/20/18.

Accession Number: 20180620–5118.

Comments Due: 5 p.m. ET 7/11/18.

Docket Numbers: ER17–469–002.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Midwest Energy Formula Rate Revisions Compliance Filing to be effective 1/1/2017.

Filed Date: 6/21/18.

Accession Number: 20180621–5025.

Comments Due: 5 p.m. ET 7/12/18.

Docket Numbers: ER18–1703–001.

Applicants: Entergy Arkansas, Inc., Entergy Mississippi, Inc., Entergy New Orleans, LLC, Entergy Texas, Inc., Entergy Louisiana, LLC.

Description: Tariff Amendment: Entergy OpCos Reactive Power Update Errata (ER18–1703) to be effective 6/1/2018.

Filed Date: 6/21/18.

Accession Number: 20180621–5075.

Comments Due: 5 p.m. ET 7/12/18.

Docket Numbers: ER18–1811–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1276R17 KCPL NITSA NOA to be effective 9/1/2018.

Filed Date: 6/21/18.

Accession Number: 20180621–5033.

Comments Due: 5 p.m. ET 7/12/18.

Docket Numbers: ER18–1812–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2018–06–21 SA 3126/3127 ATC–WEPCo Project Commitment Agrmts Juneautown to be effective 8/21/2018.

Filed Date: 6/21/18.

Accession Number: 20180621–5054.

Comments Due: 5 p.m. ET 7/12/18.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES18–41–000.

Applicants: Northern Pass Transmission LLC.

Description: Application for Authority to Issue Debt Securities of Northern Pass Transmission LLC.

Filed Date: 6/20/18.

Accession Number: 20180620–5131.

Comments Due: 5 p.m. ET 7/11/18.

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: June 21, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–13846 Filed 6–26–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–502–000]

Panhandle Eastern Pipe Line Company, LP; Notice of Request Under Blanket Authorization

Take notice that on June 11, 2018, Panhandle Eastern Pipe Line, LP (Panhandle), P.O. Box 4967, Houston, Texas 77210–4967, filed a prior notice application pursuant to sections 157.205, and 157.208(f)(2) of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA), and Panhandle's blanket certificate issued in Docket No. CP83–83–000. Panhandle requests authorization to decrease the maximum allowable operating pressure (MAOP) of a segment of its State Line Lateral located in Johnson County, Kansas and Jackson County, Missouri, due to the recent compliance testing results in accordance with U.S. Department of Transportation regulations, all as more fully set forth in the application, which is open to the public for inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Blair Lichtenwalter, Senior Director of Certificates, Panhandle Eastern Pipe Line Company, LP, 1300 Main Street, Houston, Texas 77002 or phone (713) 989–1205, or by email at *blair.lichtenwalter@energytransfer.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenter will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right

to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: June 21, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–13853 Filed 6–26–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0559; FRL–9978–62]

Final Strategic Plan To Promote the Development and Implementation of Alternative Test Methods Supporting the Toxic Substances Control Act (TSCA); Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: As required by TSCA, which was amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act in June 2016, EPA is announcing the availability of a document entitled: *Strategic Plan to Promote the Development and Implementation of Alternative Test Methods Supporting the Toxic Substances Control Act (TSCA).* EPA is also making available a response to comments document that addresses comments received on the draft Strategic Plan.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Louis Scarano, Risk Assessment Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–2851, email address: *scarano.louis@epa.gov.* In addition, progress on this activity will be periodically updated at the following page on the OPPT website at *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Basic Chemical Manufacturers (NAICS code 3251);
- Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filament Manufacturers (NAICS code 3252);
- Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturers (NAICS code 3255);
- Paint, Coating, and Adhesive Manufacturers (NAICS code 3255);
- Other Chemical Product and Preparation Manufacturers (NAICS code 3259); and Petroleum Refineries (NAICS code 32411);
- Animal Welfare Groups;
- Environmental non-governmental organizations;
- Toxicity testing laboratories (contract labs);
- Academic/non-profit groups involved in developing and using alternative toxicity test methods.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0559, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 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 OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

C. What is the Agency's authority for this action?

On June 22, 2016, the Frank R. Lautenberg Chemical Safety for the 21st Century Act amended TSCA (15 U.S.C. 2601 *et seq.*), the nation's primary chemicals management law. Along with new requirements and deadlines for actions related to the regulation of new and existing chemicals in the U.S., the new law includes changes to TSCA section 4 (*Testing of Chemical Substances and Mixtures*). Specifically, a new TSCA section 4(h) has been added entitled *Reduction of Testing on Vertebrates.* TSCA section 4(h)(2)(A) states that EPA shall ''. . ., not later than 2 years after June 22, 2016, develop a strategic plan to promote the development and implementation of alternative test methods and strategies to reduce, refine, or replace vertebrate animal testing and provide information of equivalent or better scientific quality and relevance for assessing risks of injury to health or the environment. . .''. (15 U.S.C. 2603(h)(2)(A)).

D. What action is the Agency taking?

In fulfillment of the requirements in TSCA section 4(h)(2)(A), EPA has prepared a final Strategic Plan to ''promote the development and implementation of alternative test methods and strategies to reduce, refine or replace vertebrate animal testing and provide information of equivalent or better scientific quality and relevance for assessing risks of injury to health or the environment of chemical substances or mixtures . . .''. The Strategic Plan is being made available in both the docket and on the EPA website.

In addition, making available a response to comments document that addresses comments on the draft Strategic Plan received through May 11, 2018. The response to comment document is available in the docket. (*http://www.regulations.gov;* docket ID number HQ–OPPT–2017–0559)

II. Background

OPPT hosted a public meeting on November 2, 2017, in which a conceptual approach to this final Strategic Plan was presented. Meeting materials and public comments received through January 10, 2018, can be found in the docket (*http://www.regulations.gov;* docket ID number HQ–OPPT–2017–0559).

A draft Strategic Plan was published on March 12, 2018, along with a response to comments document that addressed the comments received through January 10, 2018. OPPT hosted a second public meeting on April 10, 2018, to receive input from the public on the draft Strategic Plan. A docket was made available with the meeting materials and allowed for comments to

be received through May 11, 2018 (*http://www.regulations.gov;* docket ID number HQ–OPPT–2017–0559).

Authority: 15 U.S.C. 2601 *et seq.*

Dated: June 21, 2018.

E. Scott Pruitt,

Administrator.

[FR Doc. 2018–13833 Filed 6–26–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0144; FRL–9979–59]

TSCA Chemical Substances; Unique Identifier Assignment and Application Policy; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: As amended in 2016, the Toxic Substances Control Act (TSCA) requires EPA to develop a system to assign a unique identifier (UID) whenever it approves a confidential business information (CBI) claim for the specific chemical identity of a chemical substance, to apply this UID to other information concerning the same chemical substance, and to ensure that any non-confidential information received by the Agency identifies the chemical substance using the UID while the specific chemical identity of the chemical substance is protected from disclosure. EPA previously requested comment on several approaches for assigning and applying UIDs. EPA has determined that it will use a numerical identifier that incorporates the year the CBI claim was asserted, and will apply this UID to non-confidential information related to the chemical substance, except where the Agency's act of applying the UID would itself disclose to the public the confidential specific chemical identity that the UID was assigned to protect.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jessica Barkas, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 250–8880; email address: *barkas.jessica@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave. Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be affected by this action if you have submitted or expect to submit information to EPA under TSCA. Persons who would use UIDs assigned by the Agency to seek information may also be affected by this action. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers, importers, or processors of chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0144, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 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 OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

A. What is the authority for this action?

The June 22, 2016, amendments to TSCA by the Frank R. Lautenberg Chemical Safety for the 21st Century Act added a requirement in TSCA section 14(g)(4) for EPA to, among other things, ''assign a unique identifier to each specific chemical identity for which the Administrator approves a request for protection from disclosure.'' EPA is required to use the ''unique identifier assigned under this paragraph to protect the specific chemical identity in information that the Administrator has made public'' and to ''apply that identifier consistently to all information relevant to the applicable chemical substance,'' including ''any non-confidential information received by the Administrator with respect to a chemical substance . . . while the specific chemical identity of the chemical substance is protected from disclosure.'' 15 U.S.C. 2613(g)(4).

B. EPA Sought Public Comment

The requirements to assign a UID and the unreconciled requirements concerning application of the UID and protection of CBI are more fully discussed in a document that published in the **Federal Register** on May 8, 2017. (See 82 FR 21386; May 8, 2017; hereafter ''May 2017 **Federal Register** document''.) EPA noted drawbacks to each of the two alternative approaches discussed in the May 2017 **Federal Register** document, and subsequently developed a third alternative approach for reconciling the competing requirements of TSCA section 14(g), on which it requested comment in the **Federal Register** on February 8, 2018. (See 83 FR 5623; hereafter ''February 2018 **Federal Register** document'').

III. Policy

A. UIDs Will Be a Numerical Identifier

The UID cannot be the specific chemical identity, or a structurally descriptive generic term. TSCA section 14(a)(4)(A)(i). Consequently, EPA has developed a system to assign UIDs for each substance for which it makes a final determination approving a CBI claim for specific chemical identity. The UID is a number that incorporates the year that the claim was asserted (*e.g.,* the first approved claim asserted in 2019 would be UID–2019–00001). Including this date will facilitate tracking of the expiration of the CBI claims for specific chemical identity made in that document, pursuant to TSCA section 14(e). The reasons for not using a preexisting identifier, such as the accession number, are further explained in the May 2017 **Federal Register** document. Note that in the May 2017 **Federal Register** document, it was suggested that the UID year would be based on year the claim was *approved.* See 82 FR at 21387. However, because the year of approval may be different from the year the claim was asserted (*e.g.,* claims made in December may not be approved until the following February), and because the initial expiration date of the claim runs from the point that the claim was asserted, EPA determined that the date would better facilitate claim expiration tracking if it were based on the year the claim was *asserted.*

B. EPA Will Apply UIDs to Related Documents, Except Where It Discloses Confidential Chemical Identity

EPA is adopting the ''third alternative approach,'' as described in the February

2018 **Federal Register** document. Under this approach, EPA will assign one UID per chemical substance. In most cases, EPA will apply the UID to all non-confidential information relevant to the applicable chemical substance, from any company. However, in a small number of cases, EPA will not apply the UID to some non-confidential documents, in order to preserve approved, still-valid CBI claims for specific chemical identity. These would be cases in which the non-confidential document itself does not undermine the CBI claim, but EPA's application of the UID to that document would result in a linkage that would undermine the CBI claim and reveal the CBI. The criterion for application of the UID to submissions made by different submitters is that *the Agency's act of applying the UID must not disclose to the public the confidential specific chemical identity that the UID was assigned to protect.*

EPA believes that this is the best of the approaches considered because it most appropriately balances the two purposes of the UID provisions: to provide public linkages between related non-confidential information concerning a particular confidential chemical substance (*i.e.,* to promote transparency), and to protect information that EPA has determined to be entitled to confidential treatment. It does so by providing linkages to the maximum extent possible while still preserving valid claims of CBI for chemical identity. The third alternative approach also has the advantage of being more straightforward to administer than the other two alternative approaches considered. Most public commenters supported this approach over the other alternatives for similar reasons.

By contrast, the other two alternative approaches (described more fully in the May 2017 **Federal Register** document) would not provide this balance, and would have other significant disadvantages. The ''first alternative approach'' would have construed section 14(g)(4)(C) as instructing EPA to ensure that any non-confidential information received by EPA concerning a confidential chemical substance should identify the substance using *only* the UID, for so long as the confidential identity remained protected from disclosure. This approach would have involved carefully searching for and removing specific chemical identifying information from all documents relating to the applicable chemical, even where that information was not claimed as CBI, in order to replace that specific information with the UID. This approach would have provided a linkage between documents concerning the same chemical, while at least superficially maintaining the confidentiality of the CBI claim for chemical identity, but would require withholding or withdrawing information that would otherwise be (or was previously) public. Moreover, because many related documents may already have long been made public, removing chemical identities from these documents would have been ineffectual in some cases (such as when the older, complete version of a document can be compared with the newer version with specific chemical identity redacted).

In the ''second alternative approach,'' whereby a UID would be assigned to each chemical-company combination (different companies submitting information on the same substance would be assigned different UIDs for that substance), the CBI protection goal would at least initially be met, but only at considerable expense to the other goal of the UID provisions—to provide the public with links between related documents. In addition, this approach would have raised its own administrative issues, such as what to do with the UID in the case that a company or parts of a company changes ownership; how such UIDs would be applied to EPA-generated documents that are relevant to a substance that is referenced in multiple submissions from different companies; or how the multiple UIDs would be handled in the case that one company withdraws or permits its CBI claim to expire while the other does not. Finally, this approach seems unreconciled with the TSCA section 8(b)(7) requirement to publish UIDs alongside other identifiers for the same chemical—accession number, generic name, and PMN number, where applicable. Any list that includes all of this information for each chemical would automatically link submissions from different companies by including all of the UIDs and/or by using the same accession number for multiple listings on the same chemical. (For example, if Chemical X has three UIDs, assigned to three different company claims, they would all be linked on this list, because Chemical X only has one accession number, and the list is supposed to include both accession number and UID.)

IV. Public Comments

A. Summary of Public Comments

In response to the two requests for comment, in the May 2017 and February 2018 **Federal Register** documents, EPA received a total of 20 comments from 14 identified commenters (some commenters responded to both requests).

In response to the first request for comment (May 2017 **Federal Register** document), most commenters, including seven of eight industry or trade group commenters, and one non-governmental organization (NGO) commenter, preferred the one UID per company-chemical combination approach (''second alternative approach''). No commenter supported the ''first alternative approach.'' One NGO commenter argued that assigning more than one UID to any given chemical was contrary to the purpose and requirements of the UID provisions. One trade association argued for an even more complex system of UIDs (the ''parent-daughter identifier approach''), whereby even submissions from the *same* company may be assigned different UIDs, and would involve assigning additional UIDs for EPA-generated documents and other third-party submissions—none of which would be linkable by the public.

In response to the second request for comment (February 2018 **Federal Register** document), most commenters expressed support for the ''third alternative approach''—applying the UID to all related information, but with some exceptions to preserve approved and still-valid CBI claims for chemical identity, as explained above. Commenters supporting the third alternative approach included three trade groups that had previously supported the one UID per company-chemical combination approach, and two more trade groups that had not previously commented. One NGO commenter maintained the position that they had taken in their earlier comment, in response to the first request for comment, that EPA should apply the UID to all related documents, regardless of the effect on approved CBI claims for chemical identity. This same commenter indicated, however, that the third alternative approach was an improvement over, and would be preferred to, the other two alternatives. One trade group maintained its preference for a ''parent-daughter identifier'' approach. Two commenters did not express a preference or position with respect to approach, but requested clarification regarding EPA's CBI review procedures or commented in general support of balancing public transparency with CBI protections.

B. Response to Comments

EPA has prepared a separate response to comments document, a copy of which is available in the docket for this action (Ref. 1), and is also including the

following summary response to selected comments.

1. ''*Parent-daughter identifier*'' *approach.* One commenter proposed that EPA adopt a system of document identifiers, such that documents concerning the same substance would use several different identifiers, the relationship between which only EPA would be aware. Documents concerning the same substance, submitted by different companies, and even documents submitted by the same company, would or could have different identifiers. The public would be able to link together only those documents that are submitted by the same person, and that have the same CBI status (CBI vs. non-CBI). The commenter explained that this system would provide more protection to CBI information than would be provided by using one chemical identity per company, as in the second alternative approach.

This approach would be largely inconsistent with both the letter of TSCA section 14(g)(4) and the intent of setting up a UID system. EPA interprets TSCA section 14(g)(4)(A)(i) (requiring the Agency to ''assign a unique identifier to *each* specific chemical identity'' (emphasis added)), to indicate that the UID was intended to be a single identifier for each chemical. Moreover, as noted in the February 2018 **Federal Register** document, the reason for assigning multiple UIDs per chemical (CBI protection) is not possible to reconcile with the TSCA section 8(b)(7) requirement that for each confidential chemical substance, EPA ''shall make available to the public . . . the unique identifier assigned under [section 14], accession number, generic name, and, if applicable, premanufacture notice case number.'' The publication of the UIDs alongside their corresponding accession number (for which there is generally only one per chemical) would cause all of the UIDs for a given substance to be linked together. The approach advocated in this comment would also largely defeat one of the two purposes of the UID provision—to provide a publicly-accessible link between information concerning the same substance.

2. ''*Straightforward*'' *approach.* One commenter asserted that the text of section 14(g)(4) is plain about EPA's obligations to apply the UID uniformly, regardless of consequence for approved CBI claims, and thus advocated for a reading of the statute where one UID is assigned to each chemical, and making no exceptions in applying UIDs to related information (*i.e.,* the ''straightforward'' approach). EPA disagrees that Congress plainly intended that approved, valid CBI claims should be disregarded as UIDs are applied to related documents. As is noted in the May 2017 **Federal Register** document, EPA understands the UID as having two purposes: providing a public linkage between information on the same chemical substance, and protecting approved CBI claims for specific chemical identity. Under the ''straightforward'' approach, those two purposes would conflict with each other in certain circumstances, while the third alternative approach selected by EPA balances the two purposes without this conflict.

The UID is specifically described in the statute as an identifier assigned ''to protect the specific chemical identity'' of the subject chemical. Section 14(g)(4)(D). It would plainly undermine that Congressional purpose if application of the UID itself were the means by which an otherwise valid chemical identity CBI claim was disclosed. Congress' intention that the UID preserve valid CBI claims is further evidenced by the requirement that the UID ''shall not be . . . the specific chemical identity.'' Section 14(g)(4)(A)(i). Similarly, section 14(g)(4)(B) requires EPA to publish an annual list of confidential chemical substances ''referred to by their unique identifiers . . . including the expiration date for each such claim.'' This further reflects Congress' understanding that the duration of a valid CBI claim would be determined by its expiration date and that the UID would serve to link documents pertaining to a confidential chemical during that period, not to terminate the period. Section 14(g)(4)(C) in turn instructs EPA to ensure that any non-confidential information received by EPA regarding a chemical substance ''on the list published under paragraph (B)'' while the specific identity is protected from disclosure identifies the chemical using the UID. It is apparent that Congress intended the UID to serve the function of enabling the public to link such non-confidential information to other documents pertaining to the same confidential chemical during the life of the valid CBI claim as reflected on the list under paragraph (B), not to terminate the period of protection. Finally, section 14(g)(4)(D) requires EPA to link the specific identity of a chemical substance to the corresponding UID in three circumstances: where the claim has been denied, has expired, or has been withdrawn. If Congress had intended for the application of the UID itself to reveal the confidential chemical identity, it presumably would have included this circumstance in the list in section 14(g)(4)(D).

The approach suggested by the commenter might also tend to increase CBI claims for chemical identity. Many TSCA section 8(e) filings, for example, concern chemicals that are in the research and development (R&D) stage. At this early stage, not all companies claim the chemical identity as CBI. Under the ''straightforward'' approach, any time a company chooses to not claim an R&D chemical identity as CBI, they would foreclose any chance (of theirs, or of a competitor's) to maintain a successful CBI claim for the specific identity of that substance in the future. This is because even if such a claim were made and approved in, for example, a section 5 Notice of Commencement, the confidential chemical identity, and the fact the substance is in commerce in the United States, would be revealed as soon as EPA applied the UID to the related R&D 8(e) submission and made the labeled submission public. In order to avoid this foreclosure of opportunity, TSCA section 8(e) submitters may feel compelled to claim more R&D chemical identities as CBI.

EPA believes that section 14(g)(4) is best read as instructing EPA to provide a public linkage of non-confidential information that concerns each confidential chemical substance, while simultaneously protecting approved and valid CBI claims. It is both appropriate and lawful for EPA to interpret conflicting requirements of a provision in a manner that minimizes those conflicts, because provisions of a text should be interpreted in a way that renders them compatible and not contradictory. Accordingly, EPA is acting consistent with TSCA by attempting to balance two requirements that occasionally conflict with one another.

3. *UID application procedure.* Several commenters urged EPA to develop procedures to assure that confidential chemical identities are not inappropriately disclosed as EPA applies UIDs to related non-confidential documents. Some commenters also requested clarification on how exceptions to UID application will occur.

EPA has developed procedures for applying UIDs to related documents, prior to releasing those labeled documents to the public. EPA will search its records and screen incoming submissions for non-confidential information that relates to the applicable confidential chemical identity (using CASRN, accession number, PMN number, specific name,

and/or other identifiers). These documents would be reviewed for relevance (*i.e.,* to ensure that they are not mislabeled with the wrong CASRN or PMN number), then searched for mention of the confidential specific chemical identity that is protected by the UID (*e.g.,* CASRN and/or specific chemical name).

Any relevant documents that do not reveal the confidential specific chemical identity in the public version would be labeled with the UID. Any relevant documents that mention this confidential specific chemical identity in the public version would be set aside for additional screening. EPA anticipates that documents in the latter category will be fairly rare. Documents subject to additional screening would be examined for information indicating that the confidential TSCA Inventory status may no longer be warranted (*e.g.,* if the document reveals to the public that the chemical substance is offered for commercial distribution in the United States for TSCA uses). If there is no such public information undermining the approved CBI claim, then the UID would not be applied to this document. The document would continue to be available to the public, and continue to include reference to the confidential chemical identity, but it would not be labeled with the UID.

If the result of the additional screening is that the chemical identity CBI claim appears no longer valid (*i.e.,* EPA develops a reasonable basis to believe that the information no longer qualifies for protection from disclosure) or appears to have been withdrawn (for example, where a subsequent submission by the original claimant does not claim the specific chemical identity as CBI), EPA will proceed in accordance with section 14(f)(2)(B) and/or 14(e)(1)(B)(ii), as appropriate. Consistent with section 14(g)(4)(D), whenever a claim for protection of a specific chemical identity for which a UID has been assigned is subsequently denied by EPA, is withdrawn by the claimant, or expires, EPA will, to the extent practicable, clearly link the specific chemical identity to the UID in information that EPA has made public.

V. Annual UID List

Under TSCA section 14(g)(4)(B), EPA is required to ''annually publish and update a list of chemical substances, referred to by their unique identifiers, for which claims to protect the specific chemical identity from disclosure have been approved, including the expiration date for each such claim.'' EPA will be using the approach announced in this document and anticipates publishing the first annual list on EPA's internet site in November of 2018.

VI. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. 2018. Response to Comment Document for Unique Identifier Assignment and Application Policy.

Authority: 15 U.S.C. 2613.

Dated: June 21, 2018.

E. Scott Pruitt,

Administrator, Environmental Protection Agency.

[FR Doc. 2018–13829 Filed 6–26–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0652; FRL–9979–75]

Guidance on Expanded Access to TSCA Confidential Business Information; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The amendments to the Toxic Substances Control Act in June 2016 expanded the categories of people to whom EPA may disclose TSCA confidential business information (CBI) by specifically authorizing EPA to disclose TSCA CBI to state, tribal, and local governments; environmental, health, and medical professionals; and emergency responders, under certain conditions, including consistency with guidance that EPA is required to develop. This document announces the availability of three guidance documents that address this requirement.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jessica Barkas, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 250–8880; email address: *barkas.jessica@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What action is EPA taking?

As directed by TSCA, EPA has developed guidance for each of three new expanded TSCA CBI access provisions. The guidance documents cover the content and form of the agreements and statements of need required under each provision, and include some basic logistical information on where and how to submit requests to EPA.

EPA maintains a list of Significant Guidance Documents at *http://www.epa.gov/regulations/guidance/* as called for by the Office of Management and Budget's (OMB) Final Bulletin for Agency Good Guidance Practices (*https://www.gpo.gov/fdsys/pkg/FR-2007-01-25/pdf/E7-1066.pdf*). Please be aware that the EPA list of Significant Guidance Documents does not include every guidance document issued by EPA and only encompasses those documents that are ''significant'' as defined by OMB's Bulletin.

These final documents have been determined to be EPA Significant Guidance Documents per the OMB Bulletin definition and are included on the EPA list of significant guidance documents. OMB's Bulletin directs agencies to allow for the public to submit comments on any Significant Guidance Document that appears on the Agency's list of significant guidance documents. EPA allows for public comments to be submitted through the Agency's electronic docket and commenting system at *http://www.regulations.gov.* Please note that although you may receive an acknowledgement that EPA has received your comment, you may not receive a detailed response to your comment. Your feedback is nevertheless important to EPA and will be forwarded to the appropriate program for consideration.

B. What is the Agency's authority for taking this action?

TSCA section 14(c)(4)(B) requires that EPA develop guidance concerning the ''content and form of the statements of need and agreements required'' under TSCA section 14(d)(4), (5), and (6). 15 U.S.C. 2613.

C. Does this action apply to me?

You may be potentially affected by this action if you are a state, tribal, or local government, or are employed by a

government (federal, state, local, or tribal) or in the private sector and your duties concern: Chemical regulation; chemical-related law enforcement; diagnosing or treating chemical exposures; and/or chemical spill, incident, accident, or emergency response, including injury to humans or the environment. You may also be affected by this action if you have or may in the future submit information to EPA that you claim as TSCA CBI.

D. What are the potential incremental economic impacts of taking this action?

The potential incremental economic impacts that are associated with the information collection activities contained in the guidance documents are enumerated in the Information Collection Request (ICR) entitled ''Guidance on Expanded Access to TSCA Confidential Business Information'' (EPA ICR No. 2570.01 and OMB Control No. 2070-(new)), which published in the **Federal Register** on March 12, 2018 (83 FR 10719) (FRL–9975–24). The annual public reporting and recordkeeping burden for this collection of information is estimated to average 14.8 hours and cost about $868 per response. The comment period closed on May 11, 2018. No comments were received.

II. Background

Enacted on June 22, 2016, the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Pub. L. 114–182), changed and expanded many parts of TSCA (15 U.S.C. 2601 *et seq.*). Among these changes, TSCA section 14(d) as amended expands the categories of people who may now access TSCA CBI. TSCA CBI is information submitted to EPA under TSCA, for which a business has made a claim of business confidentiality which has not been withdrawn by the business, expired, or denied by EPA. There are three new provisions expanding access to CBI, each under certain conditions:

- Under TSCA section 14(d)(4), 15 U.S.C. 2613(d)(4), EPA may disclose CBI to state, tribal, and local governments;
- Under TSCA section 14(d)(5), 15 U.S.C. 2613(d)(5), EPA may, in non-emergency situations, disclose CBI to a health or environmental professional employed by a Federal or state agency or tribal government, or to a treating physician or nurse; and
- Under TSCA section 14(d)(6), 15 U.S.C. 2613(d)(6), EPA may, in the event of an emergency, disclose CBI to a treating or responding physician, nurse, agent of a poison control center, public health or environmental official of a state, political subdivision of a state, or tribal government, or to a first responder (including any individual duly authorized by a Federal agency, state, political subdivision of a state, or tribal government who is trained in urgent medical care or other emergency procedures, including a police officer, firefighter, or emergency medical technician).

The conditions for access vary under each of the new provisions, but generally include the following;

- The requester must show that he or she has a need for the information related to their employment, professional, or legal duties;
- The recipient of TSCA CBI is prohibited from disclosing or permitting further disclosure of the information to individuals not authorized to receive it (physicians/nurses may disclose the information to their patient or person authorized to make medical or health care decisions on behalf of the patient); and
- EPA generally must notify the entity that made the CBI claim at least 15 days prior to disclosing the CBI. There is an exception for disclosures in emergency situations, which require that EPA make the notification as soon as practicable (*see* TSCA section 14(g)(2)(C)(ii)).

In addition, under these new provisions, requesters are generally required to sign an agreement and may be required to submit a statement of need to EPA. Emergency requestors only need to sign an agreement and submit a statement of need if the person who made the claim so requests, following the notification required under TSCA section 14(g)(2)(C)(ii).

III. Response to Public Comments

EPA previously collected public comment on draft versions of the three guidance documents (83 FR 11748 (March 16, 2018)). Thirteen relevant comments were received, from state governments and government organizations (3), tribal governments (2), industry (3), a utility group (1), a fire fighters' organization (1), and medical, health and environmental groups (3). Most commentary on the guidance documents concerned EPA's request processing time; the scope of some definitions in the 14(d)(5) and (d)(6) documents; requested additional means through which to request or access information; suggested revisions to a provision in the confidentiality agreements included in the 14(d)(5) and (d)(6) documents; or requested that EPA establish a contact available for emergency requests after business hours. A Response to Comments document is available in the docket for this action.

IV. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

EPA. 2018. Response to Comment Document for TSCA Section 14(d) Guidance Documents.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

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

OMB has determined that these guidance documents qualify as significant under Executive Order 12866 (58 FR 51735, October 4, 1993). As such, the documents were submitted to OMB for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). Any changes to the documents that were made in response to OMB recommendations have been documented in the docket for this action as required by section 6(a)(3)(E) of Executive Order 12866.

B. Paperwork Reduction Act (PRA)

In the **Federal Register** on March 12, 2018 (83 FR 10719) (FRL–9975–24), EPA announced the availability of and solicited comment on the draft ICR entitled ''Guidance on Expanded Access to TSCA Confidential Business Information'' (EPA ICR No. 2570.01 and OMB Control No. 2070-(new)). The ICR identifies the information collection activities contained in the guidance and provides EPA's estimates for the related burden and costs. The comment period closed on May 11, 2018. No comments were received. The final ICR will be submitted to OMB for review and approval under the PRA, 44 U.S.C. 3501 *et seq.*

C. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA, 5 U.S.C. 601 *et seq.* The RFA applies only to rules subject to notice and

comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. This action is not subject to the APA but is subject to TSCA, which does not require notice and comment rulemaking to take this action.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. As such, the requirements of UMRA sections 202, 203, 204, or 205, 2 U.S.C. 1531–1538, do not apply to this action.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

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

Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes, the EPA consulted with tribal officials during the development of this action. EPA coordinated and engaged with tribal partners early in the process during the development of the guidance documents as well as continued to conduct outreach to tribes during the release of the draft guidance documents. In addition, EPA held a tribal consultation with tribes that requested further information. The Agency plans to continue to work with our tribal partners to introduce the guidance and provide a forum for open dialogue with tribes.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997), as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of Executive Order 13045. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate environmental health risks or safety risks.

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

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on energy supply, distribution, or use. This action is announcing the availability of guidance concerning obtaining access to CBI under TSCA, which will not have a significant effect on the supply, distribution or use of energy.

I. National Technology Transfer and Advancement Act (NTTAA)

Since this action does not involve any technical standards, NTTAA section 12(d) (15 U.S.C. 272 note) does not apply to this action.

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

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

VI. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.* does not apply because this action is not a rule as that term is defined in 5 U.S.C. 804(3).

Authority: 15 U.S.C. 2613(c).

Dated: June 21, 2018.

E. Scott Pruitt,

Administrator.

[FR Doc. 2018–13828 Filed 6–26–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0292; FRL–9979–02]

Guidance for Creating Generic Names for Confidential Chemical Substance Identity Reporting Under the Toxic Substances Control Act; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the availability of the following guidance document: ''*Guidance for Creating Generic Names for Confidential Chemical Substance Identity Reporting under TSCA.*'' This guidance document, which is required by the Toxic Substances Control Act (TSCA), as amended in 2016 by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, provides information to assist companies in creating structurally descriptive generic names for chemical substances whose specific chemical identities are claimed confidential, for the purposes of protecting the specific chemical identities from disclosure while describing the chemical substance as specifically as practicable, and for listing substances on the TSCA Chemical Substance Inventory.

DATES: Submit comments on or before August 27, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0292, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Tracy Williamson, Chemistry, Economics, and Sustainable Strategies Division (Mailcode 7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8569; email address: *tscainventory@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are a company needing assistance in creating structurally descriptive generic names for chemical substances whose specific chemical identities are claimed confidential, for purposes of protecting the specific chemical identities from disclosure and listing the substances on the TSCA Chemical Substance Inventory. This action may be of particular interest to entities that are regulated under TSCA (*e.g.,* entities identified under North American Industrial Classification System (NAICS) codes 324, 325, and 324110, among others). Since other entities also may be interested, the Agency has not attempted to describe all the specific entities and corresponding NAICS codes for entities that may be interested in or affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

C. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0292, is available online at *http://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 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 OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket that is available at *http://www.epa.gov/dockets.* You also will find this document and the ''Guidance for Creating Generic Names for Confidential Chemical Substance Identity Reporting under TSCA'' at *http://www.epa.gov/tsca-inventory.*

II. What is the Agency's authority for this action?

As amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act in June 2016, TSCA section 14(c)(4), 15 U.S.C. 2613(c)(4), requires that EPA develop guidance regarding the determination of structurally descriptive generic names provided for chemical substances whose specific chemical identities have been claimed confidential in a TSCA notice. TSCA section 14(c)(1)(C) was amended to require submitters who assert a confidentiality claim for specific chemical identity to include a structurally descriptive generic name for the chemical substance that EPA may disclose to the public. The generic name must be consistent with EPA's guidance, and should describe the chemical structure of the substance as specifically as practicable while protecting those features of the chemical structure that are claimed as confidential and the disclosure of which would be likely to cause substantial harm to the competitive position of the claimant.

III. What action is the Agency taking?

EPA is announcing the availability of the following guidance document: ''*Guidance for Creating Generic Names for Confidential Chemical Substance Identity Reporting under TSCA.*'' This guidance document is intended to assist companies in creating structurally descriptive generic names for chemical substances whose specific chemical identities are claimed confidential, for purposes of protecting the specific chemical identities from disclosure while describing the chemical substance as specifically as practicable, and for listing substances on the TSCA Chemical Substance Inventory.

EPA previously published guidance to assist companies in creating structurally descriptive generic names in an appendix to the 1985 publication of the TSCA Inventory (Appendix B, ''*Generic Names for Confidential Chemical Substance Identities,*'' in the ''*TSCA Inventory, 1985 Edition*''). The new guidance document updates and replaces the 1985 guidance. Consistent with TSCA section 14(c)(1)(C) and 14(c)(4) requirements, the updated guidance document provides more detail and clarity to companies regarding the approach for creating structurally descriptive generic names.

As a nonbinding guidance document, this updated guidance document is a living document which may be revised periodically and without notice. In addition to seeking comments within the next 60 days, EPA welcomes public input on this guidance document at any time in the future.

Authority: 15 U.S.C. 2613(c)(4).

Dated: June 21, 2018.

E. Scott Pruitt,

Administrator.

[FR Doc. 2018–13832 Filed 6–26–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0349]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to

any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before August 27, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0349.

Title: Equal Employment Opportunity (''EEO'') Policy, 47 CFR Sections 73.2080, 76.73, 76.75, 76.79 and 76.1702.

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: 14,179 respondents; 14,179 responses.

Estimated Time per Response: 42 hours.

Frequency of Response: Recordkeeping requirement; annual reporting requirement; five year reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority which covers this information collection is contained in Section 154(i) and 303 of the Communications Act of 1934, as amended, and Section 634 of the Cable Communications Policy Act of 1984.

Total Annual Burden: 595,518 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: The information collection requirements approved under this collection are as follows: 47 CFR Section 73.2080 provides that equal opportunity in employment shall be afforded by all broadcast stations to all qualified persons and no person shall be discriminated against in employment by such stations because of race, color, religion, national origin or sex. Section 73.2080 requires that each broadcast station employment unit with 5 or more full-time employees shall establish, maintain and carry out a program to assure equal opportunity in every aspect of a broadcast station's policy and practice. These same requirements also apply to Satellite Digital Audio Radio Service (''SDARS'') licensees. In 1997, the Commission determined that SDARS licensees must comply with the Commission's EEO requirements. See Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band, 12 FCC Rcd 5754, 5791,) 91 (1997) (''1997 SDARS Order''), FCC 97–70. In 2008, the Commission clarified that SDARS licensees must comply with the Commission's EEO broadcast rules and policies, including the same recruitment, outreach, public file, website posting, record-keeping, reporting, and self-assessment obligations required of broadcast licensees, consistent with 47 CFR 73.2080, as well as any other Commission EEO policies. See Applications for Consent to the Transfer of Control of Licenses, SM Satellite Radio Holdings Inc., Transferor, to Sirius Satellite Radio Inc., Transferee, 23 FCC Rcd 12348, 12426,) 174, and note 551 (2008) (''XM-Sirius Merger Order'').

47 CFR Section 76.73 provides that equal opportunity in employment shall be afforded by all multichannel video program distributors (''MVPD'') to all qualified persons and no person shall be discriminated against in employment by such entities because of race, color, religion, national origin, age or sex.

Section 76.75 requires that each MVPD employment unit employing six or more full-time employees shall establish, maintain and carry out a program to assure equal opportunity in every aspect of a cable entity's policy and practice.

Section 76.79 requires that every MVPD employment unit employing six or more full-time employees maintain, for public inspection, a file containing copies of all annual employment reports and related documents.

Section 76.1702 requires that every MVPD employment unit employing six or more full-time employees place certain information concerning its EEO program in its public inspection file.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–13756 Filed 6–26–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0824]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (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 August 27, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

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 Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0824.

Title: Service Provider and Billed Entity Identification Number and Contact Information Form.

Form Number: FCC Form 498.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and Not-for-profit institutions.

Number of Respondents and Responses: 26,000 respondents; 26,000 responses.

Estimated Time per Response: 0.75 hours.

Frequency of Response: On occasion reporting requirements and third party disclosure requirements.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154 and 254 the Communications Act of 1934, as amended.

Total Annual Burden: 19,500 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission notes that the Universal Service Administrative Company (USAC) who administers the universal service program must preserve the confidentiality of all data obtained from respondents and contributors to the universal service programs, must not use the data except for purposes of administering the universal service programs, and must not disclose data in company-specific form unless directed to do so by the Commission. With respect to the FCC Form 498, USAC shall publish each participant's name, SPIN, and contact information via USAC's website. All other information, including financial institution account numbers or routing information, shall remain confidential.

Needs and Uses: One of the functions of the Universal Service Administrative Company (USAC) is to provide a means for the billing, collection and disbursement of funds for the universal service support mechanisms. On October 1998, the OMB approved FCC Form 498, the ''Service Provider Information Form'' to enable USAC to collect service provider name and address, telephone number, Federal Employer Identification Number (EIN), contact names, contact telephone numbers, and remittance information.

FCC Form 498 enables participants to request a Service Provider Identification Number (SPIN) and provides the official record for participation in the universal service support mechanisms. The remittance information provided by participants on FCC Form 498 enables USAC to make payments to participants in the universal service support mechanisms.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–13754 Filed 6–26–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1065, OMB 3060–1212]

Information Collections 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 of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before August 27, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1212.

Title: SDARS Political Broadcasting Requirements.

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: 1 respondent; 1 response.

Estimated Time per Response: 10 hours.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirements; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority which covers this information collection is contained in 47 U.S.C. 309(a) and 307(a) of the Communications Act of 1934, as amended.

Total Annual Burden: 20 hours.

Total Annual Cost: No cost.

Nature and Extent of Confidentiality: Although the Commission does not believe that any confidential information will need to be disclosed in order to comply with the information collection requirements, applicants are free to request that materials or information submitted to the Commission be withheld from public inspection. (See 47 CFR 0.459 of the Commission's Rules.)

Privacy Impact Assessment: No impact(s).

Needs and Uses: In 1997, the Commission imposed political broadcasting requirements on Satellite Digital Audio Broadcasting Service (''SDARS'') licensees. See Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band, 12 FCC Rcd 5754, 5792, para. 92 (1997) (''1997 SDARS Order''), FCC 97–70. The Commission stated that SDARS licensees should comply with the same substantive political debate provisions as broadcasters: the federal candidate access provision (47 U.S.C. Section 312(a)(7)) and the equal opportunities provision (47 U.S.C. Section 315). The 1997 SDARS Order imposes the following requirements on SDARS licensees:

Lowest Unit Charge: Similar to broadcasters, SDARS licensees must disclose any practices offered to commercial advertisers that enhance the value of advertising spots and different classes of time. SDARS licensees must also calculate the lowest unit charge and are required to review their advertising records throughout the election period to determine whether compliance with this rule section requires that candidates receive rebates or credits. See 47 CFR Section 73.1942.

Political File: Similar to broadcasters, SDARS licensees must also keep and permit public inspection of a complete record (political file) of all requests for SDARS origination time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the system of such requests, and the charges made, if any, if the request is granted. The disposition includes the schedule of time purchased, when the spots actually aired, the rates charged, and the classes of time purchased. Also, when free time is provided for use by or on behalf of candidates, a record of the free time provided is to be placed in the political file as soon as possible and maintained for a period of two years. See 47 CFR 73.1943.

OMB Control Number: 3060–1065.

Title: Section 25.701 of the Commission's Rules, Direct Broadcast Satellite Public Interest Obligations.

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: 2 respondents; 2 responses.

Estimated Time per Response: 1–10 hours.

Frequency of Response: Recordkeeping requirement; on occasion reporting requirement; one time reporting requirement; annual reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority which covers this information collection is contained in Section 335 of the Communications Act of 1934, as amended.

Total Annual Burden: 50 hours.

Total Annual Cost: No cost.

Nature and Extent of Confidentiality: Although the Commission does not believe that any confidential information will need to be disclosed in order to comply with the information collection requirements, applicants are free to request that materials or information submitted to the Commission be withheld from public inspection. (See 47 CFR 0.459 of the Commission's Rules).

Privacy Impact Assessment: No impact(s).

Needs and Uses: The Commission vacated an Order on Reconsideration, In the Matter of Implementation Of Section 25 Of The Cable Television Consumer Protection And Competition Act Of 1992, Direct Broadcast Satellite Public Interest Obligations, MM No. Docket 93–25 FCC 03–78, adopted April 9, 2003 and adopted in its place, in the same proceeding, a Second Order on Reconsideration of the First Report and Order, Sua Sponte Order on Reconsideration (''Second Order'') and accompanying rules FCC 04–44, released March 25, 2004. The Second Order differs from the Order on Reconsideration with respect to two issues: (1) The political broadcasting requirements, and (2) the guidelines concerning commercialization of children's programming.

The information collection requirements approved under this collection are as follows:

47 CFR 25.701(c)(1)(i)(C) states DBS providers may establish and define their own reasonable classes of immediately preemptible time so long as the differences between such classes are based on one or more demonstrable benefits associated with each class and are not based solely upon price or identity of the advertiser. Such demonstrable benefits include, but are not limited to, varying levels of preemption protection, scheduling flexibility, or associated privileges, such as guaranteed time sensitive make goods. DBS providers may not use class distinctions to defeat the purpose of the lowest unit charge requirement. All classes must be fully disclosed and made available to candidates.

47 CFR 25.701(c)(1)(i)(D) states DBS providers may establish reasonable classes of preemptible with notice time so long as they clearly define all such classes, fully disclose them and make them available to candidates.

47 CFR 25.701(c)(1)(i)(E) states DBS providers may treat non preemptible and fixed position as distinct classes of time provided that they articulate clearly the differences between such classes, fully disclose them, and make them available to candidates.

47 CFR 25.701(c)(1)(i)(I) states DBS providers shall review their advertising records periodically throughout the election period to determine whether compliance with this section requires that candidates receive rebates or credits. Where necessary, DBS providers shall issue such rebates or credits promptly.

47 CFR 25.701(c)(1)(i)(M) states DBS providers must disclose and make available to candidates any make good policies provided to commercial advertisers. If a DBS provider places a make good for any commercial advertiser or other candidate in a more valuable program or daypart, the value of such make good must be included in the calculation of the lowest unit charge for that program or daypart.

47 CFR 25.701(c)(1)(ii) states at any time other than the respective periods set forth in paragraph (c)(1)(i) of this section, DBS providers may charge legally qualified candidates for public office no more than the charges made for comparable use of the facility by commercial advertisers. The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, direct or indirect. A candidate shall be charged no more than the rate the DBS provider would charge for comparable commercial advertising. All discount privileges otherwise offered by a DBS provider to commercial advertisers must be disclosed and made available upon equal terms to all candidates for public office.

47 CFR 25.701(d) states each DBS provider shall keep and permit public inspection of a complete and orderly political file and shall prominently disclose the physical location of the file, and the telephonic and electronic means to access the file.

(1) The political file shall contain, at a minimum:

(i) A record of all requests for DBS origination time, the disposition of those requests, and the charges made, if any, if the request is granted. The ''disposition'' includes the schedule of time purchased, when spots actually

aired, the rates charged, and the classes of time purchased; and

(ii) A record of the free time provided if free time is provided for use by or on behalf of candidates.

(2) DBS providers shall place all records required by this section in a file available to the public as soon as possible and shall be retained for a period of four years until December 31, 2006, and thereafter for a period of two years.

47 CFR 25.701(e)(3) requires DBS providers airing children's programming must maintain records sufficient to verify compliance with this rule and make such records available to the public. Such records must be maintained for a period sufficient to cover the limitations period specified in 47 U.S.C. 503(b)(6)(B).

47 CFR 25.701(f)(6) states that each DBS provider shall keep and permit public inspection of a complete and orderly record of:

(A) Quarterly measurements of channel capacity and yearly average calculations on which it bases its four percent reservation, as well as its response to any capacity changes;

(B) A record of entities to whom noncommercial capacity is being provided, the amount of capacity being provided to each entity, the conditions under which it is being provided and the rates, if any, being paid by the entity;

(C) A record of entities that have requested capacity, disposition of those requests and reasons for the disposition.

(ii) All records required by this paragraph shall be placed in a file available to the public as soon as possible and shall be retained for a period of two years.

The statutory authority which covers this information collection is contained in 47 U.S.C. 335 of the Communications Act of 1934, as amended.

Revised Information Collection Requirements

The Commission is reinstating this collection into the Office of Management and Budget's (OMB's) inventory because after further evaluation the Commission has determined that this collection is still needed by the Commission because DBS providers make up the majority of their universe of respondents. Since this is the case, OMB approval is still needed for this collection.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–13755 Filed 6–26–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

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

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 17, 2018.

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. *LinkBancorp, Inc., Camp Hill, Pennsylvania;* to acquire voting shares of Stonebridge Bank, West Chester, Pennsylvania.

Board of Governors of the Federal Reserve System, June 21, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–13733 Filed 6–26–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substance and Disease Registry

[60Day-18–18AJA; Docket No. ATSDR–2018–0005]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Agency for Toxic Substances and Disease Registry (ATSDR), 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 ''Environmental Health and Land Reuse Certification'' This certification is a joint collaboration with National Environmental Health Association (NEHA); ATSDR will jointly co-produce the course with NEHA.

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

ADDRESSES: You may submit comments, identified by Docket No. ATSDR–2018–0005 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. ATSDR 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 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

Environmental Health and Land Reuse Certification—New—ICR—Agency for Toxic Substances and Disease Registry (ATSDR).

Background and Brief Description

The Agency for Toxic Substances and Disease Registry (ATSDR) is requesting a three-year Paperwork Reduction Act (PRA) Clearance for a new Information Collection Request (ICR) entitled ''Environmental Health and Land Reuse Certification.'' The specific activities of the ICR request are for a course registration process and one-time participant follow up. This information collection is funded through a contract with the National Environmental Health Association (NEHA), number 200–2013–57475.

The purpose of the information collection is to allow environmental health professionals to register for courses and evaluate the impact of certification program in environmental health and land reuse work. The certification is geared to meet the following objectives:

- Increase participant awareness and knowledge of environmental health and land reuse;
- Increase skills and capacity of participants to engage in environmental health and land reuse work; and
- Assess participant feedback and assessment of their own increased awareness, skills, and knowledge in environmental health and land reuse.

ATSDR will use data from this information collection to assess the impact of participating in the certification, such as increased capacity to perform their work. Ultimately, ATSDR is interested in long-term benefits of the certification, such as state health partners engaging more frequently in land reuse and redevelopment projects. The certification consists of online learning content in NEHA's Learning Management System. The content includes topics in Risk Assessment, Risk Communication, Epidemiology, Toxicology, and Land Reuse and Redevelopment.

Through this information collection, ATSDR would like to determine the utility and effectiveness of the certification course content. Subsequently, ATSDR will analyze the data provided by NEHA regarding participants' job titles (*e.g.,* LHD staff, environmental consultant, or other), the pre- and post-testing built-in components of the certification course, and a one-time collection of feedback (*e.g.,* within 6–11 months after participation) on use of the certification materials and resources to build their capacity and skills in environmental health and land reuse.

The respondents for the certification course will largely be environmental professionals; students of environmental science, public health, or planning; and local or state health agency professionals. ATSDR may use Excel or other spreadsheet software to characterize certification course participants (*e.g.,* by job title) and to summarize their feedback on the course content and effectiveness.

In summary, the registration and feedback information will help ATSDR determine impacts of the certification course in building capacity and skills in environmental health and land reuse. Without this information, ATSDR will not be able to assess the effectiveness of the certification in terms of building participants' capacity in environmental health and land reuse activities. In addition, ATSDR can generalize feedback from course participants to create new materials that can support additional capacity-building for health agencies to increase their involvement in environmental health and land reuse activities.

This information collection will occur through an ongoing, online portal hosted by NEHA's standardized course registration process and their standardized feedback using Survey Monkey one time within a 12-month period. NEHA will collect feedback data about the certification course. The feedback data will center around participant's assessment of their own potentially increased skills in environmental health and land reuse as a result of the certification and use of subsequent certification components. Participation in this proposed information collection is voluntary. There is no cost to respondents other than their time. The total burden is estimated to be 100 hours.

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)
Environmental health professionals and graduate students.	Online Regis-tration Survey	200	1	10/60	33
Environmental health professionals and graduate students.	Follow-up Survey	200	1	20/60	67
Total					100

Jeffrey M. Zirger,

Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–13793 Filed 6–26–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Availability of Program Application Instructions for Tribal MIPPA Program Funds

Title: Medicare Beneficiary Outreach and Assistance Program: Funding for Title VI Native American Programs.

Announcement Type: Initial.

Funding Opportunity Number: HHS–2018–ACL–MITRB–1802.

Statutory Authority: The statutory authority for grants under this program announcement is contained in Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008, as amended by section 3306 of the Patient Protection and Affordable Care Act, section 610 of the American Taxpayer Relief Act of 2012, section 1110 of the Pathway for SGR Reform Act of 2013, and section 110 of the Protecting Access to Medicare Act of 2014, and section 208 of the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA).

Catalog of Federal Domestic Assistance (CFDA) Number: 93.071.

Dates: The deadline date for the submission of applications is 11:59PM EST August 17, 2018.

I. Funding Opportunity Description

Section 110 of the Protecting Access to Medicare Act of 2014 extended funding for outreach and assistance for low income programs under the Medicare Improvements for Patients and Providers Act (MIPPA). Older Americans Act (OAA) Title VI Native American Programs can fill an important role in providing valuable support to help eligible Native American elders in accessing the Low Income Subsidy program (LIS), Medicare Savings Program (MSP), Medicare Part D, Medicare prevention benefits and screenings and in assisting beneficiaries in applying for benefits. The purpose of these MIPPA grants will be to help inform eligible Native American elders about these benefits. The Administration for Community Living (ACL) seeks certification from OAA Title VI Native American programs that they will use the funds to coordinate at least one community announcement and at least one community outreach event to inform and assist eligible American Indian, Alaska Native or Native Hawaiian elders about the benefits available to them through Medicare Part D, the Low Income Subsidy, the Medicare Savings Program or Medicare prevention benefits and screenings and counsel those who are eligible.

II. Award Information

ACL/AoA has a total budget of $270,000 for the Tribes and will provide a grant of at least $1,000 to each Older Americans Act Title VI Native American grantee. ACL reserves the right to adjust funding levels subject to the number of applications received and availability of funds. ACL/AoA will award grants of at least $1,000 to each Title VI Native American grantee for a period of 12 months. The example of at least $1,000 per event is for illustrative purposes only. All expenditures must be properly documented and allowable per the terms and conditions of the grant award. The anticipated award date is on or before September 30, 2018.

III. Eligibility Criteria and Other Requirements

Only current Older Americans Act Title VI Native American Program grantees are eligible to apply for this funding opportunity. Cost Sharing or Matching is not required.

IV. Submission Information

The program instructions and one-page application template for this funding opportunity are available at *www.grants.gov.* At the website, search for HHS–2018–ACL–MITRB–1802.

To receive consideration, signed applications must be submitted by 11:59 p.m. Eastern time on August 17, 2018. No applications will be accepted after this date. Submit your signed application via:

(1) Email to *MIPPA.Grants@acl.hhs.gov*. Include the State, Name of Tribe, and Title VI Part A Grant Number and the words ''MIPPA Application'' in the subject line; or

(2) Overnight mail (FedEx, UPS, or USPS) to: Administration for Community Living, Office of Grants Management, 330 C Street SW, Suite 1136B, Washington, DC 20201; Attention: Yi-Hsin Yan.

V. Agency Contacts

Direct inquiries regarding this funding opportunity to U.S. Department of Health and Human Services, Administration for Community Living, Administration on Aging, Washington, DC 20201, attention: Cecelia Aldridge or by calling (202) 795–7293 or by email *Cecelia.Aldridge@acl.hhs.gov.*

Dated: June 20, 2018.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2018–13811 Filed 6–26–18; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–2381]

The Food and Drug Administration's Comprehensive, Multi-Year Nutrition Innovation Strategy; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the following public meeting entitled ''FDA's Comprehensive, Multi-Year Nutrition Innovation Strategy.'' The purpose of the public meeting is to give interested persons an opportunity to discuss FDA's nutrition innovation strategy, including: A standard icon or symbol for the claim ''healthy''; a more efficient review strategy for evaluating qualified health claims; statements or claims that could facilitate innovation to promote healthful eating patterns; approaches for modernizing standards of identity; possible changes that could make ingredient information more consumer friendly; and FDA's educational campaign for consumers about the updated Nutrition Facts Label that consumers will be seeing in the marketplace.

DATES: The public meeting will be held on July 26, 2018, from 8:30 a.m. until 5:30 p.m. Eastern Time. Submit either electronic or written comments on this public meeting by August 27, 2018. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public meeting will be held at the Hilton Washington DC/Rockville Hotel, 1750 Rockville Pike, Rockville, MD 20852. For more information on the hotel see *http://www3.hilton.com/en/hotels/maryland/hilton-washington-dc-rockville-hotel-and-executive-meeting-ctr-IADMRHF/index.html.*

You may submit comments as follows. Please note that late, untimely filed comments will not be considered.

Electronic comments must be submitted on or before August 27, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of August 27, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2018–N–2381 for ''FDA's Comprehensive, Multi-Year Nutrition Innovation Strategy.'' 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.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

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

FOR FURTHER INFORMATION CONTACT:

For questions about registering for the meeting or to register by phone: Melissa Schroeder, SIDEM, 1775 Eye St, NW, Suite 1150, Washington, DC 20006, 240–393–4496, *EventSupport@Sidemgroup.com.*

For general questions about the meeting or for special accommodations due to a disability: Juanita Yates, Center for Food Safety and Applied Nutrition (HFS–009), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1731, email: *Juanita.yates@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA plays a critical role in promoting public health by, among other things, ensuring that food labeling provides consumers with reliable, evidence-based information so that they can make informed choices about the foods they purchase in order to maintain and improve their health through diet and nutrition. On January 11, 2018, FDA released its 2018 Strategic Policy Roadmap (*https://www.fda.gov/AboutFDA/ReportsManualsForms/Reports/ucm591993.htm*), which focuses, in part, on efforts to empower consumers to make better and more informed decisions about their diets and health, foster the development of healthier food options, and expand the opportunities to use nutrition to reduce morbidity and mortality due to chronic disease. The roadmap highlights FDA's commitment to finding approaches to advance policies that better achieve these goals.

On March 29, 2018, FDA Commissioner Dr. Scott Gottlieb, M.D. announced a comprehensive, multi-year FDA Nutrition Innovation Strategy (hereinafter the ''FDA Nutrition Innovation Strategy'') (to access the speech, visit *https://www.fda.gov/NewsEvents/Speeches/ucm603057.htm*). The Nutrition Innovation Strategy seeks to promote public health through improved nutrition, encourage industry innovation to create healthy products that consumers seek, and address ways for consumers to identify those products. In implementing the Nutrition Innovation Strategy, FDA is committed to providing opportunities for public input to help with these initiatives. Early and active engagement from stakeholders and the public will help to inform FDA's thinking and policy actions.

II. Topics for Discussion at the Public Meeting

FDA will host a 1-day meeting to provide stakeholders and other interested persons an opportunity to have an in-depth discussion on various aspects of the FDA Nutrition Innovation Strategy and to provide input on ways to modernize FDA's approach to better protect public health while removing barriers to industry innovation. FDA expects that the topics addressed at the meeting will include the following (a more detailed agenda will be made available prior to the meeting):

- Considering using a standard icon to denote the claim ''healthy'' on food labels.

- Creating a more efficient review strategy for evaluating qualified health claims on food labels.
- Discussing new or enhanced labeling statements or claims that could facilitate innovation to produce more healthful foods and more healthful consumer food choices.
- Modernizing the standards of identity to provide more flexibility for the development of healthier products, while making sure consumers have accurate information about these food products.
- Providing opportunities to make ingredient information more helpful to consumers.
- FDA's educational campaign for consumers about the updated Nutrition Facts Label.

We invite interested parties to provide information on the above and other topics related to the FDA Nutrition Innovation Strategy.

III. Participating in the Public Meeting

Registration: To register for the public meeting, please visit the following website: *https://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm.* Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public meeting must register by July 19, 2018, midnight Eastern Time. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted.

If you need special accommodations due to a disability, please contact Juanita Yates (see **FOR FURTHER INFORMATION CONTACT**) no later than July 12, 2018.

Requests for Oral Presentations: During online registration you may indicate if you wish to present during a public comment session or participate in a specific session, and which topic(s) you wish to address. We will do our best to accommodate requests to make public comments and requests to participate in the focused sessions. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and request time for a joint presentation, or submit requests for designated representatives to participate in the focused sessions. All requests to make oral presentations must be received by July 12, 2018, midnight Eastern Time. We will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin, and will select and notify participants by July 16, 2018. Speakers will be limited to making oral remarks; there will not be an opportunity to display materials such as slide shows, videos, or other media during the meeting. No commercial or promotional material will be permitted to be presented or distributed at the public meeting.

Streaming Webcast of the Public Meeting: This public meeting will also be webcast. Webcast participants are asked to preregister at *https://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm.*

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet at *https://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm.*

Other Issues for Consideration: A summary of key information on participating in the meeting follows:

TABLE 1—INFORMATION ON PARTICIPATION IN THE MEETING

Date	Address	Preregister	Electronic address	Request to make an oral presentation	Special accommodations	Submit either electronic or written comments
July 26, 2018 from 8:30 a.m. until 5:30 p.m. EDT.	Hilton Washington DC/Rockville Hotel, 1750 Rockville Pike, Rockville, MD 20852.	July 19, 2018: Closing date for registration.	*https://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm.*	July 12, 2018	July 12, 2018: closing date to request special accommodations due to a disability.	Submit Comments to: *https://www.regulations.gov*, or Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: June 22, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–13831 Filed 6–26–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Tick-Borne Disease Working Group

AGENCY: Office of HIV/AIDS and Infectious Disease Policy, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) announces the seventh meeting of the Tick-Borne Disease Working Group (Working Group) on July 24, 2018, from 10:00 a.m. to 4:00 p.m., Eastern Time. The seventh meeting will be an on-line meeting held via webcast. The Working Group will review and vote on the content of the five chapters that will be included in the Working Group's Report to Congress.

DATES: The on-line meeting will be held on July 24, 2018, from 10:00 a.m. to 4:00 p.m. Eastern Time.

ADDRESSES: This will be an on-line meeting that is held via webcast. Members of the public may attend the meeting via webcast. Instructions for attending this virtual meeting will be posted prior to the meeting at: *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/index.html.*

FOR FURTHER INFORMATION CONTACT: James Berger, Office of HIV/AIDS and Infectious Disease Policy, Office of the Assistant Secretary for Health, Department of Health and Human Services; via email at *tickbornedisease@hhs.gov* or by phone at 202–795–7697.

SUPPLEMENTARY INFORMATION: The Working Group invites public comment on issues related to the Working Group's charge. Comments may be provided over the phone during the meeting or in writing. Persons who wish to provide comments by phone should review directions at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/index.html* before submitting a request via email at *tickbornedisease@hhs.gov* on or before July 19, 2018.

Phone comments will be limited to three minutes each to accommodate as many speakers as possible. A total of 30 minutes will be allocated to public comments. If more requests are received than can be accommodated, speakers will be randomly selected. The nature of the comments will not be considered in making this selection. Public comments may also be provided in writing. Individuals who would like to provide written comment should review directions at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/index.html* before sending their comments to *tickbornedisease@hhs.gov* on or before July 19, 2018.

During the meeting, the Working Group will review and vote on the content of the five draft chapters that will be included in the Working Group's Report to Congress. Persons who wish to receive the draft chapters should email the *tickbornedisease@hhs.gov* and request a copy. The chapters will be available prior to the meeting.

Background and Authority: The Tick-Borne Disease Working Group was established on August 10, 2017, in accordance with section 2062 of the *21st Century Cures Act,* and the Federal Advisory Committee Act, 5 U.S.C. App., as amended, to provide expertise and review all HHS, DoD and VA efforts related to tick-borne diseases to help ensure interagency coordination and minimize overlap, examine research priorities, and identify and address unmet needs. In addition, the Working Group is required to submit a report to the Secretary and Congress on their findings and any recommendations for improving the federal response to tick-borne disease prevention, treatment and research, and addressing gaps in those areas.

Dated: June 22, 2018.

James Berger,

Designated Federal Officer, Office of HIV/AIDS and Infectious Disease Policy, Tick-Borne Disease Working Group.

[FR Doc. 2018–13812 Filed 6–26–18; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Multiple Study Data Coordinating Centers for Division of Intramural Population Health Research (DIPHR).

Date: July 30, 2018.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6710 B Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Administrator, Division of Scientific Review. National Institute of Child Health and Human Development, 6710B Rockledge Drive, Bethesda, MD 20892, (301) 435–6680, *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 21, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13788 Filed 6–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Pathways To Independence (K99) and Conference (R13) Grant Applications.

Date: July 23–24, 2018.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892.

Contact Person: Zhihong Shan, MD, Ph.D., Scientific Review Officer (Contractor), Division of Extramural Activities, National Eye Institute, National Institute of Health, 5635 Fishers Lane, Suite 1300, Bethesda, MD 20892, 301–435–1779, *zhihong.shan@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: June 22, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13844 Filed 6–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; 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 Complementary and Integrative Health.

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 for Complementary and Integrative Health.

Date: August 15, 2018.

Closed: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Partap Singh Khalsa, Ph.D., DC, Director, Division of Extramural Activities, National Center for

Complementary and Integrative Health, NIH, National Institutes of Health, 6707 Democracy Blvd., Ste. 401, Bethesda, MD 20892–5475, (301) 594–3462, *khalsap@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *https://nccih.nih.gov/about/naccih/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Integrative Health, National Institutes of Health, HHS).

Dated: June 21, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13786 Filed 6–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 on Drug Abuse Special Emphasis Panel; R13 Conference Grant Review.

Date: July 19, 2018.

Time: 8:00 a.m. to 10:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, (301) 827–5817, *mcguireso@mail.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Evaluating the NIDA Standardized Research E-Cigarette in Risk Reduction and Related Studies (U01).

Date: July 20, 2018.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Julia Berzhanskaya, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4234, MSC 9550, Bethesda, MD 20892, 301–827–5840, *julia.berzhanskaya@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: June 21, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13789 Filed 6–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, HIV Vaccine Research and Design (HIVRAD) Program (P01 Clinical Trial Not Allowed).

Date: July 16–17, 2018.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Jay R. Radke, Ph.D., Scientific Review Officer Scientific Review Program, Division of Extramural Activities, Room #3G11B, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC–9823, Bethesda, MD 20892–9823, (240) 669–5046, *jay.radke@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, AIDSRRC Independent SEP.

Date: July 17, 2018.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Audrey O. Lau, Ph.D., MPH, Scientific Review Officer, AIDS Review Branch SRP, Rm. 3E70, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9834, Rockville, MD 20852–9834, 240–669–2081, *audrey.lau@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 21, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13787 Filed 6–26–18; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR18–411: Understanding HIV Viral Suppression and Transmission in the United States.

Date: July 6, 2018.

Time: 12:00 p.m. to 4:00 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: Jose H Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@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: June 22, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13842 Filed 6–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special: AIDS and Related Research.

Date: July 6, 2018.

Time: 1:30 p.m. to 4:00 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: Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Maximizing Investigators' Research Award (R35).

Date: July 19–20, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Sudha Veeraraghavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1504, *sudha.veeraraghavan@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Multidisciplinary Studies of HIV/AIDS and Aging.

Date: July 20, 2018.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–DK–17–038: HIV-Associated Digestive and Liver Diseases.

Date: July 20, 2018.

Time: 10:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jingsheng Tuo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, Bethesda, MD 20892, 301–451–8754, *tuoj@nei.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular, Cellular and Biophysical Neuroscience.

Date: July 20, 2018.

Time: 1:00 p.m. to 5:00 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: Christine A. Piggee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4186, MSC 7850, Bethesda, MD 20892, 301–435–0657, *christine.piggee@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–17–316: Biomedical Technology Research Resource (P41).

Date: July 24, 2018.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Joseph Thomas Peterson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9694, *petersonjt@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Specialized Centers of Research Excellence (SCORE) on Sex Differences.

Date: July 24–26, 2018.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, EMNR IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182, MSC 7892, Bethesda, MD 20892, 301 435–2514, *riverase@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Nephrology Small Business Review.

Date: July 25, 2018.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Toxicology and Digestive, Kidney and Urological Systems AREA Review.

Date: July 25, 2018.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Aiping Zhao, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892–7818, (301) 435–0682, *zhaoa2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biological Chemistry and Macromolecular Biophysics Member Conflict.

Date: July 25, 2018.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mike Radtke, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, 301–435–1728, *radtkem@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pharmacology.

Date: July 25, 2018.

Time: 11:00 a.m. to 1:00 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: Richard D. Crosland, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, 301–694–7084, *crosland@nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Discovery and Development of Therapeutics Study Section.

Date: July 26, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Marriott at Metro Center, 775 12th Street NW, Washington, DC 20005.

Contact Person: Shiv A. Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 22, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13841 Filed 6–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: AIDS and Related Research Integrated Review Group; Behavioral and Social Science Approaches to Preventing HIV/AIDS Study Section.

Date: July 11–12, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street NW, Washington, DC 20037.

Contact Person: Jose H. Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Disease Prevention and Management, Risk Reduction and Health Behavior Change.

Date: July 12–13, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 E Upper Wacker Dr., Chicago, IL 60601.

Contact Person: Michael John McQuestion, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, Bethesda, MD 20892, 301–480–1276, *mike.mcquestion@nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Molecular and Cellular Biology Study Section.

Date: July 16, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kenneth A. Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 16–121: Early-Stage Preclinical Validation of Therapeutic Leads for Diseases of Interest to the NIDDK.

Date: July 17, 2018.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Antonello Pileggi, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, Bethesda, MD 20892–7892, (301) 402–6297, *pileggia@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Normal Aging and Neurodegenerative Disorders.

Date: July 18, 2018.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Samuel C. Edwards, Ph.D., Chief, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Biological Chemistry and Macromolecular Biophysics.

Date: July 18, 2018.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mike Radtke, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, 301–435–1728, *radtkem@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Mechanisms of Disparities in Chronic Liver Diseases and Cancer.

Date: July 18, 2018.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lisa Steele, Ph.D., Scientific Review Officer, PSE IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, 301–594–6594, *steeleln@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Stress, Sleep, and Psychopathy.

Date: July 18, 2018.

Time: 2:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Andrea B. Kelly, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, (301) 455–1761, *kellya2@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 21, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13785 Filed 6–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Member Conflicts: Mental Health Services Research.

Date: July 23, 2018.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Karen Gavin-Evans, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Boulevard, Room 6153, MSC 9606, Bethesda, MD 20892, 301–451–2356, *gavinevanskm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: June 22, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13845 Filed 6–26–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov*.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov*.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David I. Maurstad,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arizona:					
Maricopa (FEMA Docket No.: B–1805).	City of Goodyear (17–09–1851P).	The Honorable Georgia Lord, Mayor, City of Goodyear, 190 North Litchfield Road, Goodyear, AZ 85338.	Engineering Department, 14455 West Van Buren Street, Goodyear, AZ 85338.	May 4, 2018	040046
Maricopa (FEMA Docket No.: B–1805).	Unincorporated Areas of Maricopa County (17–09–1851P).	The Honorable Denny Barney, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	May 4, 2018	040037
California:					
Alameda (FEMA Docket No.: B–1805).	Unincorporated Areas of Alameda County (17–09–2355P).	The Honorable Wilma Chan, President, Board of Supervisors, Alameda County, 1221 Oak Street, Suite 536, Oakland, CA 94612.	Alameda County Public Works Agency, 399 Elmhurst Street, Hayward, CA 94544.	May 7, 2018	060001

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Los Angeles (FEMA Docket No.: B–1809).	City of Agoura Hills (18–09–0469P).	The Honorable William D. Koehler, Mayor, City of Agoura Hills, 30001 Ladyface Court, Agoura Hills, CA 91301.	City Hall, 30001 Ladyface Court, Agoura Hills, CA 91301.	May 18, 2018	065072
Riverside (FEMA Docket No.: B–1809).	Unincorporated Areas of Riverside County (17–09–1273P).	The Honorable John F. Tavaglione, Chairman, Board of Supervisors, Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County, Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92502.	Apr. 10, 2018	060245
Ventura (FEMA Docket No.: B–1805).	City of Simi Valley (17–09–2603P).	The Honorable Bob Huber, Mayor, City of Simi Valley, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	City Hall, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	Apr. 30, 2018	060421
Hawaii:					
Hawaii (FEMA Docket No.: B–1805).	Hawaii County (17–09–1339P).	The Honorable Harry Kim, Mayor, County of Hawaii, 25 Aupuni Street, Hilo, HI 96720.	Department of Public Works, 101 Pauahi Street, Suite 7, Hilo, HI 96720.	Apr. 12, 2018	155166
Honolulu (FEMA Docket No.: B–1805).	City and County of Honolulu (17–09–2310P).	The Honorable Kirk Caldwell, Mayor, City and County of Honolulu, 530 South King Street Room 306, Honolulu, HI 96813.	Department of Planning and Permitting, 650 South King Street, Honolulu, HI 96813.	Apr. 26, 2018	150001
Maui (FEMA Docket No.: B–1809).	Maui County (17–09–1464P).	The Honorable Alan M. Arakawa, Mayor, Maui County, 200 South High Street, Kalana O Maui Building, 9th Floor, Wailuku, HI 96793.	County of Maui Planning Department, 2200 Main Street Suite 315, Wailuku, HI 96793.	May 9, 2018	150003
Idaho:					
Ada (FEMA Docket No.: B–1805).	Unincorporated Areas of Ada County (17–10–1683P).	The Honorable David L. Case, Chairman, Ada County Board of Commissioners, 200 West Front Street, 3rd Floor, Boise, ID 83702.	Ada County Courthouse, 200 West Front Street, Boise, ID 83702.	Apr. 20, 2018	160001
Illinois:					
Adams (FEMA Docket No.: B–1805).	City of Quincy (17–05–2795P).	The Honorable Kyle A. Moore, Mayor, City of Quincy, 730 Maine Street, Quincy, IL 62301.	City Hall, 730 Maine Street, Quincy, IL 62301.	Apr. 19, 2018	170003
Adams (FEMA Docket No.: B–1805).	Unincorporated Areas of Adams County (17–05–2795P).	The Honorable Les Post, Chairman, Adams County Board, Adams County Courthouse, 101 North 54th Street, Quincy, IL 62305.	Adams County Courthouse, 101 North 54th Street, Quincy, IL 62305.	Apr. 19, 2018	170001
Indiana:					
Bartholomew (FEMA Docket No.: B–1805).	City of Columbus (17–05–4165P).	The Honorable James D. Lienhoop, Mayor, City of Columbus, City Hall, 123 Washington Street, Columbus, IN 47201.	Bartholomew County Planning Department, 123 Washington Street, Suite B, Columbus, IN 47201.	Apr. 17, 2018	180007
Bartholomew (FEMA Docket No.: B–1805).	Unincorporated Areas of Bartholomew County (17–05–4165P).	Mr. Carl Lienhoop, Chairman, Bartholomew County Commissioners, 440 3rd Street, Columbus, IN 47201.	Bartholomew County Planning Department, 123 Washington Street, Suite B, Columbus, IN 47201.	Apr. 17, 2018	180006
Oregon:					
Marion (FEMA Docket No.: B–1805).	City of Salem (17–10–1190P).	The Honorable Chuck M. Bennett, Mayor, City of Salem, 555 Liberty Street Southeast, Room 220, Salem, OR 97301.	Public Works Department, 555 Liberty Street Southeast, Room 325, Salem, OR 97301.	Apr. 11, 2018	410167
Marion (FEMA Docket No.: B–1805).	City of Turner (17–10–1190P).	The Honorable Gary Tiffin, Mayor, City of Turner, 5255 Chicago Street Southeast, Turner, OR 97392.	City Hall, 7250 3rd Street Southeast, Turner, OR 97392.	Apr. 11, 2018	410171
Marion (FEMA Docket No.: B–1805).	Unincorporated Areas of Marion County (17–10–1190P).	Mr. Sam Brentano, Commissioner, Marion County, 555 Court Street Northeast, Suite 5232, Salem, OR 97309.	Marion County Department of Planning, 3150 Lancaster Drive Northeast, Salem, OR 97305.	Apr. 11, 2018	410154

[FR Doc. 2018–13741 Filed 6–26–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table

below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.* (Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David I. Maurstad,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arkansas: Benton (FEMA Docket No.: B–1810).	City of Rogers (17–06–4054P).	The Honorable Greg Hines, Mayor, City of Rogers, 301 West Chestnut Street, Rogers, AR 72756.	City Hall, 301 West Chestnut Street, Rogers, AR 72756.	May 14, 2018	050013
Colorado:					
Boulder (FEMA Docket No.: B–1810).	City of Boulder (17–08–0797P).	Ms. Jane S. Brautigam, Manager, City of Boulder, P.O. Box 791, Boulder, CO 80306.	City Hall, 1739 Broadway, 3rd Floor, Boulder, CO 80306.	May 31, 2018	080024
Douglas (FEMA Docket No.: B–1810).	Town of Parker (17–08–1041P).	The Honorable Mike Waid, Mayor, Town of Parker, 20120 East Main Street, Parker, CO 80138.	Town Hall, 20120 East Main Street, Parker, CO 80138.	May 18, 2018	080310
Douglas (FEMA Docket No.: B–1810).	Unincorporated areas of Douglas County (17–08–1041P).	The Honorable Roger Partridge, Chairman, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Planning Division, 100 3rd Street, Castle Rock, CO 80104.	May 18, 2018	080049
El Paso (FEMA Docket No.: B–1810).	City of Colorado Springs (17–08–1081P).	The Honorable John Suthers, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Suite 601, Colorado Springs, CO 80903.	City Hall, 30 South Nevada Avenue, Colorado Springs, CO 80903.	May 17, 2018	080060
Connecticut:, Fairfield (FEMA Docket No.: B–1816).	City of Stamford (18–01–0055P).	The Honorable David Martin, Mayor, City of Stamford, 888 Washington Boulevard, Stamford, CT 06904.	City Hall, 888 Washington Boulevard, Stamford, CT 06904.	May 24, 2018	090015
Florida:					
Charlotte (FEMA Docket No.: B–1816).	Unincorporated areas of Charlotte County (17–04–7102P).	The Honorable Bill Truex, President, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle, Port Charlotte, FL 33948.	May 25, 2018	120061
Hillsborough (FEMA Docket No.: B–1816).	Unincorporated areas of Hillsborough County (17–04–5216P).	The Honorable Sandra Murman, Chair, Hillsborough County Board of Commissioners, 601 East Kennedy Boulevard, Tampa, FL 33602.	Hillsborough County Building Services Division, 601 East Kennedy Boulevard, Tampa, FL 33602.	May 21, 2018	120112
Lee (FEMA Docket No.: B–1810).	City of Sanibel (17–04–6485P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning and Code Enforcement Department, 800 Dunlop Road, Sanibel, FL 33957.	May 10, 2018	120402
Orange (FEMA Docket No.: B–1810).	City of Orlando (17–04–3609P).	The Honorable Buddy Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32802.	City Hall, 400 South Orange Avenue, Orlando, FL 32801.	May 16, 2018	120186
Polk (FEMA Docket No.: B–1810).	City of Lakeland (17–04–7441P).	The Honorable William Mutz, Mayor, City of Lakeland, 228 South Massachusetts Avenue, Lakeland, FL 33801.	Public Works Department, 407 Fairway Avenue, Lakeland, FL 33801.	May 31, 2018	120267
Sarasota (FEMA Docket No.: B–1816).	Unincorporated areas of Sarasota County (18–04–0312P).	The Honorable Nancy Detert, Chair, Sarasota County Board of Commissioners, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Planning and Development Services Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	May 24, 2018	125144
Georgia:					
Floyd (FEMA Docket No.: B–1810).	City of Cave Spring (17–04–3382P).	The Honorable Dennis Shoaf, Mayor, City of Cave Spring, 10 Georgia Avenue, Cave Spring, GA 30124.	City Hall, 10 Georgia Avenue, Cave Spring, GA 30124.	May 11, 2018	130080
Floyd (FEMA Docket No.: B–1810).	Unincorporated areas of Floyd County (17–04–3382P).	The Honorable Rhonda Wallace, Chair, Floyd County Board of Commissioners, 12 East 4th Avenue, Rome, GA 30161.	Floyd County Building Inspections Department, 12 East 4th Avenue, Rome, GA 30161.	May 11, 2018	130079
Richmond (FEMA Docket No.: B–1816).	Augusta-Richmond County (17–04–3443P).	The Honorable Hardie Davis, Jr., Mayor, Augusta-Richmond County, 535 Telfair Street, Augusta, GA 30901.	Augusta-Richmond County Planning and Development Department, 535 Telfair Street, Augusta, GA 30901.	May 25, 2018	130158

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Kentucky: Fayette (FEMA Docket No.: B–1810).	Lexington-Fayette Urban County Government (17–04–5322P).	The Honorable Jim Gray, Mayor, Lexington-Fayette Urban County Government, 200 East Main Street, Lexington, KY 40507.	Planning Division, 101 East Vine Street, Lexington, KY 40507.	May 16, 2018	210067
Maine: Oxford (FEMA Docket No.: B–1810).	Town of Hartford (18–01–0057P).	The Honorable Lee Holman, Chair, Town of Hartford Board of Selectmen, 1196 Main Street, Hartford, ME 04220.	Town Hall, 1196 Main Street, Hartford, ME 04220.	May 10, 2018	230334
Montana: Ravalli (FEMA Docket No.: B–1810).	Unincorporated areas of Ravalli County (17–08–0795P).	The Honorable Greg Chilcott, Chairman, Ravalli County Board of Commissioners, 215 South 4th Street, Suite A, Hamilton, MT 59840.	Ravalli County Planning Department, 215 S 4th Street, Suite F, Hamilton, MT 59840.	May 14, 2018	300061
North Carolina: Mecklenburg (FEMA Docket No.: B–1810).	Town of Huntersville (17–04–6264P).	The Honorable John Aneralla, Mayor, Town of Huntersville, P.O. Box 664, Huntersville, NC 28070.	Planning Department, 105 Gilead Road, 3rd Floor, Huntersville, NC 28078.	May 18, 2018	370478
South Carolina: Jasper (FEMA Docket No.: B–1816).	City of Hardeeville (17–04–7055P).	The Honorable Harry Williams, Mayor, City of Hardeeville, 205 Main Street, Hardeeville, SC 29927.	Building Department, 205 Main Street, Hardeeville, SC 29927.	May 24, 2018	450113
Texas:					
Collin (FEMA Docket No.: B–1816).	City of McKinney (17–06–4217P).	The Honorable George Fuller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	May 21, 2018	480135
Collin (FEMA Docket No.: B–1816).	City of Plano (17–06–4151P).	The Honorable Harry LaRosiliere, Mayor, City of Plano, 1520 K Avenue, Plano, TX 75074.	Engineering Department, 1520 K Avenue, Plano, TX 75074.	May 21, 2018	480140
Collin (FEMA Docket No.: B–1816).	City of Richardson (17–06–4151P).	The Honorable Paul Voelker, Mayor, City of Richardson, 411 West Arapaho Road, Richardson, TX 75080.	Capital Projects Department, 411 West Arapaho Road, Richardson, TX 75080.	May 21, 2018	480184
Denton (FEMA Docket No.: B–1810).	City of Carrollton (17–06–2506P).	The Honorable Kevin Falconer, Mayor, City of Carrollton, P.O. Box 110535, Carrollton, TX 75011.	City Hall, 1945 East Jackson Street, Carrollton, TX 75006.	May 10, 2018	480167
Denton (FEMA Docket No.: B–1810).	City of The Colony (17–06–2506P).	The Honorable Joe McCourry, Mayor, City of The Colony, 6800 Main Street, The Colony, TX 75056.	City Hall, 6800 Main Street, The Colony, TX 75056.	May 10, 2018	481581
Rockwall (FEMA Docket No.: B–1810).	City of Rockwall (17–06–3552P).	The Honorable Jim Pruitt, Mayor, City of Rockwall, 385 South Goliad Street, Rockwall, TX 75087.	Public Works Department, 385 South Goliad Street, Rockwall, TX 75087.	May 14, 2018	480547
Smith (FEMA Docket No.: B–1810).	City of Tyler (17–06–1762P).	The Honorable Martin Heines, Mayor, City of Tyler, P.O. Box 2039, Tyler, TX 75710.	Development Services Department, 423 West Ferguson Street, Tyler, TX 75702.	May 10, 2018	480571
Tarrant (FEMA Docket No.: B–1810).	City of Fort Worth (17–06–2261P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, 200 Texas Street, Fort Worth, TX 76102.	May 17, 2018	480596
Tarrant (FEMA Docket No.: B–1810).	City of Fort Worth (17–06–4076P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, 200 Texas Street, Fort Worth, TX 76102.	May 24, 2018	480596
Tarrant (FEMA Docket No.: B–1810).	City of Fort Worth (17–06–4079P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, 200 Texas Street, Fort Worth, TX 76102.	May 24, 2018	480596
Tarrant (FEMA Docket No.: B–1810).	City of Haltom City (17–06–4081P).	The Honorable David Averitt, Mayor, City of Haltom City, 5024 Broadway Avenue, Haltom City, TX 76117.	Public Works Services Department, 4200 Hollis Street, Haltom City, TX 76111.	May 14, 2018	480599
Utah: Washington (FEMA Docket No.: B–1810).	City of St. George (17–08–0793P).	The Honorable Jon Pike, Mayor, City of St. George, 175 East 200 North, St. George, UT 84770.	City Hall, 175 East 200 North, St. George, UT 84770.	May 25, 2018	490177
Virginia:					
Louisa (FEMA Docket No.: B–1803).	Unincorporated areas of Louisa County (17–03–2337P).	Mr. Christian Goodwin, Louisa County Administrator, P.O. Box 160, Louisa, VA 23093.	Louisa County Department of Community Development, 1 Woolfolk Avenue, Louisa, VA 23093.	May 14, 2018	510092
Orange (FEMA Docket No.: B–1803).	Unincorporated areas of Orange County (17–03–2337P).	Mr. R. Bryan David, Orange County Administrator, P.O. Box 111, Orange, VA 22960.	Orange County Department of Planning and Zoning, 128 West Main Street, Orange, VA 22960.	May 14, 2018	510203
Spotsylvania (FEMA Docket No.: B–1803).	Unincorporated areas of Spotsylvania County (17–03–2337P).	Mr. Mark B. Taylor, Spotsylvania County Administrator, 9104 Courthouse Road, Spotsylvania, VA 22553.	Spotsylvania County Zoning Department, 9019 Old Battlefield Boulevard, Suite 300, Spotsylvania, VA 22553.	May 14, 2018	510308

[FR Doc. 2018–13744 Filed 6–26–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2018–N046; FXES11130400000EA–123–FF04EF1000]

Endangered and Threatened Wildlife and Plants; Availability of Proposed Low-Effect Habitat Conservation Plan for the Sand Skink, Lake, County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment/information.

SUMMARY: We, the Fish and Wildlife Service (Service), have received an application for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended. The City of Groveland is requesting a 10-year ITP for take of the sand skink. We request public comment on the permit application, which includes the proposed habitat conservation plan, as well as on our preliminary determination that the plan qualifies as low-effect under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

DATES: To ensure consideration, please send your written comments by July 27, 2018.

ADDRESSES: If you wish to review the application, including the HCP, as well as our environmental action statement or low-effect screening form, you may request the documents by email, U.S. mail, or phone. These documents are also available for public inspection by appointment during normal business hours at the office below. Send your comments or requests by any one of the following methods.

Email: northflorida@fws.gov. Use ''Attn: TE69161C–0.''

Fax: Field Supervisor, (904) 731–3191, ''Attn: TE69161C–0.''

U.S. mail: Field Supervisor, Jacksonville Ecological Services Field Office, Attn: TE69161C–0, U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.

In-person drop-off: You may drop off information during regular business hours at the above office address.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, telephone: (904) 731–3121; email: *erin_gawera@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) and our implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17 prohibit the ''take'' of fish and wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the ESA as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532(19)). However, under limited circumstances, we issue permits to authorize incidental take, *i.e.,* take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Regulations governing incidental take permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. In addition to meeting other criteria, an incidental take permit's proposed actions must not jeopardize the existence of federally listed fish, wildlife, or plants.

Applicant's Proposal

The City of Groveland is requesting a 10-year ITP to take approximately 1.57 acres (ac) of occupied sand skink (*Neoseps reynoldsi*) foraging and sheltering habitat incidental to construction of a fire station. The 5.0-ac project site is parcel Number 19–22–25–000100005200, located within Section 19, Township 22 South, Range 25 East in Lake County, Florida. The project includes the clearing, infrastructure building, and landscaping associated with construction. The applicant proposes to mitigate for the take of the threatened sand skink by purchasing 3.14 mitigation credits within Backbone Conservation Bank or another Service-approved sand skink conservation bank.

Our Preliminary Determination

We have determined that the applicant's proposal, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in the HCP. Therefore, we have determined that the incidental take permit for this project would be ''low effect'' and qualify for categorical exclusion under the National Environmental Policy Act (NEPA), as provided by 43 CFR 46.205 and 43 CFR 46.210. A low-effect HCP is one involving (1) minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

Next Steps

We will evaluate the HCP and comments we receive to determine whether the ITP application meets the requirements of section 10(a) of the ESA. We will also conduct an intra-Service consultation to evaluate whether issuance of the ITP would comply with section 7 of the ESA. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITP. If the requirements are met, we will issue ITP number TE69161C–0 to the applicant.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the ESA and NEPA regulation 40 CFR 1506.6.

Jay B. Herrington,

Field Supervisor, Jacksonville Field Office, Southeast Region.

[FR Doc. 2018–13799 Filed 6–26–18; 8:45 am]

BILLING CODE 43133–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[18X.LLID957000 .L14400000.BJ0000.241A.X.4500121930]

Filing of Plats of Survey: Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Idaho State Office, Boise, Idaho, in 30 days from the date of this publication.

Boise Meridian, Idaho

T. 3 N., R. 18 E., Sections 10, 15 and 22, accepted May 24, 2018

T. 8 N., R. 5 W., Section 12, accepted May 24, 2018

ADDRESSES: A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, upon required payment.

FOR FURTHER INFORMATION CONTACT: Timothy A. Quincy, 208–373–3981 Branch of Cadastral Survey, Bureau of Land Management, 1387 South Vinnell

Way, Boise, Idaho 83709–1657. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Mr. Quincy. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: A person or party who wishes to protest one or more plats of survey identified above must file a written notice with the Chief Cadastral Surveyor for Idaho, Bureau of Land Management. The protest must identify the plat(s) of survey that the person or party wishes to protest and contain all reasons and evidence in support of the protest. The protest must be filed before the scheduled date of official filing for the plat(s) of survey being protested. Any protest filed after the scheduled date of official filing will be untimely and will not be considered. A protest is considered filed on the date it is received by the Chief Cadastral Surveyor for Idaho during regular business hours; if received after regular business hours, a protest will be considered filed the next business day. If a protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in a protest, you should be aware that the documents you submit, including your personal identifying information, may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Timothy A. Quincy,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 2018–13796 Filed 6–26–18; 8:45 am]

BILLING CODE 4310–AK–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA942000 L57000000.BX0000 17X L5017AR; MO#4500122014]

Filing of Plats of Survey: California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of lands described in this notice are scheduled to be officially filed in the Bureau of Land Management (BLM), California State Office, Sacramento, California 30 calendar days from the date of this publication. The surveys, which were executed at the request of U.S. Forest Service, U.S. Fish and Wildlife Service, Bureau of Reclamation, Department of Defense, Bureau of Indian Affairs and Bureau of Land Management, are necessary for the management of these lands.

DATES: Unless there are protests to this action, the plats described in this notice will be filed on July 27, 2018.

ADDRESSES: You may submit written protests to the BLM California State Office, Cadastral Survey, 2800 Cottage Way W–1623, Sacramento, CA 95825. A copy of the plats may be obtained from the BLM, California State Office, 2800 Cottage Way W–1623, Sacramento, California 95825, upon required payment.

FOR FURTHER INFORMATION CONTACT: Jon Kehler, Chief, Branch of Cadastral Survey, Bureau of Land Management, California State Office, 2800 Cottage Way W–1623, Sacramento, California 95825; 1–916–978–4323; *jkehler@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

Mount Diablo Meridian, California

T. 34 N, R. 9 W, dependent resurvey and subdivision of section 31, accepted August 2, 2017.
T. 25 S, R. 22 E, dependent resurvey, accepted August 7, 2017.
T. 26 N, R. 9 E, dependent resurvey, accepted August 15, 2017.
T. 33 N, R. 10 W, dependent resurvey and metes-and-bounds survey, accepted August 23, 2017.
T. 2 N, R. 26 E, metes-and-bounds survey, accepted August 30, 2017.
T. 2 N, R. 17 E, corrective dependent resurvey, dependent resurvey and subdivision, accepted August 30, 2017.
T. 8 S, R. 9 E, dependent resurvey, subdivision of section 13 and metes-and-bounds survey, accepted September 6, 2017.
T. 2 S, R. 26 E, dependent resurvey and subdivision of sections, accepted September 25, 2017.
T. 23 N, R. 13 E, dependent resurvey and subdivision of sections, accepted September 27, 2017.
T. 12 S, R. 22 E, dependent resurvey, subdivision of sections and metes-and-bounds survey, accepted December 5, 2017.
T. 28 S, R. 42 E, dependent resurvey, survey and metes-and-bounds survey, accepted January 19, 2018.
T. 29 S, R. 42 E, dependent resurvey and metes-and-bounds survey, accepted January 19, 2018.
T. 29 S, R. 43 E, dependent resurvey, accepted January 19, 2018.
T. 19 S, R. 29 E, dependent resurvey and subdivision of section 9, accepted February 21, 2018.
T. 30 S, R. 44 E, dependent resurvey, survey and metes-and-bounds survey, accepted February 26, 2018.
T. 42 N, R. 16 E, dependent resurvey, subdivision and metes-and-bounds survey, accepted March 12, 2018.
T. 30 S, R. 42 E, dependent resurvey, subdivision and metes-and-bounds survey, accepted April 30, 2018.
T. 30 S, R. 43 E, dependent resurvey and metes-and-bounds survey, accepted April 30, 2018.
T. 31 S, R. 43 E, dependent resurvey and subdivision, accepted April 30, 2018.
T. 19 N, R. 1 W, dependent resurvey, metes-and-bounds survey, meander survey and informative traverse, accepted May 14, 2018.
T. 8 S, R. 33 E, dependent resurvey and subdivision, accepted May 17, 2018.

San Bernardino Meridian, California

T. 5 N, R. 3 E, metes-and-bounds survey, accepted December 22, 2017.
T. 5 N, R. 5 E, dependent resurvey and metes-and-bounds survey, accepted December 22, 2017.
T. 3 S, R. 23 E, supplemental plat of the SE ¼ of section 35, accepted April 19, 2018.
T. 4 S, R. 23 E, supplemental plat of section 2, accepted April 19, 2018.
T. 4 S, R. 23 E, supplemental plat of section 11, accepted April 19, 2018.

A person or party who wishes to protest one or more plats of survey must file a written notice of protest within 30 calendar days from the date of this publication at the address listed in the **ADDRESSES** section of this notice. Any notice of protest received after the due date will be untimely and will not be considered. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed within 30 calendar days after the notice of protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

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 the BLM in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C., Chapter 3.

Jon L. Kehler,

Chief Cadastral Surveyor.

[FR Doc. 2018–13797 Filed 6–26–18; 8:45 am]

BILLING CODE 4310–40–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–489 and 731–TA–1201 (Review)]

Drawn Stainless Steel Sinks From China; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty and countervailing duty orders on drawn stainless steel sinks from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: June 4, 2018.

FOR FURTHER INFORMATION CONTACT: Drew Dushkes ((202) 205–3229), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background—On June 4, 2018, the Commission determined that the domestic interested party group response to its notice of institution (83 FR 8887, March 1, 2018) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).[2]

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report—A staff report containing information concerning the subject matter of the reviews will be placed in the nonpublic record on June 29, 2018, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before July 10, 2018 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by July 10, 2018. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's website at *https://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: June 21, 2018.

Katherine Hiner,

Supervisory Attorney.

[FR Doc. 2018–13775 Filed 6–26–18; 8:45 am]

BILLING CODE 7020–02–P

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] Commissioner Jason E. Kearns did not participate.

[3] The Commission has found the response submitted by Elkay Manufacturing Company to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Joint Board for the Enrollment of Actuaries gives notice of a meeting of the Advisory Committee on Actuarial Examinations (portions of which will be open to the public) at the Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC, on July 12 and 13, 2018.

DATES: Thursday, July 12, 2018, from 9:00 a.m. to 5:00 p.m., and Friday, July 13, 2018, from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Internal Revenue Service; 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Van Osten, Designated Federal Officer, Advisory Committee on Actuarial Examinations, (703) 414–2163.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory

Committee on Actuarial Examinations will meet at the Internal Revenue Service; 1111 Constitution Avenue NW, Washington, DC 20224, on Thursday, July 12, 2018, from 9:00 a.m. to 5:00 p.m., and Friday, July 13, 2018, from 8:30 a.m. to 5:00 p.m.

The purpose of the meeting is to discuss topics and questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in 29 U.S.C. 1242(a)(1)(B) and to review the May 2018 Pension (EA–2L) and Basic (EA–1) Examinations in order to make recommendations relative thereto, including the minimum acceptable pass scores. Topics for inclusion on the syllabus for the Joint Board's examination program for the November 2018 Pension (EA–2F) Examination will be discussed.

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the portions of the meeting dealing with the discussion of questions that may appear on the Joint Board's examinations and the review of the May 2018 EA–2L and EA–1 Examinations fall within the exceptions to the open meeting requirement set forth in 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such portions be closed to public participation.

The portion of the meeting dealing with the discussion of the other topics will commence at 1:00 p.m. on July 12, 2018, and will continue for as long as necessary to complete the discussion, but not beyond 3:00 p.m. Time permitting, after the close of this discussion by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements should notify the Joint Board in writing prior to the meeting in order to aid in scheduling the time available and should submit the written text, or at a minimum, an outline of comments they propose to make orally. Such comments will be limited to 10 minutes in length. All persons planning to attend the public session should notify the Joint Board in writing to obtain building entry. Notifications of intent to make an oral statement or to attend must be sent electronically, by no later than July 5, 2018, to *nhqjbea@irs.gov*. In addition, any interested person may file a written statement for consideration by the Joint Board and the Committee by sending it to: Ms. Elizabeth Van Osten; Joint Board for the Enrollment of Actuaries SE:RPO; Internal Revenue Service; 1111 Constitution Avenue NW, Room 1551; Washington, DC 20224.

Dated: June 20, 2018.

Thomas V. Curtin, Jr.,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2018–13746 Filed 6–26–18; 8:45 am]

BILLING CODE 4830–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

DATE AND TIME: The Legal Services Corporation's Finance Committee will meet telephonically on July 12, 2018. The meeting will commence at 4:00 p.m., EDT, and will continue until the conclusion of the Committee's agenda.

LOCATION: John N. Erlenborn Conference Room, Legal Services Corporation Headquarters, 3333 K Street NW, Washington DC 20007.

PUBLIC OBSERVATION: Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

CALL-IN DIRECTIONS FOR OPEN SESSIONS:

- Call toll-free number: 1–866–451–4981;
- When prompted, enter the following numeric pass code: 5907707348;
- When connected to the call, please immediately ''MUTE'' your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the Chair may solicit comments from the public.

STATUS OF MEETING: Open.

1. Approval of agenda
2. Discussion regarding recommendations for LSC's Fiscal Year (FY) 2020 budget request
3. Public comment regarding FY 2020 budget request
4. Consider and act on FY 2020 Budget Request *Resolution 2018–XXX*
5. Additional public comment
6. Consider and act on other business
7. Consider and act on adjournment of meeting.

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

ACCESSIBILITY: LSC complies with the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals needing other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: June 25, 2018.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs and General Counsel.

[FR Doc. 2018–13920 Filed 6–25–18; 4:15 pm]

BILLING CODE 7050–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

[NARA–2018–045]

National Industrial Security Program Policy Advisory Committee (NISPPAC)

AGENCY: Information Security Oversight Office (ISOO), National Archives and Records Administration (NARA).

ACTION: Notice of Advisory Committee meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act and implementing regulations, NARA announces a meeting of the National Industrial Security Program Policy Advisory Committee.

DATES: The meeting will be on July 19, 2018, from 10:00 a.m. to 12:00 p.m.

ADDRESSES: National Archives and Records Administration, 700 Pennsylvania Avenue NW, Archivist's Reception Room, Room 105, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Robert Tringali, Program Analyst, by mail at ISOO, National Archives Building, 700 Pennsylvania Avenue NW, Washington, DC 20408, by telephone at 202.357.5335, or by email at *robert.tringali@nara.gov.* Contact ISOO at *ISOO@nara.gov* and the NISPPAC at *NISPPAC@nara.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to discuss National Industrial Security Program policy matters. The meeting will be open to the public. However, due to space limitations and access procedures, you must submit the name and

telephone number of individuals planning to attend to the Information Security Oversight Office (ISOO) no later than Friday, July 13, 2018. ISOO will provide additional instructions for accessing the meeting's location.

Patrice Little Murray,

Alternate Committee Management Officer.

[FR Doc. 2018–13399 Filed 6–26–18; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

60-Day Notice for the "Final Descriptive Reports for Recipients of the National Endowment for the Arts Grant Awards"

AGENCY: National Endowment for the Arts, National Foundation On the Arts and the Humanities.

ACTION: Notice of proposed collection; comment request.

SUMMARY: The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data is provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents is properly assessed. Currently, the National Endowment for the Arts is soliciting comments concerning the proposed information collection of Final Descriptive Reports for recipients of the National Endowment for the Arts grant awards. A copy of the information collection request can be obtained by contacting the office listed below in the address section of this notice.

DATES: Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**. We are 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
- Can help the agency minimize the burden of the collection of information on those who are to respond, including through the electronic submission of responses.

ADDRESSES: Send comments to Sunil Iyengar, National Endowment for the Arts, 400 7th Street SW, Washington, DC 20506–0001, Telephone (202) 682–5424 (this is not a toll-free number), Fax (202) 682–5677, or send via email to *research@arts.gov.*

FOR FURTHER INFORMATION CONTACT: Sunil Iyengar, Research & Analysis Director, National Endowment for the Arts, at (202) 682–5424 or *research@arts.gov.*

Dated: June 21, 2018.

Jillian LeHew Miller,

Director, Office of Guidelines and Panel Operations, Administrative Services, National Endowment for the Arts.

[FR Doc. 2018–13777 Filed 6–26–18; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on July 10, 2018, 11545 Rockville Pike, Room T–2B3, Rockville, Maryland 20852.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, July 10, 2018—12:00 p.m. until 1:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown at 301–415–6702 to be escorted to the meeting room.

Kent Howard,

Acting Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–13778 Filed 6–26–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2018–0125]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Unit Nos. 3 and 4

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: On June 19, 2018, the U.S. Nuclear Regulatory Commission (NRC) published a biweekly notice providing the public with the opportunity to comment, request a hearing, and petition for leave to intervene. Due to a publication error, which was corrected

by the Office of the Federal Register on June 22, 2018, incorrect information about a license amendment request submitted to the NRC on April 13, 2018, by Southern Nuclear Operating Company, Inc., regarding Vogtle Electric Generating Plant, Unit Nos. 3 and 4, was published in the biweekly notice. The NRC is issuing this notice to provide adequate time for members of the public to submit comments, request a hearing, and petition for leave to intervene on this license amendment request.

DATES: Comments must be filed by July 27, 2018. A request for a hearing must be filed by August 27, 2018.

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–2018–0125. Address questions about NRC dockets 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: Peter C. Hearn, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1189, email: *Peter.Hearn@NRC.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0125, when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0125.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0125, facility name, unit number(s), plant docket number, application date, and subject 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 June 19, 2018, the NRC published a biweekly notice providing the public with the opportunity to comment, request a hearing, and petition for leave to intervene (83 FR 28456). Due to a publication error, which was corrected by the Office of the Federal Register in a **Federal Register** notice published on June 22, 2018, incorrect information about a license amendment request submitted to the NRC on April 13, 2018, by Southern Nuclear Operating Company, Inc., regarding Vogtle Electric Generating Plant, Unit Nos. 3 and 4 (ADAMS Accession No. ML18103A252), was published in the biweekly notice. The NRC is issuing this notice to provide adequate time for members of the public to submit comments, request a hearing, and petition for leave to intervene on this license amendment request.

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

The Commission has made a proposed determination that this amendment request involves no significant hazards consideration. Under the Commission's regulations in section 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for the amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance.

The Commission expects that the need to take this action will occur very infrequently.

A. 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 a hearing will be issued.

As required by 10 CFR 2.309(d), the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 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.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10

days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this license amendment application, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Unit Nos. 3 and 4, Burke County, Georgia

Date of amendment request: April 13, 2018. A publicly-available version is in ADAMS under Accession No. ML18103A252.

Description of amendment request: The amendment request proposes to change Technical Specifications (TSs) Limiting Condition for Operation 3.5.5 to not require the Passive Residual Heat Removal Heat Exchanger to be operable in Mode 5 during vacuum fill operations. Additionally, the requested amendment proposes to change Surveillance Requirement (SR) 3.5.7.1 regarding operability requirements for the In-containment Refueling Water Storage Tank and associated flow paths and proposes to add an additional SR 3.5.7.2 to address operability requirements that are not required during vacuum fill operations. Finally, the requested amendment proposes conforming changes to the Updated Final Safety Analysis Report, Appendix 19E, Subsection 2.3.2.4.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not affect the operation of any systems or equipment that initiate an analyzed accident or alter any structures, systems, and components (SSC) accident initiator or initiating sequence of events.

The proposed changes do not affect the physical design and operation of the Passive Residual Heat Removal Heat Exchanger (PRHR HX) or In-containment Refueling Water Storage Tank (IRWST) as described in the Updated Final Safety Analysis Report

(UFSAR). The proposed changes do not affect the probability of inadvertent operation or failure. Therefore, the probabilities of the accidents previously evaluated in the UFSAR are not affected.

The proposed changes do not affect the ability of the PRHR HX and IRWST to perform their design functions. The designs of the PRHR HX and IRWST continue to meet the same regulatory acceptance criteria, codes, and standards as required by the UFSAR. In addition, the proposed changes maintain the capabilities of the PRHR HX and IRWST to mitigate the consequences of an accident and to meet the applicable regulatory acceptance criteria.

The proposed changes do not affect the prevention and mitigation of other abnormal events (*e.g.,* anticipated operational occurrences, earthquakes, floods and turbine missiles), or their safety or design analyses. Therefore, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not affect the operation of any systems or equipment that may initiate a new or different kind of accident, or alter any SSC such that a new accident initiator or initiating sequence of events is created.

The proposed changes do not affect any other SSC design functions or methods of operation in a manner that results in a new failure mode, malfunction, or sequence of events that affect safety-related or nonsafety related equipment. Therefore, this activity does not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that result in significant fuel cladding failures.

Therefore, the requested amendment does not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes maintain existing safety margins. The proposed changes verify and maintain the capabilities of the PRHR HX and IRWST to perform their design functions. Therefore, the proposed changes satisfy the same design functions in accordance with the same codes and standards as stated in the UFSAR. These changes do not affect any design code, function, design analysis, safety analysis input or result, or design/safety margin.

No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, and no margin of safety is reduced.

Therefore, the requested amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer L. Dixon-Herrity.

Dated at Rockville, Maryland, this 21st day of June, 2018.

For the Nuclear Regulatory Commission.

Jennifer L. Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2018–13736 Filed 6–26–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 052–00025 and 052–00026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Changes to Construction Fitness-for-Duty Commitments

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Combined Licenses (NPF–91 and NPF–92), issued to Southern Nuclear Operating Company, Inc. (SNC), and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, Authority of Georgia, and the City of Dalton, Georgia (together ''the licensees''), for construction and operation of the Vogtle Electric Generating Plant (VEGP), Units 3 and 4, located in Burke County, Georgia.

DATES: Submit must be filed by July 27, 2018. Requests for a hearing or petition for leave to intervene must be filed by August 27, 2018.

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–2008–0252. Address questions about NRC dockets 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–A60, 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: Paul B. Kallan, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–000; telephone: 301–415–2809; email: *Paul.Kallan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The application for amendment, dated June 15, 2018, is available in ADAMS under Accession No. ML18166A347.
- *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–2008–0252 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 posts all comment submissions at *http://www.regulations.gov* as well as entering 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 submissions into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Combined License Nos. NPF–91 and NPF–92, issued to SNC and Georgia Power Company for operation of the VEGP, Units 3 and 4, located in Burke County, Georgia.

The proposed changes would revise commitments related to the construction fitness-for-duty (FFD) program described in the VEGP, Units 3 and 4 Updated Final Safety Analysis Report (UFSAR). Specifically, the change would involve the creation of a new type of FFD Authorization that would allow construction workers temporary access to the construction site pending completion of all pre-access FFD requirements. The individual will not be given assignments to work on safety or security-related structures, systems, and components prior to the completion of the FFD requirements.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to the Vogtle Electric Generating Plant (VEGP) 3 and 4 Updated Final Safety Analysis Report (UFSAR) commitment related to the construction worker Fitness-for-Duty (FFD) program do not affect the design of a system, structure, or component (SSC) used to meet the design bases of the nuclear plant. Nor do the changes affect the construction or operation of the nuclear plant itself, so there is no change to the probability or consequences of an accident previously evaluated. Changing the VEGP 3 and 4 FFD program commitments do not affect prevention and mitigation of abnormal events (*e.g.,* accidents, anticipated operational occurrences, earthquakes, floods, or turbine missiles) or their safety or design analyses. No safety-related SSC or function is adversely affected. The changes neither involve nor interface with any SSC accident initiator or initiating sequence of events, so the probabilities of the accidents evaluated in the UFSAR are not affected. Because the changes do not involve any safety-related SSC or function used to mitigate an accident, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes to the VEGP 3 and 4 UFSAR commitment related to the construction worker FFD program *do* not affect the operation of any systems or equipment that may initiate a new or different kind of accident or alter any SSC such that a new accident initiator or initiating sequence of events is created. The changes do not affect the design of an SSC used to meet the design bases of the nuclear plant. Nor do the changes affect the construction or operation of the nuclear plant. Consequently, there is no new or different kind of accident from any accident previously evaluated. The changes do not affect safety-related equipment, nor do they affect equipment that, if it failed, could initiate an accident or a failure of a fission product barrier. In addition, the changes do not result in a new failure mode, malfunction, or sequence of events that could affect safety or safety-related equipment.

No analysis is adversely affected. No system or design function or equipment qualification is adversely affected by the changes. This activity will not allow for a new fission product release path, nor will it result in a new fission product barrier failure mode, nor create a new sequence of events that would result in significant fuel cladding failures.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes to the VEGP 3 and 4 UFSAR commitment related to the construction worker FFD program do not alter any safety-related equipment, applicable design codes, code compliance, design function, or safety analysis. Consequently, no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus the margin of safety is not reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, the Commission will publish a notice of issuance in the **Federal Register**. Should the Commission make a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. 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 a petition 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,

which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. 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/*. If a petition is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (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. The petition must also set forth the specific contentions which the petitioner seeks to have litigated at 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 shall 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 those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall 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 these requirements 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, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions consistent with the NRC's regulations, policies, and procedures.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day 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).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1).

The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by August 27, 2018. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding 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 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.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene (hereinafter ''petition''), and documents filed by interested governmental entities participating 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. 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 documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition (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.* System requirements for accessing the E-Submittal server are available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/adjudicatory-sub.html.* Participants may attempt to use other software not listed on the website, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Electronic Filing Help Desk will not be able to offer assistance in using unlisted software.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a petition. Submissions should 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 documents are 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 documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC 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 7 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 a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. 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.

For further details with respect to this action, see the application for license amendment dated June 15, 2018.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Dated at Rockville, Maryland, this 21st day of June, 2018.

For the Nuclear Regulatory Commission.

Jennifer L. Dixon-Herrity,

Chief, Licensing Branch 4, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.

[FR Doc. 2018–13757 Filed 6–26–18; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2018–184 and CP2018–258; MC2018–185 and CP2018–259]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 29, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service has filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The requests(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 3007.40.

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).:* MC2018–184 and CP2018–258; *Filing Title:* USPS Request to Add Priority Mail Contract 451 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 21, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Lawrence Fenster; *Comments Due:* June 29, 2018.

2. *Docket No(s).:* MC2018–185 and CP2018–259; *Filing Title:* USPS Request to Add Priority Mail Contract 452 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 21, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Lawrence Fenster; *Comments Due:* June 29, 2018.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–13819 Filed 6–26–18; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83490; File No. SR–NFA–2018–02]

Self-Regulatory Organizations; National Futures Association; Notice of Filing and Immediate Effectiveness of Proposed Change to the Interpretive Notice to NFA Compliance Rule 2–9: Enhanced Supervisory Requirements: Requiring NFA Members To Maintain a Record of All Electronic Written Communications

June 21, 2018.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Exchange Act''),[1] and Rule 19b–7 under the Exchange Act,[2] notice is hereby given that on June 12, 2018, National Futures Association (''NFA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by NFA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

On November 27, 2017, NFA filed this proposed rule change with the Commodity Futures Trading Commission (''CFTC'') and requested that the CFTC make a determination that review of the proposed rule change of NFA is not necessary. By letter dated December 11, 2017, the CFTC notified NFA of its determination not to review the proposed rule change.[3]

The text of the proposed rule change is available at the self-regulatory organization's office, on the NFA's website at *www.nfa.futures.org,* and at the SEC's Public Reference Room.

I. Self-Regulatory Organization's Description and Text of the Proposed Rule Change

NFA's Interpretive Notice to NFA Compliance Rule 2–9 entitled ''NFA Compliance Rule 2–9: Enhanced Supervisory Requirements'' (''Interpretive Notice'') requires NFA Member (''Member'') firms that meet certain criteria identified by NFA's Board of Directors (''Board'') to comply with specific enhanced supervisory requirements (''Requirements'') that are designed to prevent abusive sales practices. NFA's Board is amending the Interpretive Notice to require all Members subject to the Requirements to maintain a record of all electronic written communications between associated persons (''APs'') and customers or potential customers, including but not limited to, email, text messages, instant messages, and any other communication that occurs in a chat room or on any social media platform. The proposed rule change also requires all Member firms subject to the Requirements of the Interpretive Notice to prepare a catalog of electronic written communications and for APs to maintain a log of those written electronic communications. The text of the proposed rule change to the Interpretive Notice is found in Exhibit 4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, NFA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NFA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

1. Purpose

Section 15A(k) of the Exchange Act[4] makes NFA a national securities association for the limited purpose of regulating the activities of NFA Members who are registered as brokers or dealers in security futures products under Section 15(b)(11) of the Exchange Act.[5] NFA's Interpretive Notice applies to all NFA Members who meet the criteria in the Interpretive Notice, including those that are registered as security futures brokers or dealers under Section 15(b)(11) of the Exchange Act.

NFA's Interpretive Notice to Compliance Rule 2–9(b) authorizes NFA's Board to require Members to adopt certain enhanced supervisory requirements based upon the regulatory background of either its APs or principals. The Interpretive Notice is designed to, among other things, minimize the likelihood of a Member engaging in deceptive sales practices. One of the more important Requirements with respect to minimizing sales practice problems is the requirement that firms make audio

[1] 15 U.S.C. 78s(b)(7).

[2] 17 CFR 240.19b–7.

[3] *See* letter from Matthew Kulkin, Director CFTC, to Carol A. Wooding, General Counsel, NFA (''Letter'').

[4] 15 U.S.C. 78o–3(k).

[5] 15 U.S.C. 78o(b)(11).

recordings of all telephone conversations between APs and customers. At the time this Interpretive Notice was adopted, telephone communications were the most common method that APs used to solicit customers. However, since that time, other electronic written communications, such as text or instant messages, have become one of the primary methods of communication between APs and customers. NFA's Interpretive Notice, however, does not specifically require a Member firm subject to the Requirements to maintain a record of electronic written communications, prepare a catalog of electronic written communications, or require its APs to maintain a log of those communications. NFA relies on the catalog of communications and the AP sales solicitation logs when examining a Member for compliance with the Requirements.

Given the popularity of electronic written communications, NFA's Board is amending the Interpretive Notice to explicitly state that all Members subject to the Requirements are required to maintain a record of all electronic written communications, including but not limited to, emails, text messages, instant messages, and any other communication that occurs in a chat room or on any social media platform. NFA's Board is also amending the Interpretive Notice to require Member firms subject to the Requirements to prepare a catalog of electronic written communications and require APs to maintain a log of those written electronic communications. This modification to the Interpretive Notice merely parallels the current cataloging and AP log requirement for telephone sales solicitations and ensures that, for firms subject to the Requirements, all sales solicitations—regardless of the method by which they occur—are maintained, cataloged, and logged by the firm's APs.

Amendments to the Interpretive Notice were previously filed with the SEC in SR–NFA–2002–07, Exchange Act Release No. 34–47147 (Jan. 9, 2003), 68 FR 2383 (Jan. 16, 2003); SR–NFA–2003–01, Exchange Act Release No. 34–47533 (Mar. 19, 2003), 68 FR 14733 (March 26, 2003); SR–NFA–2005–01, Exchange Act Release No. 34–52808 (Nov. 18, 2005), 70 FR 71347 (Nov. 28, 2005); SR–NFA–2006–01 Exchange Act Release No. 34–53568 (Mar. 29, 2006), 71 FR 16850 (Apr. 4, 2006); SR–NFA–2007–03, Exchange Act Release No. 34–55710 (May 4, 2007), 72 FR 26858 (May 11, 2007); SR–NFA–2007–07, Exchange Act Release No. 34–57142 (Jan. 14, 2008), 73 FR 3502 (Jan. 18, 2008); SR–NFA–2008–02, Exchange Act Release No. 34–58709 (Oct. 1, 2008), 73 FR 59011 (Oct. 8, 2008); SR–NFA–2010–04, Exchange Act Release No. 34–63602 (Dec. 22, 2010), 76 FR 202 (Jan. 3, 2011); and SR–NFA–2014–05, Exchange Act Release No. 34–72514 (July 2, 2014), 79 FR 39046 (July 9, 2014).

2. Statutory Basis

The proposed rule change is authorized by, and consistent with, Section 15A(k)(2)(B) of the Exchange Act.[6] That Section requires NFA to have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, including rules governing sales practices and advertising of security futures products. The proposed rule change accomplishes this by imposing enhanced supervisory requirements on Member firms that meet certain criteria that NFA's Board has determined indicates a greater potential for sales practice fraud to occur.

B. Self-Regulatory Organization's Statement on Burden on Competition

At first glance, the proposed rule change appears to impose additional burdens on NFA Members subject to the Requirements. In practice, however, CFTC Regulation 1.35[7] requires Futures Commission Merchants (''FCMs''), Retail Foreign Exchange Dealers (''RFEDs''), and Introducing Brokers (''IBs''), as well as Commodity Pool Operators (''CPOs'') and Commodity Trading Advisors (''CTAs'') that are members of a designated contract market (''DCM'') or swaps execution facility (''SEF'') to maintain a record of electronic written communications. Therefore, the proposed rule imposes no new or additional requirements on FCMs, RFEDs and IBs as well as CTAs and CPOs that are Members of a SEF or DCM.

However, CFTC Regulation 1.35 does not apply to CPOs and CTAs that are not a member of a DCM or SEF. NFA and NFA's Member Committees realize that this proposed rule would impose an additional recordkeeping requirement and additional costs to CPOs and CTAs that are not a member of a DCM or a SEF. However, NFA and NFA's Member Committees believe that this consideration is outweighed by the fact that, in NFA's experience, firms that qualify to adopt the Requirements are more likely to engage in deceptive sales solicitations and requiring these firms to maintain records of electronic written communications may reduce the likelihood of deceptive sales practices. Therefore, this burden is necessary and appropriate to help minimize deceptive sales solicitations.

Additionally, the other portion of the proposed rule change—the cataloging and AP log requirement for electronic written communication—poses minimal burden on impacted firms because it merely parallels the current cataloging and AP log requirement for telephone sales solicitations. This minimal burden is necessary and appropriate to minimize the likelihood of abusive sales practices.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NFA worked with Member Committees in developing the proposed rule change. NFA did not, however, publish the proposed rule change to the membership for comment. NFA did not receive comment letters concerning the rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On December 11, 2017, the CFTC notified NFA of its determination not to review the proposed rule change.[8] The proposed rule change became effective on January 31, 2018.

At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Exchange Act.[9]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NFA–2018–02 on the subject line.

[6] 15 U.S.C. 78o–3(k).

[7] 17 CFR 1.35.

[8] *See* Letter, *Supra* note 3.

[9] 15 U.S.C. 78s(b)(1).

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NFA–2018–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of NFA. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NFA–2018–02 and should be submitted on or before July 18, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13763 Filed 6–26–18; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(73).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83493; File No. S7–24–89]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of the Forty-Third Amendment to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis

June 21, 2018.

Pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 608 thereunder,[2] notice is hereby given that on June 5, 2018, the Participants [3] in the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (''NASDAQ/UTP Plan,'' ''UTP Plan'' or ''Plan'') filed with the Securities and Exchange Commission (''Commission'') a proposal to amend the NASDAQ/UTP Plan.[4] The amendment represents Amendment No. 43 to the NASDAQ/UTP Plan (''Amendment''). The Amendment seeks to effectuate changes that certain Participants have made to their names and addresses, as set forth in Section I(A) of the Nasdaq/UTP Plan and to update the listing of Participant identifying codes set forth in Section VIII(C) of the Plan.

Pursuant to Rule 608(b)(3)(ii) under Regulation NMS,[5] the Participants have designated the Amendment as concerned solely with the administration of the Nasdaq/UTP Plan and as a ''Ministerial Amendment'' under Section XVI of the Plan. As a result, the Amendment was effective upon filing and was submitted by the Chairman of the Plan's Operating Committee. The Commission is publishing this notice to solicit comments from interested persons on the proposed Amendment. Set forth in Sections I and II is the statement of the purpose and summary of the Amendment, along with the information required by Rules 608(a) and 601(a) under the Act, prepared and submitted by the Participants to the Commission.

I. Rule 608(a)

A. Purpose of the Amendments

The Amendment effectuates changes that certain Participants have made to their names and addresses, as set forth in Section I(A) of the UTP Plan and updates the listing of Participant identifying codes set forth in Section VIII(C) of the UTP Plan.

B. Governing or Constituent Documents

Not applicable.

C. Implementation of the Amendments

Because the Amendment constitutes a ''Ministerial Amendment'' under Section XVI of the UTP Plan, the Chairman of the UTP Plan's Operating Committee may submit the Amendment to the Commission on behalf of the Participants in the UTP Plan. Because the Participants have designated the Amendment as concerned solely with the administration of the Plan, the Amendment is effective upon filing with the Commission.

D. Development and Implementation Phases

Not applicable.

E. Analysis of Impact on Competition

The Participants assert that the Amendment does not impose any burden on competition because it simply effectuates a change in the names and addresses of certain Participants. For the same reasons, the Participants do not believe that the Amendment introduces terms that are unreasonably discriminatory for purposes of Section 11A(c)(1)(D) of the Exchange Act.

F. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

Not applicable.

G. Approval by Sponsors in Accordance With Plan

See Item I.C. above.

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] The Participants are: Cboe BYX Exchange, Inc.; Cboe BZX Exchange, Inc.; Cboe EDGA Exchange, Inc.; Cboe EDGX Exchange, Inc.; Cboe Exchange, Inc.; Chicago Stock Exchange, Inc.; Financial Industry Regulatory Authority, Inc.; Investors Exchange LLC; Nasdaq BX, Inc.; Nasdaq ISE, LLC; Nasdaq PHLX LLC; The Nasdaq Stock Market LLC; New York Stock Exchange LLC; NYSE Arca, Inc.; NYSE American LLC; and NYSE National, Inc. (collectively, the ''Participants'').

[4] The Plan governs the collection, processing, and dissemination on a consolidated basis of quotation information and transaction reports in Eligible Securities for each of its Participants. This consolidated information informs investors of the current quotation and recent trade prices of Nasdaq securities. It enables investors to ascertain from one data source the current prices in all the markets trading Nasdaq securities. The Plan serves as the required transaction reporting plan for its Participants, which is a prerequisite for their trading Eligible Securities. *See* Securities Exchange Act Release No. 55647 (April 19, 2007), 72 FR 20891 (April 26, 2007).

[5] 17 CFR 242.608(b)(3)(ii).

H. Description of Operation of Facility Contemplated by the Proposed Amendments

Not applicable.

I. Terms and Conditions of Access

Not applicable.

J. Method of Determination and Imposition, and Amount of, Fees and Charges

Not applicable.

K. Method and Frequency of Processor Evaluation

Not applicable.

L. Dispute Resolution

Not applicable.

II. Rule 601(a)

A. Equity Securities for Which Transaction Reports Shall be Required by the Plan

Not applicable.

B. Reporting Requirements

Not applicable.

C. Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information

Not applicable.

D. Manner of Consolidation

Not applicable.

E. Standards and Methods Ensuring Promptness, Accuracy and Completeness of Transaction Reports

Not applicable.

F. Rules and Procedures Addressed to Fraudulent or Manipulative Dissemination

Not applicable.

G. Terms of Access to Transaction Reports

Not applicable.

H. Identification of Marketplace of Execution

Not applicable.

III. Solicitation of Comments

The Commission seeks general comments on the Amendment. Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Amendment 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 S7–24–89 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number File No. S7–24–89. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all written statements with respect to the proposed Amendment that are filed with the Commission, and all written communications relating to the proposed Amendment between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for website viewing and printing at the principal office of the Plans.

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 S7–24–89 and should be submitted on or before July 18, 2018.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13767 Filed 6–26–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, June 28, 2018.

CHANGES IN THE MEETING: The following matter will also be considered during the 2 p.m. Closed Meeting scheduled for Thursday, June 28, 2018:

Report on an investigation.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: June 22, 2018.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2018–13888 Filed 6–25–18; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83491; File No. SR–NFA–2018–01]

Self-Regulatory Organizations; National Futures Association; Notice of Filing and Immediate Effectiveness of Proposed Technical Amendment to the Interpretive Notice to NFA Compliance Rule 2–9: Special Supervisory Requirements for Members Registered as Broker-Dealers Under Section 15(b)(11) of the Securities Exchange Act of 1934

June 21, 2018.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Exchange Act''),[1] and Rule 19b–7 under the Exchange Act,[2] notice is hereby given that on June 14, 2018, National Futures Association (''NFA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by NFA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

On August 30, 2017, NFA also filed this proposed rule change with the Commodity Futures Trading Commission (''CFTC'') and requested that the CFTC make a determination that review of the proposed rule change of NFA is not necessary. By letter dated September 15, 2017, the CFTC notified NFA of its determination not to review the proposed rule change.[3]

The text of the proposed rule change is available at the self-regulatory organization's office, on the NFA's website at *www.nfa.futures.org,* and at the SEC's Public Reference Room.

[1] 15 U.S.C. 78s(b)(7).

[2] 17 CFR 240.19b–7.

[3] *See* letter from Eileen T. Flaherty, Director, CFTC to Carol A. Wooding, General Counsel, NFA (''Letter'').

I. Self-Regulatory Organization's Description and Text of the Proposed Rule Change

The technical amendment to NFA's Interpretive Notice entitled ''NFA Compliance Rule 2–9: Special Supervisory Requirements for Members Registered as Broker-Dealers'' (''Interpretive Notice'') references the Form 3–R. The amendment eliminates the reference to the Form 3–R. The text of the proposed technical amendment to the Interpretive Notice is found in Exhibit 4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, NFA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NFA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

1. Purpose

Section 15A(k) of the Exchange Act [4] makes NFA a national securities association for the limited purpose of regulating the activities of NFA Members (''Members'') who are registered as brokers or dealers in security futures products under Section 15(b)(11) of the Exchange Act.[5] NFA's Interpretive Notice applies to all Members who meet the criteria in the Interpretive Notice and could apply to Members registered under Section 15(b)(11) of the Exchange Act.

NFA's registration rules need to be amended to implement the CFTC's retiring of the Form 3–R, which had been used to report changes to registration information. The CFTC eliminated the Form 3–R recognizing that in the electronic era, changes are made directly to the registration information rather than via filing a Form 3–R.

In August 2012, the CFTC eliminated the requirement that registrants and individuals use CFTC Form 3–R to update and file changes to their registration information because the online Forms 7–R and 8–R can be updated directly in NFA's Online Registration System and automatically create a record of changes equivalent to a completed Form 3–R. This amendment removes the Form 3–R reference and replaces it with the direction to report updates and file changes to registration information by, ''. . . an update to the Form 7–R.''

Amendments to the Interpretive Notice were previously filed with the SEC in SR–NFA–2007–07, Exchange Act Release No. 34–57142 (Jan. 14, 2008).

2. Statutory Basis

The rule change is authorized by, and consistent with, Section 15A(k) of the Exchange Act.[6] The proposed changes are nothing more than technical amendments to remove a reference to the Form 3–R.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will have little or no impact on competition. The proposed amendment to the Interpretive Notice does not impose new requirements on Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NFA did not publish the rule change to the membership for comment. NFA did not receive comment letters concerning the rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The CFTC notified NFA of its determination not to review the proposed rule change.[7] The proposed rule change became effective on September 15, 2017.

At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Exchange Act.[8]

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 Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NFA–2018–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NFA–2018–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of NFA. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NFA–2018–01 and should be submitted on or before July 18, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13764 Filed 6–26–18; 8:45 am]

BILLING CODE 8011–01–P

[4] 15 U.S.C. 78o–3(k).

[5] 15 U.S.C. 78o(b)(11).

[6] 15 U.S.C. 78o–3(k).

[7] *See* Letter, *Supra* note 3.

[8] 15 U.S.C. 78s(b)(1).

[9] 17 CFR 200.30–3(a)(73).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33134; 812–14846]

Impact Shares Trust I, et al.

June 21, 2018.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) index-based series of certain open-end management investment companies (''Funds'') to issue shares redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (''Funds of Funds'') to acquire shares of the Funds; and (f) certain Funds (''Feeder Funds'') to create and redeem Creation Units in-kind in a master-feeder structure.

Applicants: Impact Shares, Corp. (the ''Initial Adviser''), a nonprofit corporation formed under the laws of the State of Texas that is registered as an investment adviser under the Investment Advisers Act of 1940, Impact Shares Trust I, (the ''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series, and SEI Investments Distribution Co., a broker-dealer registered under the Securities Exchange Act of 1934.

Filing Dates: The application was filed on November 28, 2017, and amended on March 21, 2018, May 16, 2018 and May 24, 2018.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 16, 2018, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090; Applicants: Impact Shares, Corp., 2189 Broken Bend, Frisco, Texas 75034, Impact Shares Trust I, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, and SEI Investments Distribution Co., 1 Freedom Valley Drive, Oaks, Pennsylvania 19456.

FOR FURTHER INFORMATION CONTACT: Erin C. Loomis, Senior Counsel, at (202) 551–6721, or Parisa Haghshenas, Branch Chief, at (202) 551–6723 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as index exchange traded funds (''ETFs'').[1] Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an ''Authorized Participant,'' which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will hold investment positions selected to correspond generally to the performance of an Underlying Index. In the case of Self-Indexing Funds, an affiliated person, as defined in section 2(a)(3) of the Act (''Affiliated Person''), or an affiliated person of an Affiliated Person (''Second-Tier Affiliate''), of the Trust or a Fund, of the Adviser, of any sub-adviser to or promoter of a Fund, or of the Distributor will compile, create, sponsor or maintain the Underlying Index.[2]

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (''Deposit Instruments''), and shareholders redeeming their shares will receive specified instruments (''Redemption Instruments''). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will

[1] Applicants request that the order apply to the initial series of the Trust (''Initial Funds'') and any additional series of the Trust, and any other existing or future open-end management investment company or existing or future series thereof (''Future Funds'' and together with the Initial Funds, ''Funds''), each of which will operate as an ETF and will track a specified index comprised of domestic and/or foreign equity securities and/or domestic and/or foreign fixed income securities (each, an ''Underlying Index''). Any Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each of the foregoing and any successor thereto, an ''Adviser'') and (b) comply with the terms and conditions of the application. For purposes of the requested order, a ''successor'' is limited to an entity or entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

[2] Each Self-Indexing Fund will post on its website the identities and quantities of the investment positions that will form the basis for the Fund's calculation of its NAV at the end of the day. Applicants believe that requiring Self-Indexing Funds to maintain full portfolio transparency will help address, together with other protections, conflicts of interest with respect to such Funds.

take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that effect creations and redemptions of Creation Units in kind and that are based on certain Underlying Indexes that include foreign securities, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are Affiliated Persons, or Second Tier Affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions, and Deposit Instruments and Redemption Instruments will be valued in the same manner as those investment positions currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[3] The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund (''Master Fund'') beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

[3] The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13762 Filed 6–26–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83492; File No. SR–CTA/CQ–2018–02]

Consolidated Tape Association; Notice of Filing and Immediate Effectiveness of the Twenty-Ninth Substantive Amendment to the Second Restatement of the CTA Plan and the Twenty-First Amendment to the Restated CQ Plan

June 21, 2018.

Pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 608 thereunder,[2] notice is hereby given that on June 5, 2018, the Consolidated Tape Association (''CTA'') Plan participants (''Participants'') [3] filed with the Securities and Exchange Commission (''Commission'') a proposal to amend the Second Restatement of the CTA Plan and the Restated Consolidated Quotation (''CQ'') Plan (''Plans'').[4] These amendments represent the Twenty-Ninth Substantive Amendment to the CTA Plan and the Twenty-First Amendment to the CQ Plan (''Amendments''). The Amendments seek to effectuate changes that certain Participants have made to their names and addresses, as set forth in Sections

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] The Participants are: Cboe BYX Exchange, Inc.; Cboe BZX Exchange, Inc.; Cboe EDGA Exchange, Inc.; Cboe EDGX Exchange, Inc.; Cboe Exchange, Inc.; Chicago Stock Exchange, Inc.; Financial Industry Regulatory Authority, Inc.; Investors Exchange LLC; Nasdaq BX, Inc.; Nasdaq ISE, LLC; Nasdaq PHLX LLC; The Nasdaq Stock Market LLC; New York Stock Exchange LLC; NYSE Arca, Inc.; NYSE American LLC; and NYSE National, Inc. (collectively, the ''Participants'').

[4] *See* Securities Exchange Act Release Nos. 10787 (May 10, 1974), 39 FR 17799 (May 20, 1974) (declaring the CTA Plan effective); 15009 (July 28, 1978), 43 FR 34851 (August 7, 1978) (temporarily authorizing the CQ Plan); and 16518 (January 22, 1980), 45 FR 6521 (January 28, 1980) (permanently authorizing the CQ Plan). The most recent restatement of both Plans was in 1995. The CTA Plan, pursuant to which markets collect and disseminate last sale price information for non-NASDAQ listed securities, is a ''transaction reporting plan'' under Rule 601 under the Act, 17 CFR 242.601, and a ''national market system plan'' under Rule 608 under the Act, 17 CFR 242.608. The CQ Plan, pursuant to which markets collect and disseminate bid/ask quotation information for listed securities, is a ''national market system plan'' under Rule 608 under the Act, 17 CFR 242.608.

I(q), III(a), and VIII(a) of the CTA Plan and Section III(a) of the CQ Plan.

Pursuant to Rule 608(b)(3)(ii) under Regulation NMS,[5] the Participants have designated the Amendments as concerned solely with the administration of the Plans and as ''Ministerial Amendments'' under both Section IV(b) of the CTA Plan and Section IV(c) of the CQ Plan. As a result, the Amendments were effective upon filing and were submitted by the Chairman of the Plan's Operating Committee. The Commission is publishing this notice to solicit comments from interested persons on the proposed Amendments. Set forth in Sections I and II is the statement of the purpose and summary of the Amendments, along with the information required by Rules 608(a) and 601(a) under the Act, prepared and submitted by the Participants to the Commission.

I. Rule 608(a)

A. Purpose of the Amendments

The Amendments effectuate changes that certain Participants have made to their names and addresses, as set forth in Sections I(q), III(a), and VIII(a) of the CTA Plan and Section III(a) of the CQ Plan.

B. Governing or Constituent Documents

Not applicable.

C. Implementation of the Amendments

Because the Amendments constitute ''Ministerial Amendments'' under both Section IV(b) of the CTA Plan and Section IV(c) under the CQ Plan, the Chairman of the Plan's Operating Committee may submit the Amendments to the Commission on behalf of the Participants in the Plans. Because the Participants have designated the Amendments as concerned solely with the administration of the Plans, the Amendments become effective upon filing with the Commission.

D. Development and Implementation Phases

Not applicable.

E. Analysis of Impact on Competition

The Participants assert that the Amendments do not impose any burden on competition because they simply effectuate a change in the names and addresses of certain Participants. For the same reasons, the Participants do not believe that the Amendments introduce terms that are unreasonably discriminatory for purposes of Section 11A(c)(1)(D) of the Exchange Act.

F. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

Not applicable.

G. Approval by Sponsors in Accordance With Plan

See Item I.C. above.

H. Description of Operation of Facility Contemplated by the Proposed Amendments

Not applicable.

I. Terms and Conditions of Access

Not applicable.

J. Method of Determination and Imposition, and Amount of, Fees and Charges

Not applicable.

K. Method and Frequency of Processor Evaluation

Not applicable.

L. Dispute Resolution

Not applicable.

II. Rule 601(a)

A. Equity Securities for Which Transaction Reports Shall Be Required by the Plan

Not applicable.

B. Reporting Requirements

Not applicable.

C. Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information

Not applicable.

D. Manner of Consolidation

Not applicable.

E. Standards and Methods Ensuring Promptness, Accuracy and Completeness of Transaction Reports

Not applicable.

F. Rules and Procedures Addressed to Fraudulent or Manipulative Dissemination

Not applicable.

G. Terms of Access to Transaction Reports

Not applicable.

H. Identification of Marketplace of Execution

Not applicable.

III. Solicitation of Comments

The Commission seeks general comments on the Amendments. Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Amendments are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CTA/CQ–2018–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CTA/CQ–2018–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all written statements with respect to the proposed Amendments that are filed with the Commission, and all written communications relating to the proposed Amendments between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for website viewing and printing at the principal office of the Plans. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–CTA/CQ–2018–02 and should be submitted on or before July 18, 2018.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13766 Filed 6–26–18; 8:45 am]

BILLING CODE 8011–01–P

[5] 17 CFR 242.608(b)(3)(ii).

DEPARTMENT OF STATE

[Public Notice 10120]

60-Day Notice of Proposed Information Collection: Request for Department of State Personal Identification Card

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to August 27, 2018.

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

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2017–0037'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Regular Mail:* Send written comments to: DS/DO/DFP, Harry S. Truman, 2201 C St. NW, Washington, DC 20520–0000, Room B237.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to John Ferguson, who may be reached on 202–647–3854 or at *FergusonJM3@State.Gov*.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Request for Department of State Personal Identification Card.
- *OMB Control Number:* None.
- *Type of Request:* Existing Collection without OMB Control Number.
- *Originating Office:* Office of Domestic Facilities Protection (DS/DO/DFP).
- *Form Number:* DS–1838 and DS–7783.
- *Respondents:* Non-employees who need Personal Identification Cards.
- *Estimated Number of Respondents:* 13,500.
- *Estimated Number of Responses:* 13,500.
- *Average Time per Response:* 5 minutes.
- *Total Estimated Burden Time:* 1,125 hours.
- *Frequency:* On occasion (when new badge is required or badge expires).
- *Obligation to Respond:* Mandatory.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The collection of the information requested on the DS–1838 and DS–7783 is necessary for all Department non-employees who need a PIV. They are required to submit an application for a Personal Identification Card (DS–1838 domestically or DS–7783 overseas) at the time of hire. The information collected on the form is necessary to verify personal identity as required by the Federal Information Processing Standard Publication 201 (FIPS 201) and Homeland Security Presidential Directive 12 (HSPD 12).

Methodology

Information is collected by a form or automated badge request (ABR) online.

Timothy Thomas,

Division Chief, Security Support Division, Bureau of Diplomatic Security, Department of State.

[FR Doc. 2018–13806 Filed 6–26–18; 8:45 am]

BILLING CODE 4710–43–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 55 (Sub-No. 778X)]

CSX Transportation, Inc.—Abandonment Exemption—in Fulton County, Ga.

CSX Transportation, Inc. (CSXT) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments* to abandon an approximately 2.04-mile rail line referred to as the Kudzu Line in its Southern Region, Atlanta Division, Atlanta Terminal Subdivision between milepost ANB 862.66 and milepost ANB 862.95 and between milepost ANB 862.66 and former milepost ANB 863.94, including any industry leads or spur tracks, in Fulton County, Ga. (the Line). The Line traverses United States Postal Service Zip Code 30318.

CSXT has certified that: (1) No local traffic has moved over the Line for at least two years; (2) any overhead traffic on the Line can be rerouted; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication), 49 CFR 1152.50(d)(1) (notice to governmental agencies), 49 CFR 1105.11 (transmittal letter), and 49 CFR 1105.7 and 1105.8 (environment and historic report), have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) [1] has been received, this exemption will be effective on July 27, 2018, unless stayed pending reconsideration. Formal expressions of

[1] The Board modified its OFA procedures effective July 29, 2017. Among other things, the OFA process now requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly available information. *See Offers of Financial Assistance,* EP 729 (STB served June 29, 2017); 82 FR 30,997 (July 5, 2017).

intent to file an OFA under 49 CFR 1152.27(c)(2) [2] must be filed by July 6, 2018. Petitions to stay that do not involve environmental issues [3] and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 9, 2018. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 17, 2018, with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CSXT's representative, Louis Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void ab initio.

CSXT has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by July 2, 2018. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by CSXT's filing of a notice of consummation by June 27, 2019, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at *WWW.STB.GOV*.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,800. *See* 49 CFR 1002.2(f)(25).

[3] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

Decided: June 20, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Marline Simeon,

Clearance Clerk.

[FR Doc. 2018–13791 Filed 6–26–18; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2018–58]

Petition for Exemption; Summary of Petition Received: PlaneSense, Inc.

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 17, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0524 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building, Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brenda Robeson, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, (202) 267–4712.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 21, 2018.

Dale Bouffiou,

Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2018–0524.

Petitioner: PlaneSense, Inc.

Section(s) of 14 CFR Affected: 91.23(c)(3).

Description of Relief Sought: The petitioner is requesting an exemption from the requirement of 14 CFR 91.23(c)(3) that, when a large civil aircraft of U.S. registry is subject to a lease or conditional contract of sale, notice containing certain information be provided to the FAA Flight Standards district office (FSDO). In addition, such notice must be given at least 48 hours prior to the first flight under the lease. The petitioner seeks an exemption changing the FSDO to be notified to the cognizant FSDO responsible for surveillance and supervision of the petitioner's fractional program, and to allow that FSDO to determine the required timing and content of the notice required.

[FR Doc. 2018–13769 Filed 6–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2018–55]

Petition for Exemption; Summary of Petition Received; Tarrant County College

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 17, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0434 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building, Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brenda Robeson, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, (202) 267–4712.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 21, 2018.

Dale Bouffiou,

Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2018–0434.
Petitioner: Tarrant County College.
Section(s) of 14 CFR Affected: 61.160(c)(3)(i).
Description of Relief Sought: The petitioner is requesting an exemption to allow specific current students and graduates of the petitioner to be eligible to obtain their Restricted Airline Transport Pilot certificates who have otherwise met the requirements of 14 CFR part 61.160(c), with the exception of (3)(i). Section 61.160(c)(3)(i) states that the required ground training must be completed as part of an approved part 141 curriculum at the institution of higher education. For the students and graduates who would be covered by this exemption, they completed their part 141 Instrument Ground and/or Commercial Ground course requirements under the FAA approved part 141 Air Agency Certificate of U.S. Aviation Academy, the petitioner's contractor.

[FR Doc. 2018–13770 Filed 6–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Release From Federal Grant Assurance Obligations for San Luis Obispo Airport (SBP), San Luis Obispo, California

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of request to release airport land.

SUMMARY: The Federal Aviation Administration (FAA) proposes to rule and invites public comments on the application for a release of 27,443 square feet (approximately 0.63 acres) of airport property at San Luis Obispo Airport, San Luis Obispo, California from all conditions contained in the Grant Assurances. This land is not needed for airport purposes. The property consists of land that is vacant, unimproved, and landlocked. It is separated from the airport operations area by a public highway. The land sat idle and unused for over 25 years. The property would be sold at an appraised fair market value to the adjacent property owner. Proceeds would be deposited in the airport account, thereby serving the interests of civil aviation.

DATES: Comments must be received on the proposed land release request from federal obligations on or before July 27, 2018.

FOR FURTHER INFORMATION CONTACT: Comments on the request may be mailed or delivered to the FAA at the following address: Katherine Kennedy, Federal Aviation Administration, San Francisco Airports District Office, Federal Register Comment, 1000 Marina Boulevard, Suite 220, Brisbane, CA 94005–1835, telephone (650) 827–7611, facsimile (650) 817–7634. In addition, one copy of the comment submitted to the FAA must be mailed or delivered Mr. Philip M. D'Acri, Real Property Manager, County of San Luis Obispo Central Services Department, San Luis Obispo, CA 93408, telephone (805) 781–5206, facsimile (805) 781–1364.

SUPPLEMENTARY INFORMATION: In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 106–181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary may waive any condition imposed on a federally obligated airport by surplus property conveyance deeds or grant agreements.

Following is a brief overview of the request:

The County of San Luis Obispo, California, the owner and operator of the San Luis Obispo Airport, requested a release from grant assurance obligations for approximately 27,443 square feet (approximately 0.63 acres) of airport property. The property was acquired with local funds in 1991 for runway approach protection. However, in 2007, the Runway 7–25 threshold was shifted to the west side of Runway 11–29. After this shift, the property was no longer necessary for approach protection.

Due to the property's landlocked location and current condition, it has not been used for aeronautical purposes. A major highway (HWY 227) separates the property from the rest of the airport. Because the property lacks direct ingress and egress, attempts to lease the property have been unsuccessful. This non-contiguous property continues to remain unused and unimproved. This portion of land is not suitable for future airport development and is identified on the airport's FAA-approved Airport Layout Plan for future disposal. Release and sale of the land would not negatively impact airport operations.

The sales price would be based on an appraised market value. Sale proceeds would be deposited in the airport account to be solely expended for the capital and operating costs of the San Luis Obispo Airport, thereby serving the interests of civil aviation.

Issued in Brisbane, California, on June 21, 2018.

Patrick Magnotta,

Acting Manager, San Francisco Airports District Office, Western-Pacific Region.

[FR Doc. 2018–13839 Filed 6–26–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2001–10660]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that on May 29, 2018, BNSF Railway (BNSF) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 218. FRA assigned the petition Docket Number FRA–2001–10660.

FRA granted BNSF a waiver of certain provisions of 49 CFR part 218 on May 6, 2002. Subsequently, FRA extended the waiver in 2007 and 2012. BNSF is currently petitioning for a renewal of this waiver for relief from the requirements in 49 CFR 218.22(c)(5). Specifically, BNSF seeks to permit train crew members, yard crew members, and utility employees to remove and replace batteries in two-way end-of-train (EOT) devices, while the EOT device is in place on the rear of the train to which the individual has been assigned, without establishing any blue signal protection.

In its petition, BNSF states such relief would provide several safety benefits. First, BNSF contends the safety of train service employees and utility employees will be enhanced by reducing the time such employees are performing a safety sensitive task by eighty percent. Second, train service employees and utility employees will lift and handle significantly lighter loads. The ''Smartpack'' batteries currently used by BNSF weigh 10.1 pounds or less as opposed to a PULSE EOT device unit weighing 32–34 pounds.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by August 13, 2018 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2018–13826 Filed 6–26–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Notice of Funding Opportunity for America's Marine Highway Projects

AGENCY: Maritime Administration, DOT.

ACTION: Notice of funding opportunity.

SUMMARY: The Consolidated Appropriations Act, 2018, signed by the President on March 23, 2018, appropriated $7,000,000 to the Short Sea Transportation Program, commonly referred to as the America's Marine Highway Program (AMHP). The purpose of the appropriation is to make grants to previously designated Marine Highway Projects that support the development and expansion of documented vessels, or of port and landside infrastructure. This notice announces the availability of funding for grants and establishes selection criteria and application requirements.

The Secretary of the U.S. Department of Transportation (Department) will award Marine Highway Grants to implement projects or components of projects previously designated by the Secretary of Transportation (Secretary) under AMHP. Only Marine Highway projects designated by the Secretary are eligible for funding as described in this notice.

DATES: Applications must be received by the Maritime Administration by 5 p.m. EDT on October 5, 2018.

ADDRESSES: Grant applications must be submitted electronically using *Grants.gov* (*https://www.grants.gov*). Please be aware that you must complete the *Grants.gov* registration process before submitting your application, and that the registration process usually takes 2 to 4 weeks to complete. Applicants are strongly encouraged to make submissions in advance of the deadline.

FOR FURTHER INFORMATION CONTACT: For further information concerning this Notice, please contact Tori Collins, Office of Ports & Waterways Planning, Room W21–315, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, phone 202–366–0795 or email *Tori.Collins@dot.gov.*

SUPPLEMENTARY INFORMATION: Each section of this Notice contains information and instructions relevant to the application process for these Marine Highway Grants, and all applicants should read this Notice in its entirety so that they have the information they need to submit eligible and competitive applications. Applications received after

the deadline will not be considered except in the case of unforeseen technical difficulties as outlined below in Section D.4.

Table of Contents

A. Program Description
B. Federal Award Information
C. Eligibility Information
D. Application and Submission Information
E. Application Review Information
F. Federal Award Administration Information
G. Federal Awarding Agency Contacts

A. Program Description

Section 55601 of Title 46, United States Code, directs the Secretary to establish a short sea transportation grant program to implement projects or components of designated marine highway projects. The grant funds currently available are for projects related to documented vessels and to port and landside infrastructure.

B. Federal Award Information

The Secretary, through the Maritime Administration (MARAD), intends to award $6,790,000 through grants to the extent that there are qualified applications. MARAD will seek to obtain the maximum benefit from the available funding by awarding grants to as many qualified projects as possible; however, MARAD reserves the right to award all funds to just one project. MARAD may partially fund applications by selecting discrete components of projects. The start date and period of performance for each award will depend on the specific project to which MARAD must agree. MARAD will administer each Marine Highway Grant pursuant to a grant agreement with the Marine Highway Grant recipient.

Recipients of prior Marine Highway Grants in earlier rounds of this program may apply for funding to support additional phases of a designated project. However, to be competitive, the applicant should demonstrate the extent to which the previously funded project phase has met estimated project schedules and budget, as well as the ability to realize the benefits expected for the new award.

C. Eligibility Information

To be selected for a Marine Highway Grant, an applicant must be an Eligible Applicant, and the project must be an Eligible Project.

1. Eligible Applicants

Eligible grant applicants should be the original Project Applicant of a project that the Secretary has previously designated as a Marine Highway Project or a substitute (which can be either a public entity or a private-sector entity who has been referred to the Program Office, with written explanation, as part of the application). Grant applicants must have operations, or administrative areas of responsibility, that are adjacent to or near the relevant designated Marine Highway Project. Eligible grant applicants include State governments (including State departments of transportation), metropolitan planning organizations, port authorities, and tribal governments, or private sector operators of marine highway services within designated Marine Highway Projects.

Project applicants are encouraged to develop coalitions and public/private partnerships, which might include vessel owners and operators; third-party logistics providers; trucking companies; shippers; railroads; port authorities; state, regional, and local transportation planners; environmental organizations; impacted communities; or any combination of entities working in collaboration on a single grant application that can be submitted by the original project applicant or their designated substitute with written referral from the original project applicant. Original project applicants are defined as those public entities named by the Secretary in the original designated project. All successful grant applicants, whether they are public or private entities, must comply with all Federal requirements.

If multiple project applicants submit a joint grant application, they must identify a lead grant applicant as the primary point of contact. Joint grant applications must include a description of the roles and responsibilities of each applicant and must be signed by each applicant. Although we encourage a single award recipient, where circumstances require more than one award recipient, the application must identify the recipients of the award.

2. Cost Sharing or Matching

An applicant must provide at least 20 percent of project costs from non-Federal sources. The application should demonstrate, such as through a letter or other documentation, the sources of these funds. Preference will be given to those projects that provide a larger percentage of costs from non-Federal sources.

3. Other

Eligible Projects

The purpose of this grant program is to create new marine highway services or to expand existing marine highway services. Only projects or their components, including planning studies, that the Secretary has previously designated as Marine Highway Projects are eligible for this round of grant funding, and they must support the development and expansion of documented vessels or of port and landside infrastructure. The current list of designated Marine Highway Projects can be found on the Marine Highway website at: *https://www.marad.dot.gov/wp-content/uploads/pdf/Click-here-for-Marine-Highway-Project-Designations-1.pdf.*

D. Application and Submission Information

1. Address To Request Application Package

Applications may be found at and must be submitted through *Grants.gov*. Applications must include the Standard Form 424 (Application for Federal Assistance), which is available on the *Grants.gov* website at *https://www.grants.gov/web/grants/forms/sf-424-family.html.*

2. Content and Form of Application Submission

In addition to the SF–424, the application should include all the information requested below. MARAD reserves the right to ask any applicant for supplemental data but expects applications to be complete upon submission. Incomplete applications may not be considered for award. Applicants are strongly encouraged to provide quantitative information, including baseline information, that demonstrates the project's merits and economic viability.

a. *Length of Application.* The narrative portion of the application should be in the standard academic format (*i.e.,* 12 pt. font, double-spaced) and must not exceed ten pages. Documentation supporting assertions made in the narrative portion must also be provided but should be limited to relevant information. Website links to supporting documentation may be provided instead of copies of these materials, though it is important to ensure that the website links are currently active and working. At the applicant's discretion, relevant materials provided previously in support of a Marine Highway Project application may be referenced, updated, or described as unchanged. To the extent referenced, this information need not be resubmitted in support of a Marine Highway Grant application.

b. *First Page of Application Narrative.* The first page of the narrative portion of

the application should provide the following items of information:

(i) Marine Highway Project name (as stated on the Marine Highway Program's list of Designated Projects);

(ii) Primary point of contact for applicant;

(iii) Total amount of the project cost in dollars and the amount of grant funds the applicant is seeking, along with sources and share of matching funds;

(iv) Summary statement of how the grant funding will be applied;

(v) Project parties; and

(vi) Unique Entity Identifier (*e.g.,* DUNS) number. Recipients of Marine Highway Grants and their first-tier sub-awardees must have Unique Entity Identifier numbers (*https://fedgov.dnb.com/webform*) and current registrations in the System for Award Management (*https://www.SAM.gov*).

c. *Contact Information.* An application must include the name, phone number, email address, and business address of the primary point of contact for the applicant. MARAD will use this information to inform applicants of our decision regarding selection of grant recipients, as well as to contact them if we need additional or supplemental information regarding an application.

d. *Grant Funds and Sources and Uses of Project Funds.* An application should include specific information about the amount of grant funding requested, sources and uses of all project funds, total project costs, the percentage of project costs that would be paid with Marine Highway Grant funds as well as from other Federal sources, and the identity and percentage shares of all parties providing funds for the project.

e. *National Environmental Policy Act (NEPA) Requirement.* Projects selected for grant award must comply with NEPA and any other applicable environmental laws. If the environmental review process is underway but not complete at the time of the application, the application must detail where the project is in the process, indicate the anticipated date of completion, and provide a website link or other reference to copies of any environmental documents prepared.

f. *Other Federal, State, and Local Actions.* An application must indicate whether the proposed project is likely to require actions by other agencies (*e.g.,* permits or Buy America waivers), indicate the status of such actions, provide a website link or other reference to materials submitted to the other agencies, and demonstrate compliance with other Federal, state, or local regulations and permits as applicable.

g. *Certification Requirements.* For an application to be considered for a grant award, the Chief Executive Officer, or equivalent, of the applicant is required to certify, in writing, the following:

(i) That, except as noted in this grant application, nothing has changed from the original application for formal designation as a Marine Highway Project; and

(ii) The grant applicant will administer the project and any funds received will be spent efficiently and effectively; and

(iii) The grant applicant will provide information, data, and reports as required.

h. *Protection of Confidential Commercial Information.* Applicants should submit, as part of or in support of an application, publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards to the extent possible. If the application includes information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission contains ''Confidential Commercial Information (CCI)''; (2) mark each affected page ''CCI''; and (3) highlight or otherwise denote the CCI portions. MARAD will protect such information from disclosure to the extent allowed under applicable law. In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

i. *Additional Application Information Needed From Private-Sector Applicants:*

(i) Written referral from the original successful project applicant stating that the private entity has been referred by the original project applicant for the relevant designated Marine Highway Project.

(ii) A description of the entity including (A) location of the headquarters; (B) a description of the company assets (tugs, barges, etc.); (C) years in operation; (D) ownership; (E) customer base; and (F) website address, if any.

(iii) Unique entity identifier of parent company (when applicable): Data Universal Numbering System (DUNS + 4 number) (when applicable).

(iv) The most recent year-end audited, reviewed or compiled financial statements, prepared by a certified public accountant (CPA), per U.S. generally accepted accounting principles (not tax-based accounting financial statements). If CPA prepared financial statements are not available, provide the most recent financial statement for the entity. Do not provide tax returns.

(v) Statement regarding the relationship between applicants and any parents, subsidiaries or affiliates, if any such entity is going to provide a portion of the match.

(vi) Evidence documenting applicant's ability to make proposed matching requirement (loan agreement, commitment from investors, cash on balance sheet, etc.).

(vii) Pro-forma financial statements reflecting (a) financial condition beginning of period; (b) effect on balance sheet of grant and matching funds (*e.g.,* a decrease in cash or increase in debt, additional equity and an increase in fixed assets); and (c) impact on company's projected financial condition (balance sheet) of completion of project, showing that company will have sufficient financial resources to remain in business.

(viii) Statement whether during the past five years, the applicant or any predecessor or related company has been in bankruptcy or in reorganization under Chapter 11 of the Bankruptcy Code, or in any insolvency or reorganization proceedings, and whether any substantial property of the applicant or any predecessor or related company has been acquired in any such proceeding or has been subject to foreclosure or receivership during such period. If so, give details.

(ix) Additional information may be requested as deemed necessary by the Maritime Administration to facilitate and complete its review of the application. If such information is not provided, the Maritime Administration may deem the application incomplete and cease processing it.

(x) Company Officer's certification of each of the following:

1. That the company operates in the geographic location of the designated Marine Highway Project;

2. That the applicant has the authority to carry out the proposed project:

3. That the applicant has not, and will not make any prohibited payments out of the requested grant, in accordance with the Department of Transportation's regulation restricting lobbying, 49 CFR part 20.

3. Unique Entity Identifier and System for Award Management (SAM)

MARAD will not make an award to an applicant until the applicant has complied with all applicable Unique

Entity Identifier and SAM requirements. Each applicant must be registered in SAM before applying, provide a valid Unique Entity Identifier number in its application, and maintain an active SAM registration with current information throughout the period of the award. Applicants may register with the SAM at *www.SAM.gov.* Applicants can obtain a Unique Entity Identifier number at *http://fedgov.dnb.com/webform.* If an applicant has not fully complied with the requirements by the time MARAD is ready to make an award, MARAD may determine that the applicant is not qualified to receive a Federal award under this program.

4. Submission Dates and Times

Applications must be received by 5 p.m. EDT on October 5, 2018. Late applications that are the result of failure to register or comply with *Grants.gov* application requirements in a timely manner will not be considered. Applicants experiencing technical issues with *Grants.gov* that are beyond the applicant's control must contact *MH@dot.gov* or Tim Pickering at 202–366–0704 prior to the deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide: (1) Details of the technical issue experienced; (2) screen capture(s) of the technical issue experienced along with the corresponding ''Grant tracking number'' that is provided via *Grants.gov*; (3) the ''Legal Name'' for the applicant that was provided in the SF–424; (4) the name and contact information for the person to be contacted on matters involving submission that is included on the SF–424; (5) the Unique Entity Identifier number (*e.g.,* DUNS) associated with the application; and (6) the *Grants.gov* Help Desk Tracking Number.

5. Funding Restrictions

MARAD will not allow reimbursement of any pre-Federal award costs that may have been incurred by an applicant.

Grant funds may only be used for the purposes described in 46 U.S.C. 55601(b)(1) and (3) and may not be used as an operating subsidy.

6. Other Submission Requirements

Grant applications must be submitted electronically using *Grants.gov https://www.grants.gov).*

E. Application Review Information

1. Selection Criteria

When reviewing grant applications, MARAD will consider how the proposed service could satisfy, in whole or in part, 46 U.S.C. 55601(b)(1) and (3) and any of the following criteria found at 46 U.S.C. 55601(g)(2)(B):

(i) The project is financially viable;

(ii) The funds received will be spent efficiently and effectively; and

(iii) A market exists for the services of the proposed project as evidenced by contracts or written statements of intent from potential customers.

After applying the above preferences, MARAD will consider the following key Departmental objectives:

(A) Supporting economic vitality at the national and regional level;

(B) Utilizing alternative funding sources and innovative financing models to attract non-Federal sources of infrastructure investment;

(C) Accounting for the life-cycle costs of the project to promote the state of good repair;

(D) Using innovative approaches to improve safety and expedite project delivery; and,

(E) Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

In awarding grants under the program, MARAD will give preference to those projects or components that present the most financially viable marine highway transportation services and require the lowest total percentage Federal share of the costs. MARAD will also give special consideration to projects which emphasize improved infrastructure condition, or facilitate economic or competitiveness in rural areas.

2. Review and Selection Process

Upon receipt, MARAD will evaluate the application using the criteria outlined above. Upon completion of the technical review, MARAD will forward the applications to a Department inter-agency review team (Intermodal Review Team). The Intermodal Review Team will include members of MARAD, other Operating Administrations, and representatives from the Office of the Secretary of Transportation. The Intermodal Review Team will assign ratings of ''highly recommended,'' ''recommended,'' ''not recommended,'' ''incomplete,'' or ''not eligible'' for each application based on the criteria set forth above. The Intermodal Review Team will provide their findings to the Program Office. The Program Office will use those findings to inform the recommendations that will be made to the Maritime Administrator and the Secretary.

3. FAPIIS Check

The Maritime Administration is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. The Maritime Administration will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notices

Following the evaluation outlined in Section E, we will announce the selected grant award recipients on the MARAD website (*https://www.marad.dot.gov*).

2. Administrative and National Policy Requirements

All awards must be administered pursuant to the ''Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards'' found at 2 CFR part 200, as adopted by the Department at 2 CFR part 1201. Additionally, all applicable Federal laws and regulations will apply to projects that receive Marine Highway Grants. The period following award that a project is expected to expend grant funds and start construction, acquisition, or procurement will be considered on a case-by-case basis and will be specified in the project-specific grant agreement. We reserve the right to revoke any award of Marine Highway Grant funds and to award such funds to another project to the extent that such funds are not expended in a timely or acceptable manner and in accordance with the project schedule. Federal wage rate requirements included at 40 U.S.C. 3141–3148 apply to all projects receiving funds under this program and apply to all parts of the project, whether funded with other Federal funds or non-Federal funds.

3. Reporting

Award recipients are required to submit quarterly reports, signed by an officer of the recipient, to the Program Office to keep MARAD informed of all

activities during the reporting period. The reports will indicate progress made, planned activities for the next period, and a listing of any purchases made with grant funds during the reporting period. In addition, the report will include an explanation of any deviation from the projected budget and timeline. Quarterly status reports will also contain, at a minimum, the following: (1) A statement as to whether the award recipient has used the grant funds consistent with the terms contemplated in the grant agreement; (2) if applicable, a description of the budgeted activities not procured by recipient; (3) if applicable, the rationale for recipient's failure to execute the budgeted activities; (4) if applicable, an explanation as to how and when recipient intends to accomplish the purposes of the grant agreement; and (5) a budget summary showing funds expended since commencement, anticipated expenditures for the next reporting period, and expenditures compared to overall budget.

For all non-planning grants, grant award recipients will also collect information and report on the project's observed performance with respect to the relevant long-term outcomes that are expected to be achieved through the project. Performance indicators will not include formal goals or targets, but will include observed measures under baseline (pre-project) as well as post-implementation outcomes for an agreed-upon timeline, and will be used to evaluate and compare projects and monitor the results that grant funds achieve to the intended long-term outcomes of the AMHP. Performance reporting continues for several years after project construction is completed, and MARAD does not provide America's Marine Highway funding specifically for performance reporting.

4. Requirements for Domestic Content (''Buy American,'' ''Buy America,'' and ''Cargo Preference'')

Consistent with the requirements of section 410 of Title IV of Division L, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2018, of the Consolidated Appropriations Act, 2018 (Pub. L. 115–141), the Buy American requirements of Chapter 83 of Title 41 U.S.C. apply to funds made available under this Notice of Funding Opportunity. Depending on other funding streams, the project may be subject to ''Buy America'' requirements. If a project intends to use any product with foreign content or of foreign origin, this information should be listed and addressed in the application. If certain foreign content is granted an exception or waiver from Buy American or Buy America requirements, a Cargo Preference requirement may apply. Applications should expressly address how the applicant plans to comply with domestic-preference requirements and whether there are any potential foreign-content issues with their proposed project. In accord with the Executive Order 13788, applications that use grant funds for domestic-content purchases will be viewed favorably.

G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact Tori Collins, Office of Ports & Waterways Planning, Room W21–315, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, phone 202–366–0795 or email *Tori.Collins@dot.gov.* To ensure applicants receive accurate information about eligibility, the program, or in response to other questions, applicants are encouraged to contact MARAD directly, rather than through intermediaries or third parties.

* * * * *

Dated: June 22, 2018.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–13798 Filed 6–26–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0063; Notice 2; Docket No. NHTSA–2017–0065; Notice 2]

Autocar Industries, LLC and Autocar, LLC, Grant of Petitions for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petitions.

SUMMARY: Autocar Industries, LLC and Autocar, LLC (collectively referred to as ''Autocar''), have determined that certain model year (MY) 2014–2018 Autocar Xspotter and Xpeditor trucks do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 101, *Controls and Displays.* Autocar filed noncompliance reports dated June 12, 2017; June 14, 2017; and later revised one of their reports on August 29, 2017. Autocar also submitted two petitions to NHTSA on June 19, 2017, and submitted supplemental petitions on August 29, 2017, for a decision that the subject noncompliance, present in each model, is inconsequential as it relates to motor vehicle safety.

FOR FURTHER INFORMATION CONTACT: Joshua Campbell, Office of Vehicle Safety Compliance, NHTSA, telephone (202) 366–5307, facsimile (202) 366–3081.

SUPPLEMENTARY INFORMATION:

I. Overview

Autocar has determined that certain MY 2014–2018 Autocar Xspotter and Xpeditor trucks do not fully comply with Table 2 of FMVSS No. 101, *Controls and Displays* (49 CFR 571.101). Autocar filed noncompliance reports dated June 12, 2017; June 14, 2017; and later revised one of their reports on August 29, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Autocar also submitted two petitions to NHTSA on June 19, 2017, and submitted supplemental petitions on August 29, 2017, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556.

Notices of receipt of the petitions were published with a 30-day public comment period, on August 16, 2017, in the **Federal Register** (82 FR 38995) and (82 FR 38999). No comments were received.

II. Vehicles Involved

Approximately 644 MY 2014–2018 Autocar Xspotter trucks, manufactured between September 12, 2013 and August 4, 2017, and approximately 5,545 MY 2014–2018 Autocar Xpeditor trucks, manufactured between September 3, 2013, and June 2, 2017, are potentially involved.

III. Noncompliance

Autocar explains that the noncompliance is that the low brake air pressure telltale for air brake systems displays the word ''BRAKE PRESSURE'' along with a symbol specified in Canadian Motor Vehicle Safety Standard (CMVSS) 101 rather than the words ''Brake Air'' as specified in Table 2 of FMVSS No. 101. Autocar states that the telltale is accompanied by an audible alert and pressure gauges.

IV. Rule Requirements

Paragraphs S5 and S5.2.1 of FMVSS No. 101, include the requirements relevant to this petition:

- Each passenger car, multipurpose passenger vehicle, truck and bus that is

fitted with a control, a telltale, or an indicator listed in Table 1 or Table 2 must meet the requirements of FMVSS No. 101 for the location, identification, color, and illumination of that control, telltale or indicator.

- Each control, telltale and indicator that is listed in column 1 of Table 1 or Table 2 must be identified by the symbol specified for it in column 2 or the word or abbreviation specified for it in column 3 of Table 1 or Table 2.

V. Summary of Petition

Autocar described the subject noncompliance and stated it believes that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of Autocar's petitions, the company submitted the following arguments:

(a) Autocar notes that the purpose of the low brake air pressure telltale is to alert the driver to a low air condition, consistent with the requirements of FMVSS No. 121, S5.1.5 (warning signal). The words ''BRAKE PRESSURE'' instead of ''Brake Air,'' together with display of the CMVSS required symbol and sounding of an audible alert that occurs inside the subject vehicles would alert the driver to an air pressure issue with the brake system. Once alerted, the driver can check the actual air pressure by reading the primary and secondary air gauges and by observing the contrasting color on the gauges indicating low pressure.

(b) NHTSA stated in a 2005 FMVSS No. 101 rulemaking that the reason for including vehicles over 10,000 pounds GVWR in the application of the standard is that drivers of heavier vehicles need to see and identify their displays, just like drivers of lighter vehicles. See 70 FR 48295, 48298 (Aug. 17, 2005). Drivers of commercial vehicles conduct pre-trip daily inspections. For vehicles with pneumatic brake systems, the in-cab checks of the air-brake warning light and buzzer would familiarize the driver with the specific telltale display and audible warning in the event a low-air condition was to occur during operation.

(c) There are two scenarios when a low brake air pressure condition would exist: a parked vehicle and a moving vehicle. In both conditions, the driver would be alerted to a low-air condition by the following means:

- Red contrasting color of the telltale indicating ''BRAKE PRESSURE''
- Audible alert to the driver as long as the vehicle has low air
- Air pressure gauges for the primary and secondary air reservoirs clearly indicating the level of air pressure in the system
- Red contrasting color on the air gauges indicating pressure below 60 PSI

The functionality of both the parking brake system and the service brake system remains unaffected by using ''BRAKE PRESSURE'' instead of ''Brake Air'' for the telltale in the subject vehicles.

(d) NHTSA Precedents—Autocar notes that NHTSA has previously granted petitions for inconsequential noncompliance for similar brake telltale issues. See Docket No. NHTSA–2012–0004, 78 FR 69931 (November 21, 2013) (grant of petition for Ford Motor Company); Docket No. NHTSA–2014–0046, 79 FR 78559 (December 30, 2014) (grant of petition for Chrysler Group, LLC); and Docket No. NHTSA–2016–0103, 82 **Federal Register** 17084 (April 7, 2017) (grant of petition for Daimler Trucks North America). In all of these instances, the vehicles at issue did not meet the exact requirements listed in FMVSS No. 101, Table 2. The available warnings, however, were deemed sufficient to provide the necessary driver warning. Autocar respectfully suggests that the same is true for the subject vehicles: the red ''BRAKE PRESSURE'' telltale, the audible alert, and the contrasting colors on the air pressure gauges are fully sufficient to warn the driver of a low brake air pressure situation.

Autocar concluded by expressing their belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that NHTSA should grant Autocar's petitions to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120.

Autocar's petitions and all supporting documents are available by logging onto the Federal Docket Management System (FDMS) website at: *https://www.regulations.gov* and following the online search instructions to locate the docket numbers listed in the title of this notice.

VI. NHTSA's Analysis

NHTSA has considered the arguments presented in Autocar's petitions and has determined that the subject noncompliance is inconsequential to motor vehicle safety. NHTSA believes that the subject noncompliance poses no risk to motor vehicle safety because multiple sources of information, as described in the petition and discussed below, are simultaneously activated to warn the driver of a low air condition.

1. When a low air pressure situation exists, for both a parked or moving vehicle, the ''BRAKE PRESSURE'' telltale will activate in red letters with a black background. There are no requirements in FMVSS No. 101 for the color of the telltale, but Autocar's use of red, which is an accepted color representing an urgent condition, provides a definitive indication of a situation that needs attention.

2. Simultaneous to illumination of the ''BRAKE PRESSURE'' telltale is activation of an audible alert, further notifying the operator that a malfunction exists requiring corrective action. Although the alert would not in and of itself identify the problem, a driver would be prompted by the warning tone to heed the telltale (*i.e.,* ''BRAKE PRESSURE'').

3. In a low-pressure situation, the operator is provided additional feedback by the primary and secondary instrument cluster air gauges which are marked with numerical values in PSI units along with red contrasting colors on the gauges during a low-pressure condition.

4. Further, NHTSA agrees with Autocar's contention that the functionality of the parking brake system and the braking performance of the service brake system remain unaffected by use of the telltale wording ''BRAKE PRESSURE'' instead of ''Brake Air'' on the subject vehicles.

5. Lastly, NHTSA believes that, as the affected trucks are predominately used as commercial vehicles with professional drivers, operators will monitor their vehicle's condition and take note of any warning signs and gauge readings to ensure proper functionality of all systems. Autocar states, and the agency agrees, that professional drivers will be familiar with the meaning of telltales and other warnings, and that the feedback provided to the driver in these vehicles if a low brake pressure condition exists would be well understood.

NHTSA concludes that simultaneous activation of the red ''BRAKE PRESSURE'' telltale with a black contrasting background, an audible alert for a low air pressure condition, along with the primary and secondary air gauge indicators, and the reduced drivability of the vehicles under a low air pressure condition, provide adequate notification to the operator that a brake malfunction exists. NHTSA further concludes that the discrepancy with the telltale requirement is unlikely to lead to any misunderstanding since other sources of correct information beyond the ''BRAKE PRESSURE'' telltale are always provided.

VII. NHTSA's Decision

In consideration of the foregoing, NHTSA finds that Autocar has met its burden of persuasion that the FMVSS No. 101 noncompliance is, in each case, inconsequential as it relates to motor vehicle safety. Accordingly, Autocar's petitions are hereby granted, and Autocar is consequently exempted from the obligation to provide notification of, and remedy for, the subject noncompliance in the affected vehicles under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject vehicles that Autocar no longer controlled at the time it determined that the noncompliance existed. However, the granting of these petitions does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Autocar notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Michael A. Cole,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2018–13830 Filed 6–26–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Loans in Areas Having Special Flood Hazards

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC 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 OCC is soliciting comment concerning the renewal of its information collection titled ''Loans in Areas Having Special Flood Hazards.'' The OCC also is giving notice that the information collection has been submitted to OMB for review.

DATES: Comments must be received by July 27, 2018.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0326, 400 7th Street SW, suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0326'' in your comment. In general, the OCC will publish your comment on *www.reginfo.gov* without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0326, U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503 or by email to *oira_submission@omb.eop.gov.*

You may review comments and other related materials that pertain to this information collection [1] following the close of the 30-Day comment period for this notice by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0326'' or ''Loans in Areas Having Special Flood Hazards.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Sharon A. Johnson, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks OMB to extend its approval of the following information collection.

Title: Loans in Areas Having Special Flood Hazards.

OMB Control No.: 1557–0326.

Type of Review: Regular.

Description: This information collection is required to evidence compliance with the requirements of the federal flood insurance statutes with respect to lenders and servicers and set forth in OCC regulations at 12 CFR part 22. These provisions are required by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as amended.[2] The information

[1] On April 3, 2018, the OCC published a 60-Day notice for this information collection.

[2] 42 U.S.C. 4001–4129.

collection requirements in part 22 are as follows:

• *12 CFR 22.5—Escrow Requirements*—With certain exceptions with respect to types of loans and size of institution, national banks and federal savings associations, and their servicers, must escrow flood insurance premiums and fees for all loans secured by properties located in a Special Flood Hazard Area made, increased, extended, or renewed on or after January 1, 2016. Written notice must be provided informing the borrower that the institution is required to escrow all premiums and fees for required flood insurance.

• *12 CFR 22.6—Required Use of Standard Flood Hazard Determination Form*—A national bank or federal savings association must use the Standard Flood Hazard Determination Form developed by FEMA.

• *12 CFR 22.6(b)—Retention of Standard Flood Hazard Determination Form*—A national bank or federal savings association must retain a copy of the completed Standard Flood Hazard Determination Form for the period of time the bank or savings association owns the loan.

• *12 CFR 22.7—Notice of Forced Placement of Flood Insurance*—If a national bank, federal savings association, or its loan servicer determines during the period of time the bank or savings association owns the loan that the property securing the loan is not covered by adequate flood insurance, the national bank, federal savings association, or its loan servicer must notify the borrower that the borrower should obtain adequate flood insurance coverage (forced placement notice). The forced placement notice informs the borrower of the amount of flood insurance to purchase. If the borrower fails to purchase insurance, the bank, savings association, or its servicer must purchase insurance on the borrower's behalf and may charge the borrower for the premiums and fees. The insurance provider must be notified to terminate any insurance purchased by an institution or servicer within 30 days of receipt of confirmation of a borrower's existing flood insurance coverage.

• *12 CFR 22.9—Notice to Borrower and Servicer*—A national bank or federal savings association making, extending, increasing, or renewing a loan secured by property located in a special flood hazard area must provide a notice to the borrower and loan servicer (borrower notice). The borrower notice advises the borrower that the property securing the loan is located in a special flood hazard area and that flood insurance on the property securing the loan is required. Among other things, the borrower notice includes a description of the flood insurance purchase requirements and states that flood insurance is available under the National Flood Insurance Program, where applicable, that flood insurance may be available from private insurance companies, and that federal disaster relief assistance may be available in the event of a declared federal flood disaster.

• *12 CFR 22.9(d) and (e)—Record of Borrower and Servicer Receipt of Notice and Alternate Method of Notice*—A national bank or federal savings association must retain a record of the receipt of the borrower notice by the borrower and the loan servicer for the period of time the bank or savings association owns the loan. In lieu of providing the borrower notice, a national bank or federal savings association may obtain a satisfactory written assurance from a seller or lessor that, within a reasonable time before completion of the sale or lease transaction, the seller or lessor has provided such notice to the purchaser or lessee. The bank or savings association must retain a record of the written assurance from the seller or lessor for the period of time the bank or savings association owns the loan.

• *12 CFR 22.10—Notices to FEMA*—A national bank or federal savings association making, increasing, extending, renewing, selling, or transferring a loan secured by property located in a special flood hazard area must notify the Administrator of FEMA (or FEMA's designee) of the identity of the loan servicer (notice of servicer) and must notify the Administrator of FEMA of any change in the loan servicer (notice of servicer transfer) within 60 days of such change.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 1,550.

Estimated Total Annual Burden: 106,951.

Frequency of Response: On occasion.

The OCC issued a notice for 60 days of comment regarding this collection on April 2, 2018, 83 FR 14314. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC'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 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.

Dated: June 20, 2018.

Karen Solomon,

Acting Senior Deputy Comptroller and Chief Counsel.

[FR Doc. 2018–13745 Filed 6–26–18; 8:45 am]

BILLING CODE 4810–33–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. The IRS is soliciting comments concerning Revenue Procedure 2015–41—Section 482—Allocation of Income and Deductions Among Taxpayers.

DATES: Written comments should be received on or before August 27, 2018 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 Sara Covington, at (202) 317–6038, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Revenue Procedure 2015–41 (Formerly 2006–9)—Section 482—Allocation of Income and Deductions Among Taxpayers.

OMB Number: 1545–1503.

Regulation Project Number: Revenue Procedure 2015–41.

Abstract: This revenue procedure provides guidance on the process of requesting and obtaining advance pricing agreements from the advance pricing agreement and mutual agreement program (''APMA''), to process applications, negotiate agreements, and to verify compliance with agreements and whether agreements require modification.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit; individuals or households.

Estimated Number of Respondents: 390.

Estimated Time per Respondent: 27.9 hours.

Estimated Total Annual Burden Hours: 10,900.

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: June 18, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–13748 Filed 6–26–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 5310 and 6088

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. The IRS is soliciting comments concerning Form 5310, Application for Determination for Terminating Plan, and Form 6088, Distributable Benefits from Employee Pension Benefit Plans.

DATES: Written comments should be received on or before August 27, 2018 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 forms and instructions should be directed to Sara Covington, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or at (202) 317–6038, or through the internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Form 5310, Application for Determination for Terminating Plan, and Form 6088, Distributable Benefits from Employee Pension Benefit Plans.

OMB Number: 1545–0202.

Form Number: Forms 5310 and 6088.

Abstract: Employers who have qualified deferred compensation plans can take an income tax deduction for contributions to their plans. Form 5310 is used to request an IRS determination letter about the plan's qualification status (qualified or non-qualified) under Internal Revenue Code sections 401(a) or 403(a) of a pension. Form 6088 is used by the IRS to analyze an application for a determination letter on the qualification of the plan upon termination.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 40,000.

Estimated Average Time per Response: 42.96 hours.

Estimated Total Annual Burden Hours: 1,718,300.

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: June 18, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–13749 Filed 6–26–18; 8:45 am]

BILLING CODE 4830–01–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 requirements respecting the adoption or change of accounting method; extensions of time to make elections.

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

Title: Requirements Respecting the Adoption or Change of Accounting Method; Extensions of Time to Make Elections.

OMB Number: 1545–1488.

Regulation Project Number: TD 8742.

Abstract: This final regulation provides the procedures for requesting an extension of time to make certain elections, including changes in accounting method and accounting period. In addition, the regulation provides the standards that the IRS will use in determining whether to grant taxpayers extensions of time to make these elections.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, not-for-profit institutions, and farms.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 10 hours.

Estimated Total Annual Burden Hours: 5,000.

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: June 20, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–13750 Filed 6–26–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Fiscal Service Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before July 27, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Bureau of the Fiscal Service (FS)

Title: Schedule of Excess Risks.

OMB Control Number: 1530–0062.

Type of Review: Extension without change of a currently approved collection.

Abstract: Listing of Excess Risks written or assumed by Treasury Certified Companies for compliance with Treasury Regulations to assist in determination of solvency of Certified companies for the benefit of writing Federal surety bonds.

Form: FS Form 285–A.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 5,800.

Title: Implementing Regulations: Government Securities Act of 1986, as amended.

OMB Control Number: 1530–0064.

Type of Review: Revision of a currently approved collection.

Abstract: The regulations require government securities broker and dealers to make and keep certain records concerning their business activities and their holdings of government securities, to submit financial reports, and to make certain disclosures to investors. The regulations also require depository institutions to keep certain records of non-fiduciary custodial holdings of government securities. The regulations and associated collections are fundamental to customer protection and dealer financial responsibility.

Form: G–FIN–4, G–FIN–5, G–405.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 224,592.

Title: Subscription for Purchase and Issue of U.S. Treasury Securities—State and Local Government Series.

OMB Control Number: 1530–0065.

Type of Review: Revision of a currently approved collection.

Abstract: The information is necessary to establish and maintain the accounts for owners of securities of State and Local Government Series.

Form: FS Form 4144 series, 5237, 5238 & 5377.

Affected Public: State and Local Governments.

Estimated Total Annual Burden Hours: 2,578.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: June 21, 2018.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2018–13779 Filed 6–26–18; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple IRS Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before July 27, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: Form 982—Reduction of Tax Attributes Due to Discharge of Indebtedness (and Section 1082 Basis Adjustment).

OMB Control Number: 1545–0046.

Type of Review: Extension without change of a currently approved collection.

Abstract: Internal Revenue Code section 108 allows taxpayers to exclude from gross income amounts attributable to discharge of indebtedness in title 11 cases, insolvency, or qualified farm indebtedness. Code section 1081(b) allows corporations to exclude from gross income amounts attributable to certain transfers of property. The data is used to verify adjustments to basis of property and reduction of tax attributes.

Form: Form 982.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 7,491.

Title: Declaration and Signature for Electronic and Magnetic Media Filing Forms: F–8453–EMP, F–8453–FE, F–8879–EMP and F–8879–F.

OMB Control Number: 1545–0967.

Type of Review: Revision of a currently approved collection.

Abstract: Form 8453–EMP is used to authenticate an electronic return originator (ERO), if any, to transmit by way of third-party.

Form 8453–FE is used to authenticate the electronic Form 1041, U.S. Income Tax Return for Estates and Trusts, authorize the electronic filer to transmit via a third-party transmitter, and authorize an electronic fund withdrawal for payment of federal taxes owed.

Form 8879–EMP is used if a taxpayer and the electronic return originator (ERO) want to use a personal identification number (PIN) to electronically sign an electronic employment tax return.

Form 8879–F is used by an electronic return originator when the fiduciary wants to use a personal identification number to electronically sign an estate's or trust's electronic income tax return, and if applicable consent to electronic funds withdrawal.

Forms: 8879–F, 8453–FE, 8453–EMP, 8879–EMP.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 53,783,747.

Title: PS–27–91 (TD 8442) Procedural Rules for Excise Taxes Currently Reportable on Form 720; PS–8–95 (TD 8685) Deposits of Excise Taxes.

OMB Control Number: 1545–1296.

Type of Review: Extension without change of a currently approved collection.

Abstract: Internal Revenue Code section 6302(c) authorizes the use of Government depositaries for the receipt of taxes imposed under the internal revenue laws. These previously approved regulations provide reporting and recordkeeping requirements related to return, payments, and deposits of tax for excise taxes currently reportable on Form 720.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 242,350.

Title: Revenue Procedure 2000–12, Application Procedures for Qualified Intermediary Status under Section 1441; Final Qualified Intermediary Withholding Agreement.

OMB Control Number: 1545–1597.

Type of Review: Extension without change of a currently approved collection.

Abstract: Previously approved, Revenue Procedure 2000–12 describes application procedures for becoming a qualified intermediary and the requisite agreement that a qualified intermediary must execute with the IRS. The information will be used by the IRS to ensure compliance with the U.S. withholding system under the 1441 regulations (especially proper entitlement to treaty benefits). Revenue Procedure 2003–64 amends Revenue Procedure 2000–12. Revenue Procedure 2014–39 modifies Revenue Procedure 2000–12. Revenue Procedure 2014–47 modifies Revenue Procedure 2003–64.

Form: 15345.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 301,018.

Title: Credits for Affected Disaster Area Employers.

OMB Control Number: 1545–1978.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 5884–A is used to figure the employee retention credit that an eligible employer who conducted an active trade or business in the Hurricane Harvey, Irma, or Maria disaster zones may claim. The credit is equal to 40 percent of qualified wages for each eligible employee (up to a maximum of $6,000 in qualified wages per employee). Public Law 115–63, section 503 was enacted 9–29–17 and is the authorizing statute for this collection.

Form: 5884–A.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 760,000.

Title: TD 9451—Guidance Necessary To Facilitate Business Election Filing; Finalization of Controlled Group Qualification Rules, TD 9759–Limitations on the Importation of Net Built-In Losses.

OMB Control Number: 1545–2019.

Type of Review: Revision of a currently approved collection.

Abstract: This document contains a previously approved final regulation that provides guidance to taxpayers for determining which corporations are included in a controlled group of corporations. REG–161948–05 contains proposed regulations under sections 334(b)(1)(B) and 362(e)(1) of the Internal Revenue Code of 1986 (Code). The proposed regulations apply to certain non-recognition transfers of loss property to corporations that are subject to Federal income tax. The proposed regulations affect the corporations receiving the loss property.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 375,000.

Title: Form 14095—The Health Coverage Tax Credit (HCTC) Reimbursement Request Form.

OMB Control Number: 1545–2152.

Type of Review: Extension without change of a currently approved collection.

Abstract: This form will be used by HCTC participants to request reimbursement for health plan premiums paid prior to the commencement of advance payments.

Form: 14095.

Affected Public: Individuals or households.

Estimated Total Annual Burden Hours: 2,039.

Title: Form 8038–TC—Information Return for Tax Credit Bonds.

OMB Control Number: 1545–2160.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 8038–TC will be used by issuers of qualified tax-exempt credit bonds, including tax credit bonds enacted under the American Recovery and Reinvestment Act of 2009, to capture information required by IRC section 149(e) using a schedule approach. For applicable types of bond issues, filers will use this form instead of Form 8038, Information Return for Tax-Exempt Private Activity Bond Issues.

Form: 8038–TC.

Affected Public: State, Local, and Tribal Governments.

Estimated Total Annual Burden Hours: 20,294.

Title: Offshore Voluntary Disclosure Program (OVDP).

OMB Control Number: 1545–2241.

Type of Review: Revision of a currently approved collection.

Abstract: The information provided on the submission form will be used to assist in timely determination of acceptance into the Voluntary Disclosure Program. Taxpayers with undisclosed foreign accounts or entities should make a voluntary disclosure because it enables them to become compliant, avoid substantial civil penalties and generally eliminate the risk of criminal prosecution, including penalty sections 6651, 6035, 6038, 6046, 6048, 6651, and 6662.

Forms: 14467, 14708, 14654, 14653, 15023.

Affected Public: Individuals or households.

Estimated Total Annual Burden Hours: 863,638.

Title: 2018–2021 IRS Customer Satisfaction Surveys.

OMB Control Number: 1545–2250.

Type of Review: Extension without change of a currently approved collection.

Abstract: Surveys conducted under this clearance are used by the Internal Revenue Service to determine levels of customer satisfaction as well as determining issues that contribute to customer burden. This information will be used to make quality improvements to products and services. Collecting, analyzing, and using customer opinion data is a vital component of IRS's Balanced Measures Approach, as mandated by Internal Revenue Service Reform and Restructuring Act of 1998 and Executive Order 12862.

Form: None.

Affected Public: Individuals or households.

Estimated Total Annual Burden Hours: 35,550.

Title: Form 8904—Credit for Oil and Gas Production from Marginal Wells.

OMB Control Number: 1545–2278.

Type of Review: Extension without change of a currently approved collection.

Abstract: Public Law 108–357, Title III, Subtitle C, section 341(a) has caused IRS to develop a credit for oil and gas production from marginal wells, which is reflected on Form 8904 and its instructions. Tax year 2017 will be the first year Form 8904 and its instructions will be released.

Form: 8904.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 59,200.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: June 21, 2018.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2018–13780 Filed 6–26–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0791]

Agency Information Collection Activity Under OMB Review: Notice of Disagreement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 27, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov*. Please refer to ''OMB Control No. 2900–0791'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 811 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov*. Please refer to ''OMB Control No. 2900–0791'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Notice of Disagreement (VA Form 21–0958).

OMB Control Number: 2900–0791.

Type of Review: Revision of a currently approved collection.

Abstract: Veterans use VA Form 21–0958 to indicate disagreement with a decision issued by a Regional Office (RO) in order to initiate an appeal. This form is the first step in the appeal process.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period

soliciting comments on this collection of information was published at 83 FR 75 on April 18, 2018, page 17223.

Affected Public: Individuals or Households.

Estimated Annual Burden: 36,000 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 144,000.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–13742 Filed 6–26–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0695]

Agency Information Collection Activity Under OMB Review: Application for Reimbursement of Licensing or Certification Test Fees

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before *July 27, 2018.*

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oirasubmission@omb.eop.gov*. Please refer to ''OMB Control No. 2900–0695'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Office of Quality, Privacy and Risk (OQPR), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *Cynthia.Haryey-Pryor@va.gov*.

Please refer to ''OMB Control No. 2900–0695'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Title V of Public Law 110–252.

Title: Application for Reimbursement of Licensing or Certification Test Fees.

OMB Control Number: 2900–0695.

Type of Review: Revision of a currently approved collection.

Abstract: Claimants complete VA Form 22–0803 to request reimbursement of licensing or certification fees paid.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 83 FR 36 on February, 22, 2018, pages 7849 and 7850.

Affected Public: Individuals or Households.

Estimate: Annual Burden: 660 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 2,641.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–13816 Filed 6–26–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0740]

Agency Information Collection Activity: Request for Substitution of Claimant Upon Death of Claimant

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veteran's Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 27, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy Kessinger, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0740'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461–5870.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 5121(a).

Title: Request for Substitution of Claimant Upon Death of Claimant.

OMB Control Number: 2900–0740.

Type of Review: Extension without change of a currently approved collection.

Abstract: The Department of Veterans Affairs (VA), through its Veterans Benefits Administration (VBA), administers an integrated program of benefits and services established by law for veterans, service personnel, and their dependents and/or beneficiaries. Information requested by this form is authorized under the authority of 38 U.S.C. 5121A, Payment of Certain Accrued Benefits Upon Death of a Beneficiary.

VA Form 21P–0847, Application for Request to Substitute Claimant, will be used to allow claimants to request substitution for a claimant who passed away prior to VA processing a claim to

completion. This is only allowed when a claimant dies while a claim or appeal for any benefit under a law administered by the VA is pending. The substitute claimant would be eligible to receive accrued benefits due a deceased claimant under Section 5121(a). The substitute claim must be filed no later than one year after the date of the death of the claimant. By law, VA must have a claimant's or beneficiary's written permission (an ''authorization'') to be a substitute claimant. The claimant or beneficiary may revoke the authorization at any time, except if VA has already acted based on the permission.

Affected Public: Individuals and households.

Estimated Annual Burden: 1,557 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 20,000.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–13817 Filed 6–26–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900—NEW]

Agency Information Collection Activity: Eating Disorders in Veterans: Prevalence, Comorbidity, Risk, and Healthcare Use

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 27, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Brian McCarthy, Office of Regulatory and Administrative Affairs (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *Brian.McCarthy4@va.gov.* Please refer to ''OMB Control No. 2900—NEW'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 615–9241.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C., Part I, Chapter 5, Section 527.

Title: Eating Disorders in Veterans: Prevalence, Comorbidity, Risk, and Healthcare Use.

OMB Control Number: 2900—NEW.

Type of Review: New collection.

Abstract: Eating disorders (EDs), including anorexia nervosa, bulimia nervosa, and binge eating disorder, are deadly conditions that can be difficult to detect and treat. EDs are typically not screened for or treated within the VA healthcare system, possibly because many people believe that since Veterans are mostly male, they are not affected by these disorders. The Department of Defense recently put out a call for grants to investigate EDs in military service members and Veterans, and our proposal is currently under review. Our proposal also aligns with VA Health Services Research & Development funding Priority F (Women's Health) for Investigator-Initiated Research, which emphasizes investigating the unique needs of female Veterans. EDs are an issue for male and female Veterans; however, they disproportionately impact women. Third, our aims address the recommendations of the 2012 Women Veterans Task Force to resolve gaps in serving women Veterans. Further, Legal authority for this data collection is found under 38 U.S.C., Part I, Chapter 5, Section 527 that authorizes the collection of data that will allow measurement and evaluation of the Department of Veterans Affairs Programs, the goal of which is improved health care for Veterans.

Affected Public: Individuals and households.

Estimated Annual Burden:

Risk and Protective Factors for Eating Disorders and Healthcare Use Survey—1,750 hours.

Eating Disorder Examination—480 hours.

Estimated Average Burden per Respondent:

Risk and Protective Factors for Eating Disorders and Healthcare Use Survey—50 minutes.

Eating Disorder Examination—120 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents:

Risk and Protective Factors for Eating Disorders and Healthcare Use Survey—2,100.

Eating Disorder Examination—240.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–13815 Filed 6–26–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0744]

Agency Information Collection Activity Under OMB Review: VBA Call Center Satisfaction Survey

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it

includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 27, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or send through electronic mail to *oira_submission@omb.eop.gov* . Please refer to ''OMB Control No. 2900–0744'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *Cynthia.harvey-pryor@va.gov* . Please refer to ''OMB Control No. 2900–0744'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: The Government Performance and Results Act of 1993, Public Law 103–62, August 3, 1993 and Title 38 U.S.C., subsection 527, Evaluation and Data Collection; 44 U.S.C. 3501–3521.

Title: VBA Call Center Satisfaction Survey.

OMB Control Number: 2900–0744.

Type of Review: Revision of a currently approved collection.

Abstract: VBA maintains a commitment to improve the overall quality of service for Veterans. Feedback from Veterans regarding their recent experience to the VA call centers will provide VBA with three key benefits to: (1) Identify what is most important to Veterans; (2) determine what to do to improve the call center experience; and (3) serve to guide training and/or operational activities aimed at enhancing the quality of service provided to Veterans and active duty personnel.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 83 FR 7949 on April 17, 2018.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,600 hours.

Estimated Average Burden per Respondent: 6 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 36,000.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–13818 Filed 6–26–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0843]

Agency Information Collection Activity: VHA Homeless Programs Project CHALENG (Community Homelessness Assessment, Local Education and Networking Groups) for Veterans

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 27, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0843'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Office of Quality, Privacy and Risk (OQPR), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0843'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 102–405, Public Law 103–446 and Public Law 105–114.

Title: VHA Homeless Programs, Project CHALENG (Community Homelessness Assessment, Local Education and Networking Groups) for Veterans.

OMB Control Number: 2900–0843.

Type of Review: Revision of a currently approved collection.

Abstract: In 1993 the Department of Veterans Affairs (VA) launched Project CHALENG (Community Homelessness Assessment, Local Education and Networking Groups) for Veterans in response to Public Law 102–405 which required VA to make an assessment of the needs of homeless Veterans in coordination with other Federal departments, state and local government agencies, and nongovernmental agencies with experience working with homeless persons. Since 1993, VA has administered a needs assessment in accordance with guidance in Public Law 103–446 and Public Law 105–114.

This collection of information is necessary to ensure that VA and community partners are developing services that are responsive to the needs of local homeless Veterans, in order to end homelessness and prevent new Veterans from experiencing homelessness. Over the years, data from CHALENG has assisted VA in developing new services for Veterans such as the Homeless Veteran Dental Program (HVDP), the expansion of the Department of Housing and Urban Development-VA Supportive Housing (HUD–VASH) Program, the Veterans Justice Programs and Supportive Services for Veteran Families (SSVF). In addition, community organizations use CHALENG data in grant applications to support services for homeless Veterans; grant applications are for VA, other Federal, local government, and community foundation dollars, which maximize community participation in serving homeless Veterans.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 83 FR 12847 on March 23, 2018 pages 12847–12848.

Affected Public: Individuals and households.

Estimated Annual Burden:

Veteran Survey—10–10161—500 hours.
Provider Assessment—10–10162—705 hours.

Estimated Average Burden per Respondent:

Veteran Survey—10–10161—6 minutes.
Provider Assessment—10–10162—9 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents:

Veteran Survey—10–10161—5,000.

Provider Assessment—10–10162—4,700.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–13814 Filed 6–26–18; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 83 Wednesday,
No. 124 June 27, 2018

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 1, 60, 61, et al.
Regulatory Relief: Aviation Training Devices; Pilot Certification, Training, and Pilot Schools; and Other Provisions; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 60, 61, 63, 65, 91, 121, 135, and 141

[Docket No.: FAA–2016–6142; Amdt. Nos. 1–73, 60–6, 61–142, 63–41, 65–58, 91–351, 121–381, 135–140, 141–20]

RIN 2120–AK28

Regulatory Relief: Aviation Training Devices; Pilot Certification, Training, and Pilot Schools; and Other Provisions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rulemaking relieves burdens on pilots seeking to obtain aeronautical experience, training, and certification by increasing the allowed use of aviation training devices. Use of these training devices has proven to be an effective, safe, and affordable means of obtaining pilot experience. This rulemaking also addresses changing technologies by accommodating the use of technically advanced airplanes as an alternative to the use of older complex single engine airplanes for the commercial pilot training and testing requirements. Additionally, this rulemaking broadens the opportunities for military instructor pilots or pilot examiners to obtain civilian ratings based on military experience, expands opportunities for logging pilot time, and removes a burden from sport pilot instructors by permitting them to serve as safety pilots. Finally, this rulemaking includes changes to some of the provisions established in an August 2009 final rule. These actions are necessary to bring the regulations in line with current needs and activities of the general aviation training community and pilots.

DATES: This rule is effective July 27, 2018, except for the amendments to §§ 61.31(e)(2) and (f)(2), 61.129(a)(3)(ii), (b)(3)(ii) and (j), 61.197, 61.199, 61.412, 61.415, 91.109, and appendix D to part 141, which are effective August 27, 2018; the amendments to §§ 61.1 (amendatory instruction 10 revising the definition of ''Pilot time''), 61.39, 61.51(e) and (f), 61.57(c), 61.159(a), (c), (d), (e), and (f), 61.161(c), (d), and (e), 135.99, and 141.5(d) which are effective November 26, 2018; and the amendments to §§ 61.3, 63.3, 63.16, 91.313, 91.1015, 121.383, and 135.95, which are effective December 24, 2018.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see ''How to Obtain Additional Information'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Marcel Bernard, Airmen Certification and Training Branch, Flight Standards Service, Federal Aviation Administration, 55 M Street SE, 8th Floor, Washington, DC 20003–3522; telephone (202) 267–1100; email *marcel.bernard@faa.gov*.

SUPPLEMENTARY INFORMATION:

Contents

List of Abbreviations Frequently Used in This Document
I. Executive Summary
II. Authority for This Rulemaking
III. Discussion of the Final Rule
A. Aviation Training Devices
1. Definition of Aviation Training Device
2. Instructor Requirement When Using a Full Flight Simulator, Flight Training Device, or Aviation Training Device To Complete Instrument Recency Experience
3. Instrument Recency Experience Requirements
B. Second in Command Time in Part 135 Operations
1. Airplane Requirements
2. Part 135 Flight Instructors
3. Logging Requirements
4. Miscellaneous Comments on the SIC PDP
5. Effective Date and Implementation
C. Instrument Recency Experience for SICs Serving in Part 135 Operations
D. Completion of Commercial Pilot Training and Testing in Technically Advanced Airplanes
1. Definition of Technically Advanced Airplane
2. Amendment to Aeronautical Experience Requirement for Commercial Pilots
3. Amendments to Commercial Pilot and Flight Instructor Practical Test Standards
E. Flight Instructors With Instrument Ratings Only
F. Light-Sport Aircraft Pilots and Flight Instructors
1. Sport Pilot Flight Instructor Training Privilege
2. Credit for Training Obtained as a Sport Pilot
G. Pilot School Use of Special Curricula Courses for Renewal of Certificate
H. Temporary Validation of Flightcrew Members' Certificates by Part 119 Certificate Holders Conducting Operations Under Part 121 or 135 and by Fractional Ownership Program Managers Conducting Operations Under Part 91, Subpart K
I. Military Competence for Flight Instructors
J. Use of Aircraft Certificated in the Restricted Category for Pilot Flight Training and Checking
1. Flights Necessary To Accomplish Work Activity Directly Associated With the Special Purpose
2. LODAs for Training and Testing for Certification
3. Economic Burden
4. Operations for Compensation or Hire
5. Exemptions
6. FAA Interpretation of § 91.313
K. Single Pilot Operations of Former Military Airplanes and Other Airplanes With Special Airworthiness Certificates
L. Technical Corrections and Nomenclature Change
IV. Discussion of Effective Dates for Rule Provisions
V. Advisory Circulars and Other Guidance Materials
VI. Section-By-Section Discussion of the Final Rule
VII. Regulatory Notices and Analyses
A. Regulatory Evaluation
B. Regulatory Flexibility Determination
C. International Trade Impact Assessment
D. Unfunded Mandates Assessment
E. Paperwork Reduction Act
F. International Compatibility and Cooperation
G. Environmental Analysis
VIII. Executive Order Determinations
A. Executive Order 13132, Federalism
B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use
C. Executive Order 13609, Promoting International Regulatory Cooperation
D. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs
IX. Additional Information
A. Availability of Rulemaking Documents
B. Small Business Regulatory Enforcement Fairness Act

List of Abbreviations Frequently Used in This Document

AATD—Advanced aviation training device
AC—Advisory Circular
ATD—Aviation training device
ATP—Airline transport pilot
BATD—Basic aviation training device
CFI—Certificated flight instructor
FFS—Full flight simulator
FTD—Flight training device
FSTD—Flight simulation training device
ICAO—International Civil Aviation Organization
IFR—Instrument flight rules
IPC—Instrument proficiency check
LOA—Letter of authorization
LODA—Letter of deviation authority
MFD—Multi-function display
NPRM—Notice of proposed rulemaking
PFD—Primary flight display
PIC—Pilot in command
SIC—Second in command
TAA—Technically advanced airplane
VFR—Visual flight rules

I. Executive Summary

On May 12, 2016, the FAA published a notice of proposed rulemaking (NPRM) titled ''Regulatory Relief: Aviation Training Devices; Pilot Certification, Training, and Pilot Schools; and Other Provisions.'' [1] In the

[1] 81 FR 29720.

NPRM, the FAA proposed amendments to reduce or relieve existing burdens on the general aviation community. Several of the proposed changes resulted from suggestions from the general aviation community through petitions for rulemaking, industry/agency meetings, and requests for legal interpretation. The proposed changes would have increased the use of aviation training devices (ATDs), flight training devices (FTDs), and full flight simulators (FFSs); expanded opportunities for pilots in part 135 operations to log flight time; allowed an alternative to the complex airplane requirement for commercial pilot training; and permitted pilots to credit some of their sport pilot training toward a higher certificate.

Table 1 summarizes the provisions proposed in the NPRM, the changes being made to those provisions in this final rule, the Code of Federal Regulations sections affected, and the total cost savings (benefits) for a 5-year analysis period. All of the provisions in this rule are either relieving or voluntary. For those provisions that are relieving, no person affected is anticipated to incur any costs associated with the relieving nature of the provision. The FAA assumes that as these provisions are relieving, all persons affected will use the provisions as they will be beneficial. For those provisions that are voluntary, persons who wish to use the new provisions will do so only if the benefit they would accrue from their use exceeds any cost they might incur to comply with the new provision.

TABLE 1—SUMMARY OF PROPOSED PROVISIONS AND CHANGES FROM NPRM

Provision	Summary of NPRM provision	Significant changes from NPRM	14 CFR §§ affected	Summary of costs/benefits
Aviation Training Devices				
Instructor requirement when using an FFS, FTD, or ATD to complete instrument recency.	Remove the requirement to have an instructor present when accomplishing flight experience requirements for instrument recency in an FAA-approved FFS, FTD, or ATD.	No longer describes the training devices as ''approved''.	61.51(g)	2016$–$12.5M. PV = Present Value. PV-3%—$11.4M. PV-7%—$10.3M.
Instrument recency experience requirements.	Reduce frequency of instrument recency flight experience accomplished exclusively in ATDs from every two months to every six months. Reduce number of tasks and remove three-hour flight time requirement when accomplishing instrument recency flight experience in ATDs.	Allows any combination of aircraft, FFS, FTD, or ATD to satisfy the instrument recency requirements. No longer describes the training devices as ''approved''.	61.57(c)	2016$–83.1M. PV-3%—$76.1M. PV-7%—68.2M.
Pilot Certification, Training, and Pilot Schools				
Second in command for part 135 operations.	Allow a pilot to log SIC flight time in a multiengine airplane in a part 135 operation that does not require an SIC.	Adds the option to use a single-engine turbine-powered airplane in an approved SIC PDP. No longer requires the PIC to be a part 135 flight instructor. Adds crew pairing requirements to ensure the PIC is qualified and has completed mentoring training. Allows a pilot to log SIC time obtained in part 91 operations conducted in accordance with the certificate holder's OpSpec. Allows pilots to credit SIC time logged under a SIC PDP toward the specific flight time requirements for ATP certification.	61.1; 61.39(a); 61.51(e), (f); 61.159; 61.161(c), (d), (e); 135.99(c), (d).	Minimal Cost Savings—Not Quantified.
Instrument recency experience for SICs serving in Part 135 operations.	Remove the reference to part 61 in § 135.245(a) and add the current instrument experience requirements in § 61.57(c)(1) and (2) to new § 135.245(c).	Allows any combination of aircraft and FSTD to satisfy the SIC instrument recent experience requirements. Includes an option for part 135 SICs to reestablish instrument recency.	135.245	Minimal Cost Savings—Not Quantified.

TABLE 1—SUMMARY OF PROPOSED PROVISIONS AND CHANGES FROM NPRM—Continued

Provision	Summary of NPRM provision	Significant changes from NPRM	14 CFR §§ affected	Summary of costs/benefits
Completion of commercial pilot training and testing in technically advanced airplanes (TAA).	Allow TAA to be used to meet some or all of the currently required 10 hours of training that must be completed in a complex or turbine-powered airplane for the single engine commercial pilot certificate. TAA could be used in combination with, or instead of, a complex or turbine-powered airplane to meet the aeronautical experience requirement and could be used to complete the practical test.	Includes a general definition of TAA in § 61.1, and relocates the TAA requirements from the proposed definition to new § 61.129(j). Revises the proposed requirements for TAAs to accommodate existing and new technology. Allows a person to use any combination of turbine-powered, complex or technically advanced airplanes to satisfy the training requirement. Clarifies that the option to use a TAA applies to all commercial pilot applicants for a single-engine class rating (land and sea). Adds an exception to § 61.31(e) and (f) to allow a competency check under part 135 to meet the requirements for training in complex or high performance airplanes facilitating PIC operations. In Notice N 8900.463, *Use of a Complex Airplane During a Commercial Pilot or Flight Instructor Practical Test,* the FAA implemented a policy change that allows any single engine airplane to be used for the commercial pilot and flight instructor practical tests.	61.1; 61.129(a)(3)(ii), (j); appendix D to part 141 61.31(e) and (f).	2016$–$3.1M. PV-3%—$2.8M. PV-7%—$2.6M.
Flight instructors with instrument ratings only.	Remove the requirement that instrument only instructors have category and class ratings on their flight instructor certificates to provide instrument training.	Requires an instrument only instructor to possess an airplane category multiengine class rating on his or her flight instructor certificate when providing instrument training in a multiengine airplane.	61.195(b), (c)	Minimal Cost Savings—Not Quantified.
Sport pilot flight instructor training privilege.	Allow a sport pilot only instructor to provide training on control and maneuvering solely by reference to the flight instruments (for sport pilot students only).	Allows sport pilot instructors to receive the training required by § 61.412 in an ATD. Allows instrument only instructors to provide the training and endorsement required by § 61.412 to sport pilot instructors.	61.412; 61.415(h); 91.109(c).	Minimal Cost Savings—Not Quantified.
Credit for training obtained as a sport pilot.	Allow a portion of sport pilot training to be credited for certain aeronautical experience requirements for a higher certificate or rating.	Allows all training received from a sport pilot instructor to be credited towards a higher certificate or rating. Allows training received from a sport pilot instructor on the control and maneuvering of an aircraft solely by reference to the instruments to be credited towards a private pilot certificate, provided the sport pilot instructor satisfies § 61.412.	61.99; 61.109(l)	2016$–$14.0M. PV-3%—$13.3M. PV-7%—$12.3M.
Include special curricula courses in renewal of pilot school certificate.	Allow part 141 pilot schools to count FAA approved ''special curricula'' course completions (graduates of these courses) toward certificate renewal requirements.	No changes	141.5(d)	Minimal Cost Savings—Not Quantified.

TABLE 1—SUMMARY OF PROPOSED PROVISIONS AND CHANGES FROM NPRM—Continued

Provision	Summary of NPRM provision	Significant changes from NPRM	14 CFR §§ affected	Summary of costs/benefits
Other Provisions				
Temporary validation of flightcrew members' certificates.	Allow a confirmation document issued by a part 119 certificate holder authorized to conduct operations under part 121 or 135 to serve as a temporary verification of the airman certificate and/or medical certificate during operations within the United States for up to 72 hours.	Adds language to also allow part 91, subpart K program managers to issue temporary verification documents.	61.3; 63.3; 63.16; 91.1015(h); 121.383; 135.95.	Minimal Cost Savings—Not Quantified.
Military competence for Flight Instructors.	Allow the addition of a flight instructor rating based on military competency to ''simultaneously qualify'' for the reinstatement of an expired FAA flight instructor certificate.	Revises reinstatement requirements to accurately reflect the process by which a military instructor pilot acquires an additional aircraft rating qualification. Provides military instructor pilots two options for reinstatement, consistent with the reinstatement requirements for civilian holders of expired flight instructor certificates.	61.197; 61.199	Minimal Cost Savings—Not Quantified.
Restricted Category Aircraft type training and testing allowances.	Allow an operator to request and obtain a letter of deviation authority to conduct training and testing and other directly related activities for employees to obtain a type rating in a restricted category aircraft.	Removes proposed requirement that personnel receiving flight crewmember training in special purpose operations be employed by the operator providing the training. Specifies that relocation flights include delivery and repositioning flights.	91.313	Minimal Cost Savings—Not Quantified.
Single Pilot Operations of Former Military Airplanes and Other Airplanes with Special Airworthiness Certificates.	Allow pilots to operate certain large and turbojet-powered airplanes (specifically former military and some airplanes not type certificated in the standard category) without a pilot who is designated as SIC.	Revised to accommodate the new airplane certification levels adopted in the part 23 final rule.	91.531	Minimal Cost Savings—Not Quantified.

II. Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code (49 U.S.C.). 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 49 U.S.C. 106(f), which establishes the authority of the Administrator to promulgate regulations and rules; 49 U.S.C. 44701(a)(5), which requires the Administrator to promote safe flight of civil aircraft in air commerce by prescribing regulations and setting minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security; and 49 U.S.C. 44703(a), which requires the Administrator to prescribe regulations for the issuance of airman certificates when the Administrator finds, after investigation, that an individual is qualified for, and physically able to perform the duties related to, the position authorized by the certificate.

III. Discussion of the Final Rule

On May 12, 2016, the FAA published a NPRM proposing a variety of provisions intended to provide relief from regulatory burdens to the general aviation community, commercial pilots, military flight instructors, and those using new technology in aviation. The FAA proposed changes in 12 different subject areas to 14 CFR parts 61, 63, 91, 121, 135, and 141.

The FAA received and considered a total of 100 comments to the NPRM. Commenters included 63 individuals, 15 aviation-related companies, and 12 aviation-related organizations. Several commenters provided more than one comment. The majority of commenters supported various proposed provisions, and many recommended changes to the proposed rule language. While there was opposition to some provisions, no commenters opposed the NPRM in its entirety.

Because of the specific nature of each provision, the FAA discusses each provision separately.

A. Aviation Training Devices

This final rule amends the regulations governing the use of aviation training devices (ATDs). As stated in the NPRM,[2] the FAA approves ATDs for use in pilot certification training under the authority provided in 14 CFR 61.4(c). Title 14 of the Code of Federal Regulations (14 CFR) part 60 governs the qualification of flight simulation training devices (FSTD), which include full flight simulators (FFSs) levels A through D and flight training devices (FTDs) levels 4 through 7. As discussed in the following sections, the FAA is: (1) Adding a definition of ATD in § 61.1; (2) removing the requirement for an

[2] 81 FR at 29723.

instructor to be present when a pilot accomplishes his or her instrument recency in an FFS, FTD, or ATD; and (3) amending the regulations to allow pilots to accomplish instrument recency experience in ATDs at the same interval allowed for FFSs and FTDs.

1. Definition of Aviation Training Device

The FAA proposed to define ATD as a training device, other than a FFS or FTD, that has been evaluated, qualified, and approved by the Administrator.[3] The FAA proposed to add this definition to § 61.1 to differentiate ATDs from FFSs and FTDs qualified under part 60 and to establish that an ATD must be evaluated, qualified, and approved by the Administrator to be used to meet aeronautical experience requirements under part 61.

The FAA received 3 comments on the proposed definition of ''aviation training device.''

The Society of Aviation and Flight Educators (SAFE) concurred with the proposal. The Aircraft Owners and Pilots Association (AOPA), however, recommended removing the words ''evaluated'' and ''qualified'' from the proposed definition because they are redundant with ''approved'' and because the FAA may, at times, only need to ''approve'' a previously approved ATD model.

The FAA is retaining the terms ''evaluated'' and ''qualified'' because the evaluation and qualification of an ATD are important parts of the approval process. An ATD is evaluated and qualified before it is approved under § 61.4(c).[4] Evaluating and qualifying ATDs validates their effectiveness for successful training. In response to AOPA's comment regarding previously approved ATD models, the FAA finds that defining an ATD, in part, as ''evaluated, qualified, and approved'' will not adversely affect the use of ATD models that have been previously approved. Unlike FSTD which must be individually qualified under part 60, the FAA has permitted the use of ATDs that have been produced identical to the model evaluated, qualified, and approved utilizing a standard letter of authorization (LOA) for over 12 years. After the FAA provides initial approval of a specific model, that approval covers production of additional identical models by the manufacturer. However, the FAA reserves the right to re-evaluate any ATD used to meet pilot certification or experience requirements.[5] Additional conditions and limitations in the LOAs explain that any changes or modifications made to the ATD that have not been approved in writing by the General Aviation and Commercial Division may terminate the LOA.

An individual commenter asked the FAA to clarify whether the definition eliminates the basic ATD and advanced ATD categories described in Advisory Circular (AC) 61–136. The individual also asked the FAA to update the related guidance and advisory materials with this clarification.

The ATD definition does not eliminate the qualification of an ATD as basic or advanced. The FAA is adding a general definition of ATD to § 61.1 to differentiate ATDs from FFSs and FTDs qualified under part 60 and to establish that an ATD must be evaluated, qualified, and approved by the Administrator. The FAA will continue to provide guidance in AC 61–136, as amended, to qualify an ATD as basic or advanced. Comparatively, the definition in part 1 for a FTD does not delineate qualification levels.[6]

The FAA notes that current regulations in parts 61 and 141 expressly differentiate instrument training time allowances for ''basic'' verses ''advanced'' ATDs.[7] FAA Order 8900.1, Volume 11, Chapter 10, Section 1, *Aviation Training Device* also describes different allowances for basic and advanced ATDs. The FAA provides an LOA for each training device that specifies the level of approval (*i.e.,* basic or advanced) for the ATD and the allowable credits, thereby mitigating any concern about understanding the different allowances.

The FAA is adopting the definition of ATD in § 61.1 as proposed.

In commenting on the ATD definition, AOPA noted that the definition of flight simulation training device (FSTD) is inconsistent between part 1 and part 60. AOPA recommended revising the part 1 definition to conform with the part 60 definition by adding the word ''full'' before ''flight simulator.''

The FAA is adopting AOPA's recommendation, which is consistent with the FAA's proposal to replace the words ''flight simulator'' with the words ''full flight simulator'' wherever they appear in the sections the FAA determined needed to be revised.[8]

2. Instructor Requirement When Using a Full Flight Simulator, Flight Training Device, or Aviation Training Device To Complete Instrument Recency Experience

In the NPRM, the FAA proposed to amend § 61.51(g) by revising paragraph (g)(4) and adding a new paragraph (g)(5) to allow a pilot to accomplish instrument recency experience when using a FFS, FTD, or ATD without an instructor present, provided a logbook or training record is maintained to specify the approved training device, time, and the content as appropriate.[9] Under the proposal, a pilot would still have been required to have an instructor present when using time in a FFS, FTD, or ATD to acquire instrument aeronautical experience for a pilot certificate or rating.

The FAA received 27 comments, 9 from organizations and 18 from individuals. The majority of commenters overwhelmingly supported the proposal noting various benefits, including reduced costs for pilots, less time commitment, reduced airspace use and congestion, increased number of instrument current pilots, and increased pilot proficiency and safety. Several commenters noted how the use of FFSs, FTDs, and ATDs enhances training by allowing more opportunities to practice important skills and experience a variety of approaches, conditions, and equipment failures.

As stated in the NPRM,[10] because instrument recency experience is not training, the FAA no longer believes it is necessary to have an instructor present when instrument recency experience is accomplished in an FSTD

[3] Prior to this final rule, an ATD was defined in FAA guidance but not in the regulations. AC 61–136A defines ATD as a training device, other than a FFS or FTD, that has been evaluated, qualified, and approved by the Administrator. This final rule codifies the definition in § 61.1.

[4] See AC–61–136A, FAA Approval of Aviation Training Devices and Their Use for Training and Experience (November 17, 2014).

[5] See FAA Order 8900.1, Vol. 11, Ch. 10, Sec. 1, Para. 11–10–1–19 Inspector Oversight (explaining how the jurisdictional FSDO may conduct an inspection or surveillance of any FAA-approved ATD located within its geographical area that an owner or operator uses to satisfy experience or training requirements for pilot certificates or ratings).

[6] 14 CFR part 1 defines ''flight training device'' as a replica of aircraft instruments, equipment, panels, and controls in an open flight deck area or an enclosed aircraft cockpit replica. It includes the equipment and computer programs necessary to represent aircraft (or set of aircraft) operations in ground and flight conditions having the full range of capabilities of the systems installed in the device as described in part 60 of the chapter and the qualification performance standard (QPS) for a specific FTD qualification level.

[7] See 14 CFR 61.65(h)(2)(i), 141.41(b), and appendix C to part 141.

[8] 81 FR at 29745.

[9] Prior to this final rule, § 61.51(g)(4) required a pilot accomplishing instrument recency experience in an FFS, FTD, or ATD to have an authorized instructor present to observe the time and sign the pilot's logbook. The FAA notes that a pilot who performs instrument recency in an aircraft, however, is not required to have an instructor present to observe the time.

[10] 81 FR at 29724.

or ATD. The FAA is therefore removing the requirement for an authorized instructor to be present when a pilot accomplishes his or her instrument recency experience in an FFS, FTD, or ATD, as proposed. The FAA is, however, slightly revising the proposed rule language by removing the word ''approved'' because an FFS or FTD used to satisfy § 61.51(g)(5) is qualified, not approved, by the National Simulator Program under part 60.[11] Furthermore, § 61.51(g)(4) retains the requirement for an authorized instructor to be present in an FSTD or ATD when a pilot is logging training time to meet the aeronautical experience requirements for a certificate or rating.[12]

As with instrument recency experience accomplished in an aircraft, § 61.57(c) requires the pilot to log the required tasks in his or her logbook and § 61.51(b) requires certain information to be logged, including the type and identification of the FSTD or ATD.[13] Additionally, § 61.51(g)(5) requires the pilot to maintain a logbook or training record [14] that specifies the training device, time, and content. The FAA therefore emphasizes the importance of clearly documenting in one's logbook the type and identification of the FFS, FTD, or ATD used to maintain recency and a detailed record of the specific tasks completed.[15] For ATDs, the FAA recommends retaining a copy of the FAA Letter of Authorization (LOA) for the ATD used because the LOA contains the type and model of the ATD that must be documented in the pilot's logbook.[16]

The Aircraft Owners and Pilots Association (AOPA), National Air Transportation Association (NATA), Redbird, Society of Aviation and Flight Educators (SAFE), and four individuals, who identified as either pilots or instructors, generally commented that bringing FFS, FTD, and ATD instrument recency requirements in line with the requirements when using an actual aircraft makes sense. These commenters indicated that if a pilot can be trusted to log instrument recency in an aircraft without an instructor present, then he or she should be trusted to do the same in an FFS, FTD, or ATD.

Four commenters expressed concern, however, that there is potential for falsification of logbook entries by pilots if they are not supervised when using an FFS, FTD, or ATD to satisfy instrument recency requirements. To reduce the risk of falsification, one individual recommended that FAA require the simulator to produce a flight track and log all pilot activities and actions during the simulator session. The commenter recommended that the flight school keep this documentation, and the pilot retain a copy of this simulator session to support the logbook entry to satisfy the instrument recency experience requirement.

Because instructor supervision is not required when a pilot satisfies the instrument recency experience in an aircraft,[17] similarly, it should not be required when a pilot satisfies the same instrument recency experience in a FFS, FTD, or ATD. A pilot must perform and log the required tasks regardless of whether the tasks are accomplished in an aircraft, FFS, FTD, or ATD.[18] As several commenters noted, pilots who satisfy the instrument recency experience in an FFS, FTD, or ATD should be trusted in the same fashion as those pilots who satisfy the requirements in an aircraft. While there is a potential for falsification in both scenarios, the FAA finds that the current penalties for falsifying pilot logbooks and records, which include suspension or revocation of one's airman certificate, are a sufficient deterrent to falsifying the logging requirements.[19] The FAA notes that falsifying a logbook entry would also be a criminal violation of 18 U.S.C. 1001.[20] Given the deterrence that is currently in place for the falsification of records, the FAA finds it unnecessary to require instructor supervision when a pilot satisfies the instrument recency experience in an FFS, FTD, or ATD. Furthermore, the FAA is not requiring the FFS, FTD, or ATD to produce a flight track and log pilot activities as proof of performing the required tasks for maintaining instrument recency; nor is the FAA imposing more stringent recordkeeping requirements on the flight schools who own such FFS, FTD, or ATDs or on the pilots who use the FFS, FTD, or ATD to maintain instrument recency. These suggestions are outside the scope of this rulemaking.

American Flyers and several individuals asserted that using an FFS, FTD, or ATD to satisfy instrument recency requirements, particularly without an instructor present, is not comparable to operating an aircraft. The individual commenters noted that with FFSs, FTDs, or ATDs, there is no spatial disorientation, nothing truly unexpected, no other aircraft, no equipment problems, no approach changes, no interaction from air traffic control, no threat to life, and rules can be violated. Two individuals noted that an instructor could introduce some of these variables in an FSTD or ATD. One individual recommended the FAA require a flight instructor to introduce real-world scenarios in an ATD as part of the instrument recency requirements.

The FAA finds that satisfying instrument recency experience requirements in an FFS, FTD or ATD is as beneficial as satisfying the requirements in an aircraft regardless of whether an instructor is present. FFSs, FTDs, and ATDs are specifically designed to allow a person to replicate and execute instrument tasks just as they would in an aircraft. The FAA qualifies FFSs and FTDs under 14 CFR part 60, and the FAA evaluates, qualifies and approves ATDs under the authority provided in 14 CFR 61.4(c) using specific standards and criteria described in AC 61–136 (as amended) as one means of compliance. Additionally, the FAA accomplishes on site functional evaluations of ATDs verifying that they successfully emulate instrument tasks accurately.[21] The FAA further notes that the regulations do not require a pilot to experience the variables mentioned by the commenters

[11] FFSs and FTDs are qualified by the National Simulator Program under part 60. FFSs and FTDs are subsequently approved by a principal operations inspector (POI) or training center program manager (TCPM) for use in a training program. When an FFS or FTD is used outside of a training program, an FFS or FTD is not approved by the FAA; it is only qualified by the National Simulator Program under part 60. Therefore, not all FSTDs used to satisfy § 61.51(g)(5) will be approved. ATDs are approved by letter of authorization from AFS–800, The General Aviation and Commercial Division.

[12] 14 CFR 61.51(g)(4), 61.65, 61.129.

[13] 14 CFR 61.51(b)(1)(iv).

[14] Although recent flight experience is not training, the required maneuvers may be accomplished as part of a training program. As such, the experience may be logged in a training record rather than a logbook.

[15] 14 CFR 61.51(b) and (g)(5). For ATDs, the type and identification of the device will be the manufacturer name and model, which is identified on the LOA for the ATD approval. All qualified FFSs and FTDs will have an FAA identification number.

[16] The FAA notes that FFSs and FTDs are not issued LOAs. Rather, an FFS or FTD is issued a Statement of Qualification (SOQ), which will contain the FAA identification number. 14 CFR 60.15(g). The SOQ must be posted in or adjacent to the FSTD. 14 CFR 60.9(b)(2).

[17] As discussed further in this section, the purpose of the instrument recency experience requirement is to ensure the pilot maintains his or her instrument proficiency by performing and logging the required instrument experience. A pilot who accomplishes instrument recency experience is already instrument-rated. Therefore, the FAA expects pilots accomplishing the instrument recency experience to already be at an acceptable level of proficiency.

[18] 14 CFR 61.57(c)(1).

[19] 14 CFR 61.59.

[20] Sec. 1001 prescribes penalties for falsification offenses.

[21] FAA Order 8900.1, Vol. 11, Ch. 10 Aviation Training Device, Sec. 1 Approval, Oversight, and Authorized Use Under 14 CFR parts 61 and 141.

as part of the required tasks for maintaining instrument recency.[22] The variables identified by the commenters consist of conditions and events that are more specific to training, a practical test, or an instrument proficiency check.

Several commenters, including the Lancair Owners and Builders Organization (LOBO), stated that having an instructor present in the FSS, FTD or ATD improves the pilot's proficiency. A few individuals stated that a pilot may need additional training and not realize it without an instructor present. However, one individual asserted that if a pilot has obtained a certificate after completing the minimum hours with an instructor and remains current, there is no requirement for additional training.

Section 61.57(c) requires a pilot to perform and log minimum tasks to maintain instrument recency; § 61.57(c) does not impose training or proficiency requirements. An instrument-rated pilot has already demonstrated his or her proficiency during a practical test with an examiner. The purpose of the instrument recency experience requirement is to ensure the pilot maintains his or her instrument proficiency by performing and logging the required instrument experience. Therefore, the FAA expects pilots accomplishing the instrument recency experience to already be at an acceptable level of proficiency. The FAA recommends, however, that a pilot seek additional training if he or she is uncomfortable with his or her performance of the required tasks under § 61.57(c).

LOBO recommended requiring pilots to complete an annual instrument proficiency check with an instrument flight instructor.

The FAA requires an instrument proficiency check only when a pilot has failed to meet the recent instrument experience requirements for more than six calendar months.[23] The recommendation to require an instrument proficiency check every year is beyond the scope of this rulemaking and unnecessary if the pilot is maintaining his or her instrument recency in accordance with the regulations.

Two individuals asserted that there is no cost savings when one takes into account the cost of a crash, including the cost of a human life, property damage, and medical treatment for survivors.

For the reasons stated above, the FAA disagrees with the assertion that removing the requirement for an instructor to be present in an FSTD or ATD will result in a decrease in safety. Pilots may accomplish the required tasks under § 61.57(c) in an aircraft in actual instrument conditions without an instructor present. Allowing pilots to accomplish the same tasks in an FSTD or ATD without an instructor present does not reduce the level of safety.

LOBO questioned the accuracy of the FAA's estimates of cost savings, noting that the FAA may be overestimating the number of pilots that use an FFS, FTD, or ATD, to maintain instrument recency. LOBO claimed that although the percentage of pilots who possess instrument ratings is quite high, non-scientific polling by AOPA indicates many of them are not instrument current. LOBO noted that the FAA estimated that removing the requirement for a flight instructor to be present would generate a total savings of $10.6 million (present value), or $2.4 million annually, all other factors remaining the same. Given there has been no polling of the U.S. pilot population for training, experience, etc. by the FAA since 1990, LOBO questioned the accuracy of these estimates.

The Regulatory Evaluation in the NPRM estimated that implementation of this rule provision would result in present value cost savings of $10.6 million over a five-year period at a 7 percent discount rate. Because the FAA does not require pilots to report instrument experience data and capturing such data is difficult if not impossible, the FAA made a conservative estimate of the cost savings. This is a conservative estimate because it reflects that a significant number of pilots do not maintain instrument recency in general. The FAA estimated the number of pilots who might benefit from this rule provision by starting with the total number of instrument rated pilots in the United States as of June 30, 2015. This was 305,976 instrument rated pilots. This number included airline transport pilots (ATPs). However, under § 61.57(e), pilots employed by part 119 certificate holders conducting operations under part 121 or part 135 are excepted from the instrument recency experience requirement in § 61.57(c). As of June 23, 2015, the FAA estimated that 104,424 air carrier pilots were excepted. This left 201,552 instrument rated pilots that could potentially benefit from this rule provision. Of these pilots, the FAA estimated that only approximately 50 percent (100,776) were maintaining their recency. Of this group, the FAA estimated that only 25 percent (25,194) used an FFS, FTD, or ATD for recency and would potentially benefit from this rule provision. At an average instructor rate of $24 per hour for an estimated 4 hours per year, the FAA estimated that it would cost about 2.4 million dollars per year for 25,194 pilots to complete the recency requirement. These estimates indicate that only 12.5 percent of instrument rated pilots (excluding air carrier pilots) would benefit from this rule provision. The FAA finds this to be a reasonably conservative estimate.

Furthermore, FAA notes that LOBO did not provide any alternative estimates, LOBO relied on non-scientific polling from AOPA, and LOBO failed to provide any substantiated statistics. The FAA believes new § 61.51(g)(5) will significantly reduce cost to the public. As described in the NPRM, the FAA believes that new § 61.51(g)(5) will likely increase the public's use of FFSs, FTDs or ATDs and notes that the majority of comments supported this conclusion. Because the FAA is adopting § 61.51(g)(4) and (5) as proposed and no alternative estimates were provided, there will be no change to the NPRM methodology used for this estimate.

As a general matter, the FAA notes that ATDs allow programming and practice of many instrument situations, scenarios, and procedures. The current capabilities of ATDs, FTDs, and FFSs allow an instrument rated pilot to program and successfully practice simulated low visibility weather conditions, multiple approaches in a shorter period of time, emergency procedures, equipment failures, and other various flight scenarios that cannot necessarily be accomplished in an aircraft safely. Allowing the use of ATDs, FTDs and FFSs without the requirement (and therefore the cost) of having an instructor present can result in more pilots being better prepared. This benefit could include executing flight scenarios they may not normally experience when accomplishing instrument recency in an aircraft, or in locations where they do not normally fly, or when practicing emergency procedures that are likely too dangerous to accomplish in an aircraft. This includes the unique capability of practicing identical instrument approach procedures to an airport the pilot may not have otherwise flown to before.

Other than removing the term ''approved'' from the proposed rule language, as explained above, § 61.51(g)(4) and (5) remain unchanged from the proposal.

[22] 14 CFR 61.57.

[23] 14 CFR 61.57(d).

3. Instrument Recency Experience Requirements

In the NPRM, the FAA proposed to amend § 61.57(c) to allow pilots to accomplish instrument experience in ATDs at the same 6-month interval allowed for FFSs and FTDs.[24] Additionally, for pilots who opt to use ATDs exclusively to accomplish instrument recency experience, the FAA proposed to no longer require an additional 3 hours of instrument experience and additional tasks to remain current.[25] The FAA also proposed to allow completion of instrument recency experience in any combination of aircraft, FFS, FTD, or ATD.

Ten commenters, including Redbird, American Flyers, and Eagle Sport, supported the proposal without change noting the anticipated cost savings that may encourage pilots to stay current, the ability for ATDs to enhance skills and improve proficiency, and the simplified rule language that will facilitate compliance.

The Aircraft Owners and Pilots Association (AOPA) and an individual commented that ATDs are much more advanced than they were at the time of the 2009 final rule, and that with these advances, it makes sense to allow the use of ATDs to meet instrument recency requirements in the same manner as with FFSs, FTDs, or aircraft.

As discussed in the NPRM, the FAA believes that the current design and technology of ATDs has advanced and provides a greater opportunity for the advancement of instrument skills and improved proficiency, as well as a wider range of experiences and scenarios, which justifies their increased use in § 61.57(c)(2). This is also reflected in the final rule, ''Aviation Training Device Credit for Pilot Certification,'' published on April 12, 2016,[26] which increased the ATD credit allowances for instrument rating certification requirements.

AOPA, General Aviation Manufacturers Association (GAMA), Society of Aviation and Flight Educators (SAFE), and one individual asked the FAA to revise the proposed rule language to expressly allow a pilot to meet the requirements for instrument recency experience in any combination of aircraft, FFS, FTD, or ATD.

While the FAA stated in the NPRM that a pilot would be permitted to complete instrument recency experience in any combination of aircraft, FFS, FTD, or ATD, the proposed rule would not have expressly allowed this. The FAA is therefore adding language to proposed § 61.57(c)(2) to expressly state that a person may complete the instrument recency experience in any combination of aircraft, FFS, FTD, or ATD. Furthermore, consistent with the changes made in § 61.51(g)(5), the FAA is removing the word ''approved'' from proposed § 61.57(c)(1) because an FFS or FTD used to satisfy § 61.57(c)(1) is qualified, not approved, by the National Simulator Program under part 60.

Two individuals opposed the provision. One individual believed that experience in an ATD cannot replicate that of an actual aircraft because piloting an aircraft involves many unexpected elements and stresses not present in an ATD. The other individual asserted that the instrument recency requirements are bare minimums and do not demonstrate proficiency, and that requiring more flight time would result in fewer accidents.

The FAA disagrees with requiring a pilot to accomplish the instrument recency experience in an aircraft. The FAA has allowed the instrument recency tasks to be accomplished in an FFS, FTD, or ATD since 2009.[27] The FAA did not propose to change the allowance of an ATD to satisfy instrument recency experience. Rather, given the technological advancements that have occurred in ATDs since 2009, the FAA proposed to align ATD use to the 6-month task completion interval and the required tasks consistent with FSTDs and aircraft. As previously explained in section III.A.2. of the preamble, ATDs are specifically designed to allow a person to replicate and execute instrument tasks just as they would in an aircraft. Therefore, the FAA finds that an ATD adequately replicates an aircraft for purposes of maintaining instrument recency. Section 61.57(c) does not require a pilot to experience variables and additional stressors that one may experience in an aircraft to maintain instrument recency. The FAA recognizes the importance of familiarity with these conditions and events; however, they are more attributable to training. An instrument-rated pilot maintaining instrument recency under § 61.57(c) has already accomplished the required instrument training and has already demonstrated his or her proficiency during a practical test with an examiner.

Furthermore, the FAA disagrees with the comment that requiring more flight time in an aircraft will result in fewer accidents. The FAA finds that allowing a pilot to accomplish instrument recency requirements in an ATD or FSTD encourages more pilots to remain instrument current and provides the necessary experience to enable safe operation of an aircraft in instrument meteorological conditions (IMC). As the FAA explained in the final rule, ''Aviation Training Device Credit for Pilot Certification,'' [28] the FAA believes that training in FSTDs and ATDs in combination with training in an aircraft reinforces the necessary pilot skill to rely solely on the flight instruments to successfully operate an aircraft in IMC. This mitigates any reliance on postural senses, sounds, or feelings that can otherwise lead to loss of control. The FAA further described that training devices do not require motion to be approved and that training devices cannot completely train the pilot to ignore certain erroneous sensory perceptions, but pilots develop this skill during the flight portion of their instrument training. Consistent with the final rule, ''Aviation Training Device Credit for Pilot Certification,'' [29] the FAA believes that instrument experience accomplished in ATDs is an effective procedural review and reinforces the necessary skills to properly interpret the aircraft's flight instruments, allowing successful operation of an aircraft in IMC.

The Lancair Owners and Builders Organization (LOBO) asserted that the FAA did not make a safety case to reduce the recency requirements. LOBO believed that the NPRM did not explain how this proposed provision would improve safety, and that to do so, the FAA needs more information, which was not presented. LOBO claimed the FAA should gather data regarding the following: How many instrument pilots are instrument current; how many pilots use an instrument proficiency check to maintain recency; how many pilots use an FFS, FTD, or ATD to maintain instrument recency; how many of those

[24] Prior to this final rule, § 61.57(c)(3) required persons using an ATD to establish instrument experience to complete the required tasks within the preceding 2 calendar months. Persons using an aircraft, FFS, FTD, or a combination, however, were required to establish instrument experience within the preceding 6 calendar months. 14 CFR 61.57(c)(1) and (2).

[25] Prior to this final rule, for persons using an ATD for maintaining instrument experience, § 61.57(c)(3) required an additional 3 hours of instrument experience and two unusual attitude recoveries while in a descending, Vne airspeed condition and two unusual attitude recoveries while in an ascending, stall speed condition.

[26] Final Rule, ''Aviation Training Device Credit for Pilot Certification,'' 81 FR 21449 (Apr. 12, 2016).

[27] Final Rule, ''Pilot, Flight Instructor, and Pilot School Certification,'' 74 FR 42500, 42516–42517 (Aug. 21, 2009) (amending § 61.57(c) to allow the use of aviation training devices, flight simulators, and flight training devices for maintaining instrument recent flight experience).

[28] 81 FR at 21456 (Apr. 12, 2016).

[29] *Id.*

pilots that use an FFS, FTD, or ATD to maintain instrument recency have been involved in an aircraft accident while flying under instrument flight rules; and how many more instrument rated pilots would maintain proficiency if the proposal were implemented. LOBO pointed out that AOPA polling indicates the average general aviation pilot is flying less than 100 hours per year. LOBO indicated that its own data indicates their average member is flying approximately 50 hours per year in a Lancair. Given these statistics, LOBO questioned whether instrument proficiency is possible for pilots who fly so few hours annually. LOBO also questioned whether reducing recency requirements for low activity instrument pilots would affect accident rates. Based on all of these comments, LOBO recommended the FAA research general aviation pilot training and experience, including instrument recency training methods, to better understand the impact on general aviation safety—positive or negative—of the NPRM.

The FAA is aligning the requirements for accomplishing instrument experience in an ATD with the requirements for accomplishing instrument experience in an FSTD or aircraft. Prior to this final rule, a person accomplishing instrument recency experience in an aircraft, FFS, FTD, or a combination, was required to, within the preceding 6 months, have performed: (1) Six instrument approaches; (2) holding procedures and tasks; and (3) intercepting and tracking courses through the use of navigational electronic systems. Persons accomplishing instrument recency experience exclusively in an ATD, however, were required to have performed, within the preceding 2 months, the same tasks and maneuvers listed above plus ''two unusual attitude recoveries while in a descending V_{ne} airspeed condition and two unusual attitude recoveries while in an ascending, stall speed condition'' and a minimum of three hours of instrument recency experience. This final rule amends § 61.57(c) to allow pilots to accomplish instrument experience in ATDs by performing the same tasks required for FSTDs and aircraft, and at the same 6-month interval allowed for FSTDs and aircraft.

While the data sought by LOBO would be useful, it does not currently exist.[30] However, based on the12 years of experience the FAA now has evaluating and approving ATDs and the significant advancements in ATD technology, the FAA has no reason to believe the rule change would result in a decrease in safety. As explained in the NPRM, the FAA imposed more stringent instrument experience requirements on pilots satisfying instrument recency in ATDs because, in 2009, ATDs represented new technology. The FAA finds that significant improvements in current ATD technology have made it possible to allow pilots to use ATDs for instrument recency experience at the same frequency and task level as FSTDs. The FAA believes this rule change is further supported by the recent ATD rule published on April 12, 2016, which recognized ATD capabilities and increased the ATD credit allowances for instrument rating certification requirements. Furthermore, in 2014, the FAA revised AC 61–136A, ''FAA Approval of Aviation Training Devices and Their Use for Training and Experience'' to include stricter approval criteria for ATDs. The FAA also revised FAA Order 8900.1 Volume 11, Chapter 10 ''AVIATION TRAINING DEVICE'', Section 1 ''Approval, Oversight, and Authorized Use Under 14 CFR parts 61 and 141,'' to improve FAA surveillance and oversight for the use of ATDs and to otherwise ensure their proper use. The stricter approval criteria and increased FAA oversight for ATDs ensures they are qualified and capable for pilots to successfully accomplish the instrument tasks described in § 61.57(c)(1).

In response to LOBO's concerns about the proficiency of low activity instrument pilots, as previously stated, instrument-rated pilots have already demonstrated proficiency during their practical test. Instrument proficiency is considered ongoing unless one fails to maintain instrument recency in the previous 12 calendar months. In that scenario, one would be required to complete an instrument proficiency check (IPC) in accordance with § 61.57(d) to exercise instrument rating privileges. While instrument-rated pilots may have a low number of annual flight hours, so long as they are complying with the instrument experience and instrument proficiency check requirements, they may exercise their instrument rating privileges. The FAA did not propose to change these requirements; any change to these requirements in this final rule would be out of scope.

Lastly, the FAA does not find that aligning the instrument experience requirements in an ATD with the instrument experience requirements in an FSTD or aircraft will result in an increased accident rate. Rather, this ATD allowance should lower the accident rate by allowing pilots to regularly practice instrument tasks and maneuvers in a hazard free environment. The FAA believes that new § 61.57(c)(2) will increase the opportunities for pilots to maintain recency, reduce cost, and generally promote maintaining instrument recency.

The Regional Air Cargo Carriers Association (RACCA) provided several recommendations concerning FTDs, including expanding the allowable instrument recency experience, training, and limited checking elements from FFS to include Level 3 and 4 FTDs; allowing credit for circling approaches in Level 3 and 4 FTDs with sophisticated, wide-angle visual systems but no motion system; and expanding the allowable credit in FFSs with the motion system turned off. RACCA further recommended reviewing current FAA FTD and simulator approval protocols to make them simpler and less labor-intensive for the FAA, operators, and contract training providers.

The FAA is not adopting RACCA's recommendations because they are outside the scope of this rulemaking.

As discussed above, the FAA is adding language to the proposed provision to make clear that a person may complete the instrument experience in any combination of an aircraft, FFS, FTD, or ATD. Other than this additional language, § 61.57(c)(2) remains unchanged from the NPRM.

B. Second in Command Time in Part 135 Operations

In the NPRM, the FAA proposed to amend § 135.99 by adding paragraph (c) to allow a certificate holder to receive approval of a second in command (SIC) professional development program (SIC PDP) via operations specifications (Ops Specs) to allow the certificate holder's pilots to log SIC time in operations conducted under part 135 in an airplane or operation that does not otherwise require a SIC.[31] As explained in the NPRM, the FAA believes that a comprehensive SIC PDP will provide

[30] The FAA referenced two studies in the final rule titled ''Aviation Training Device Credit for Pilot Certification,'' which was published on April 12, 2016, that supported the use of simulation for flight training. 81 FR 21449. *See* Kearns, Suzanne ''The Effectiveness of Guided Mental Practice in a Computer-Based Single Pilot Resource Management (SRM) Training,'' Ph.D. Dissertation (Capella University 2007); Carretta, Thomas R., and Dunlap, Ronald D., ''Transfer of Training Effectiveness in Flight Simulation: 1986–1997,'' United States Air Force Research Laboratory (1998).

[31] Prior to this final rule, a person serving as SIC in a part 135 operation could log SIC time only if more than one pilot was required under the type certification of the aircraft or the regulations under which the flight was being conducted. 14 CFR 61.51(f)(2).

opportunities for beneficial flight experience that may not otherwise exist and also provide increased safety in operations for those flights conducted in a multicrew environment. The FAA proposed requirements in § 135.99(c) for certificate holders, airplanes, and flightcrew members during operations conducted under an approved SIC PDP.

The FAA also proposed changes to certain logging requirements to enable the logging of SIC time obtained under a SIC PDP. The FAA proposed to revise § 61.159(c)(1) to contain the requirements for logging SIC pilot time in an operation conducted under part 135 that does not require an SIC by type certification of the aircraft or the regulations under which the flight is being conducted. The FAA proposed to revise the aeronautical experience requirements of §§ 61.159 and 61.161 to allow a pilot to credit SIC time logged under an SIC PDP towards the total time as a pilot requirements. The FAA also proposed to revise the definition of pilot time in § 61.1, the prerequisites for practical test in § 61.39(a)(3), and the logging requirements of § 61.51(f) to reflect the allowance for SICs to log flight time in part 135 operations when not serving as required flightcrew members under the type certificate or the regulations.

Airlines for America (A4A) and two individuals supported the proposed SIC PDP without change. They noted the benefits of mentoring, crew resource management training, and the overall experience gained by accumulating more flight time in a complex environment.

Several commenters suggested changes to proposed §§ 135.99, 61.159 and 61.51, which are discussed below.

1. Airplane Requirements

In the NPRM, proposed § 135.99(c)(2) would have required the aircraft operated under an approved SIC PDP to be a multiengine airplane.

The Aircraft Owners and Pilots Association (AOPA), Baron Aviation Services, National Air Transportation Association (NATA), Regional Air Cargo Carriers Association (RACCA), Tradewind Aviation, and two individuals commented that single-engine turbine-powered airplanes should be included for use in an SIC PDP. These commenters asserted that single-engine turbine-powered airplanes are equal to or more complex than certain multiengine airplanes. These commenters indicated that high performance single engine turbo-propeller airplanes such as the Pilates PC–12, Socata TBM 700, and Cessna Caravan can provide more beneficial flight experience and training for an SIC than other general aviation operations. RACCA, Tradewind Aviation, and one individual explained that these types of airplanes can provide applicable experience using ''glass cockpit'' and flight management systems in real-world IFR, weather, cross-country, and night flight in an airline-like environment.

Further, AOPA, RACCA, and one individual stated the SIC PDP would provide opportunities for pilots to gain flight hours. As proposed, these flight hours could be used toward an airline transport pilot (ATP) certificate. Increasing the types of aircraft permitted to be used for an SIC PDP would provide even more opportunities for this professional growth.

In light of these comments, the FAA is revising proposed § 135.99(c)(2) to allow multiengine airplanes or single-engine turbine-powered airplanes to be used in an approved SIC PDP. In Public Law 111–216, Congress directed the FAA to ensure applicants for an ATP certificate have received flight training, academic training, or operational experience that will prepare the pilot to, among other things, function effectively in a multi-pilot environment, in adverse weather conditions, and during high altitude operations, and to adhere to the highest professional standards. The FAA finds that pilots can obtain the operational experience described in section 217 of Public Law 111–216 using either a multiengine airplane or a single-engine turbine-powered airplane under an approved SIC PDP. The FAA is revising proposed § 135.99(c)(2) accordingly.

The FAA is adopting the proposed requirement for the airplane to have an independent set of controls for the second pilot flightcrew member, which may not include a throwover control wheel. The FAA also notes that the equipment and independent instrumentation requirements for the second pilot in § 135.99(c)(2)(i) through (viii) remain unchanged from the proposal.[32] [33]

[32] A cockpit voice recorder (CVR) is not required for operations conducted under an approved SIC PDP. In accordance with § 135.151, no person may operate a multiengine, turbine-powered airplane or rotorcraft having a passenger seating configuration of six or more and for which two pilots are required by certification or operating rules unless it is equipped with an approved CVR that meets certain requirements. However, the FAA notes that an operation under an approved SIC PDP is not considered an operation for which two pilots are required by operating rules.

[33] The FAA notes that the airplane is still required to comply with the equipment requirements of §§ 135.89 and 135.157, as applicable.

2. Part 135 Flight Instructors

In the NPRM, proposed § 135.99(c)(4) would have required the assigned PIC in an operation conducted under an approved SIC PDP to be an authorized part 135 flight instructor for the certificate holder.

Bemidji Aviation Services, NATA, and RACCA did not support proposed § 135.99(c)(4), asserting that there is no rationale to support the requirement for the PIC to be a qualified part 135 flight instructor. Bemidji noted that training PICs to be flight instructors would be time consuming and of little value because a new SIC under an SIC PDP will be in need of mentoring and real-world experience, rather than the type of training a part 135 flight instructor provides. Bemidji further contended that this requirement indicates that revenue flights are training flights rather than operations as a crew. However, Bemidji stated it would support certain crew pairing requirements. NATA believed that this requirement could limit operators from implementing a SIC PDP. RACCA stated that requiring the PIC to be a part 135 flight instructor is not necessary; however, initial operating experience (OE) under supervision by a flight instructor, additional line checks, or other intermittent quality assurance verifications are appropriate. RACCA stated that it appeared the FAA's intent was, from SIC initial qualification until the SIC was qualified to serve as PIC in part 135, an SIC logging flight time under an SIC PDP would be required to fly with a PIC who was a part 135 flight instructor. RACCA believed that the ''professional development'' element of the SIC PDP needs to be concentrated in the initial training, checking, and OE phases and that once the SIC has successfully completed that portion, he/she can continue to gain experience having completed that part of the program except for a possibility of more frequent quality assurance checks or proficiency checks in operators' programs than otherwise required for SICs in part 135. However, RACCA also stated the SIC flight time in revenue operations under the mentoring and supervision of an experienced part 135 PIC is more directly applicable to further career flying than hours in the following types of operations, which are currently acceptable: VFR flight instruction, pipeline patrol, banner towing, traffic watch flying, and light sport flying. RACCA further asserted that because the SIC PDP is restricted to less risky cargo operations, this requirement only increases complexity and cost without any risk mitigation

benefit.[34] One individual asserted that a low time pilot could benefit under the supervision of a seasoned PIC while receiving real-world experience in a crew environment.

Upon review of these comments submitted by Bemidji, NATA, RACCA, and individuals, the FAA has decided to withdraw the proposed requirement for assigned PICs in a SIC PDP to be qualified part 135 flight instructors. Under this proposed requirement, every operation conducted under an approved SIC PDP would have been required to have a qualified part 135 flight instructor assigned as the PIC. This proposed requirement was intended to create the appropriate training and mentoring environment to enable the proposed SIC PDP to support the Congressional directive and provide an effective method to acquire experience for ATP certification. In the NPRM, the FAA explained that the experience gained from working with and learning from a part 135 flight instructor in a crew configuration would have provided valuable experience. However, commenters suggested alternatives to the requirement for the PIC to be a part 135 flight instructor. Upon review of these suggestions, the FAA has determined that a combination of these alternatives will be an equally effective method to support the Congressional directive while ensuring these SICs are gaining valuable experience for ATP certification.

The FAA agrees with Bemidji, RACCA, and the individual commenter that a new SIC needs mentoring and real-world experience.[35] The FAA finds this objective could be accomplished by requiring the assigned PIC to have a certain amount of experience and mentoring training, rather than requiring him or her to meet the full training and qualification requirements for a part 135 flight instructor.

In new § 135.99(c)(4)(i) and (ii),[36] the FAA is including crew pairing requirements for flights conducted under an SIC PDP. Prior to assignment as a PIC in an operation conducted under an SIC PDP, the PIC must complete mentoring training and have minimum experience at that certificate holder. The mentoring training must include techniques for reinforcing the highest standards of technical performance, airmanship, and professionalism. Part 135 regulations require pilots to complete recurrent training to ensure that pilots remain competent in the performance of their assigned duties. The FAA has previously recognized that the necessary frequency for recurrent training is not the same for all subject areas. The FAA expects that PICs serving in an approved SIC PDP will use mentoring skills regularly and consequently these skills are less susceptible to degradation. Therefore, the FAA has determined that recurrent mentoring training must be completed at least every 36 calendar months. The FAA will include recommended topics for mentoring training in a new Advisory Circular (AC 135–43) on obtaining authorization of an SIC PDP.

As indicated by commenters, mentoring should be provided by an experienced PIC. For mentoring to be effective, the FAA believes that the mentor (*i.e.,* the PIC) must have a minimum level of experience and knowledge of the certificate holder's operations. Therefore, prior to assignment as a PIC in an operation conducted under an SIC PDP, the PIC must have been fully qualified to serve as a PIC for the certificate holder for at least the previous six calendar months. The FAA believes that in six months, the PIC would have conducted numerous flights with various environmental and operational factors which would have allowed the PIC to effectively consolidate his/her knowledge and skills of operations at that certificate holder. Certificate holders should encourage PICs serving in an operation conducted under an SIC PDP to provide observations and comments to be used in the data collection and analysis process.

As proposed in the NPRM, § 135.99(c)(1)(iii) requires the certificate holder with an approved SIC PDP to establish and maintain a data collection and analysis process that will enable the certificate holder and the FAA to determine whether the professional development program is accomplishing its objectives. Regarding RACCA's recommendations for initial OE, additional line checks, or other intermittent quality assurance verifications, the FAA agrees these types of events could be valuable components of an effective data collection and analysis process. In addition to the recommendations from RACCA, there may be other suitable methods to obtain relevant data for the data collection and analysis process. Therefore, the FAA will include RACCA's recommendations in the new Advisory Circular as possible data collection methods. The FAA notes that the data provided to the FAA by the certificate holder may be de-identified. The FAA further notes that records used for the data collection and analysis process will still be subject to record requirements, such as the Pilot Records Improvement Act of 1996 (PRIA).[37]

Lastly, contrary to RACCA's statement, the SIC PDP is not restricted to cargo-only operations. Except as provided in § 135.99(d), any part 135 operator meeting the requirements of § 135.99(c) may voluntarily choose to seek approval of an SIC PDP. Section 135.99(d) prohibits certificate holders who are authorized to operate as a basic operator, single PIC operator, or single pilot operator from obtaining approval to conduct an SIC PDP.[38] Section 135.99(d) remains unchanged from the proposal.

The requirements for certificate holders in §§ 135.99(c)(1)(i), (ii), and (iii) also remain unchanged from the proposal. However, because the FAA is withdrawing the proposed requirement for assigned PICs to be qualified part 135 flight instructors, the FAA is also withdrawing proposed § 135.99(c)(1)(iv), which would have required flight instructor standardization meetings.

The FAA further notes that the requirements for persons serving as SIC in § 135.99(c)(3)(i) through (iv) remain unchanged from the proposal.

3. Logging Requirements

In the NPRM, the FAA proposed to revise § 61.159(c) to set forth the requirements for logging SIC pilot time in a part 135 operation that does not require an SIC by type certification of the aircraft or the regulations under which the flight is being conducted. Proposed § 61.159(c) would have allowed a commercial pilot to log SIC pilot time toward the hours of total time as a pilot required by §§ 61.159(a) and 61.160, provided the SIC pilot time was obtained in part 135 operations conducted under a SIC PDP in accordance with § 135.99 and the PIC certified in the SIC's logbook that the

[34] RACCA's comments on this issue were submitted as to the regulatory evaluation. However, the FAA has included the comments here because they are related to the proposal and not specifically the cost/benefit analysis.

[35] Section 135.99(c)(3) contains the requirements for a pilot serving as SIC under an approved SIC PDP.

[36] Section 135.99(c)(4) contains the requirements for a pilot assigned to serve as PIC under an approved SIC PDP.

[37] 49 U.S.C. 44703(h).

[38] As further explained in the NPRM, these certificate holders—either by regulation or deviation—are not required to develop and maintain manuals that describe the procedures and policies to be used by the flight, ground and maintenance personnel. 14 CFR 135.21. Additionally, these certificate holders are not required to establish and maintain an approved pilot training program under § 135.341 or employ certain management personnel under § 119.69. Because of the limited size and scope of these certificate holders' operations, the FAA does not believe that they would provide the environment necessary to foster an SIC PDP.

SIC pilot time was accomplished under § 61.159(c). The FAA also proposed that the SIC pilot time obtained pursuant to § 61.159(c) may not be logged as PIC time even if the SIC were the sole manipulator of the controls and may not be used to meet the aeronautical experience requirements in § 61.159(a)(1) through (5) (*e.g.,* cross-country flight time, night flight time).

RACCA suggested the FAA allow a pilot to use the time logged under a SIC PDP toward the more specific flight time requirements for ATP certification set forth in § 61.159(a)(1) through (5), instead of only the 1,500 hours of total time as a pilot required by § 61.159(a). RACCA asserted that there is little quantifiable difference in the value of experience between aircraft that require a two pilot crew and aircraft authorized to utilize a two pilot crew in specific circumstances. RACCA further asserted that experience obtained by a properly trained and checked SIC is more directly applicable to IFR complex airplane operations and subsequent career flying than hours in the following types of operations, which are currently acceptable: VFR flight instruction, pipeline patrol, banner towing, traffic watch flying, and light sport flying.

In response to RACCA's comments, the FAA is revising proposed § 61.159(c) to allow pilots to credit time logged under a SIC PDP not only for total time as a pilot, but also toward the specific flight time requirements for ATP certification set forth in § 61.159(a)(1) through (4) (*e.g.,* cross-country flight time, night flight time, flight time in class of airplane, and instrument flight time). Under the proposal, the time logged under a SIC PDP would have counted toward the flight time requirements to serve as a PIC in part 135, which are located in § 135.243. Section 135.243 categorizes the flight time requirements the same as § 61.159(a). Because the SIC time logged under the SIC PDP may be used toward the total time, cross-country time, instrument time, and night time requirements of § 135.243, the FAA finds that it should also count toward the same categories of flight time under § 61.159(a). However, as explained below, the FAA maintains that the PIC flight time requirements in § 61.159(a)(5), including the PIC cross-country flight time and PIC night flight time, must be met as a required pilot flightcrew member.[39]

As proposed, the FAA maintains in the final rule that a SIC logging flight time under § 61.159(c) is not permitted to log this flight time as PIC time even when he or she is the sole manipulator of the controls. If the SIC time were to count toward the requirements of § 61.159(a)(5), a pilot could meet the ATP aeronautical experience requirements and transition to a part 121 SIC position directly from a SIC PDP, without serving as a part 135 PIC—which was not the FAA's intent. As explained in the NPRM, the FAA intended for § 61.159(c) to promote an environment in which a pilot's career follows a progression within part 135 that includes the pilot serving as a PIC in part 135 operations before transitioning to an SIC position in a part 121 operation. The FAA finds that allowing the SIC time to be used only toward the total time as a pilot requirements of § 61.159(a) and the specific flight time requirements of § 61.159(a)(1) through (4) is consistent with the proposal's objective. A pilot may use the time accrued under a SIC PDP to meet the time requirements of § 135.243 to serve as a PIC under part 135; then, as a required flightcrew member in part 135, that pilot may accrue the required PIC airplane time for an ATP certificate before transitioning to a part 121 operation.

Consistent with the changes to proposed § 61.159(c), the FAA is also revising proposed § 61.161(c) to allow pilots to credit time logged under a SIC PDP toward both the total time as a pilot required by § 61.161(a) and the specific flight time requirements for ATP certification set forth in § 61.161(a)(1), (2), and (4) (*e.g.,* cross-country flight time, night flight time, and instrument flight time), except for the specific flight time that must be obtained in a helicopter.

Upon further review, the FAA has decided to also allow SIC flight time to be logged during part 91 flight operations (*e.g.,* repositioning flights) conducted for the certificate holder when the operation is conducted in accordance with the certificate holder's operations specification for the SIC PDP. The FAA has determined that these part 91 flights share similar characteristics to the part 135 flights, such as multi-pilot environment, adverse weather conditions, and high altitude operations. The FAA has determined that if the certificate holder conducts these part 91 flights in a similar manner to its part 135 flights, these part 91 flights can provide beneficial flight experience for the SIC while also increasing safety in these part 91 flights. Furthermore, to log SIC flight time during a part 91 flight operation conducted for the certificate holder under an approved SIC PDP, the requirements of § 135.99(c) must be satisfied. Therefore, the aircraft is still required to have an independent set of controls for the SIC, which may not include a throwover control wheel, and the minimum necessary equipment and independent instrumentation for the second pilot.[40] These equipment and instrumentation requirements ensure that the SIC will be actively engaged as a pilot flying and pilot monitoring in both VFR and IFR conditions while conducting an operation under part 91 for the certificate holder. The flight time and duty period limitations and rest requirements in subpart F of part 135 will also still apply. Additionally, the pilot serving as PIC in a part 91 flight operation under an approved SIC PDP must be qualified and trained in accordance with § 135.99(c)(4). The FAA finds that a pilot may obtain the operational experience described in section 217 of Public Law 111–216 during part 91 flights conducted for a certificate holder when the operation is conducted in accordance with § 135.99(c) and the certificate holder's operations specification for the SIC PDP.

For the reasons discussed above, the FAA is revising the proposed amendments to §§ 61.159(c) and 135.99(c) to allow the logging of SIC flight time in operations conducted under parts 91 and 135,[41] provided the flight operation is conducted in accordance with the certificate holder's operations specification for the SIC PDP.[42] The FAA notes that to ensure the part 91 flights under an SIC PDP are conducted in a similar manner to part 135 flights, the operations specification for the SIC PDP will include specific requirements for these part 91 flights such as use of SOP, operational control, and recordkeeping.

RACCA and AOPA both recommended additional revisions to proposed § 61.159(c)(1). AOPA asserted that the FAA's proposed change to § 61.159(c)(1) eliminates the ability of a required SIC to use logged SIC flight

[39] As proposed, the FAA is revising § 61.159(a)(5) to clarify that to credit SIC time toward the 250 hours of PIC flight time required by paragraph (a)(5), the SIC must be a ''required'' flightcrew member performing the duties of PIC while under the supervision of a PIC. Under a SIC PDP, the SIC is not a required flightcrew member.

[40] 14 CFR 135.99(c)(2).

[41] The FAA is also revising proposed § 61.51(e)(5) and (f)(3) and the definition of ''pilot time'' in § 61.1 to reflect this allowance.

[42] The FAA is adding new § 61.159(c)(2), which requires the flight operation to be conducted in accordance with the certificate holder's operations specification for the second-in-command professional development program. Consequently, proposed paragraph (c)(2) is now paragraph (c)(3), and proposed paragraph (c)(3) is now paragraph (c)(4).

time toward the total time requirement for an ATP certificate in § 61.159(a). RACCA recommended the FAA revise the former language of § 61.159(c)(1)(iii) to ensure a required SIC can log flight time toward the total time requirements for an ATP certificate in § 61.159(a).

Revisions to proposed § 61.159(c)(1) are not needed to allow a required SIC to log flight time toward the requirements for an ATP certificate in § 61.159(a). Section 61.51(a) establishes the requirement for persons to document and record training and aeronautical experience used to meet the requirements for a certificate or rating under part 61. Section 61.51(f)(2) allows a person to log SIC flight time when that person holds the appropriate category, class, and instrument rating and more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is being conducted. Further, § 61.1(b) defines pilot time as including time in which a person serves as a required flightcrew member. Collectively, these regulations allow flight time logged as a required SIC to be used toward the aeronautical experience requirements for an ATP certificate as delineated in § 61.159(a). Therefore, the FAA is not revising proposed § 61.159(c)(1), as recommended by commenters, because the former language in § 61.159(c)(1), which allowed a person to credit SIC flight time toward the total time requirements in § 61.159(a), was redundant and unnecessary.

The FAA notes that proposed § 61.159(c) would have contained logging requirements for both SICs and flight engineers, similar to former § 61.159(c). Upon further reflection, the FAA has decided to restructure § 61.159(c), (d) and (e) for clarity. The FAA is relocating the flight engineer logging requirements, which were formerly in § 61.159(c)(2) and (3), to § 61.159(d). Thus, § 61.159(c) will contain only the SIC logging requirements under the SIC PDP. The FAA is redesignating former § 61.159(d) as § 61.159(e) and former § 61.159(e) as new § 61.159(f).

In addition to proposed § 61.159(c), the FAA proposed to revise the definition of ''pilot time'' in § 61.1 and the logging requirements in § 61.51(f) to reflect the allowances for SICs to log flight time in part 135 operations when not serving as required flightcrew members under the type certificate or regulations. The FAA also proposed to revise § 61.39(a)(3) to require a pilot who has logged flight time under the SIC PDP to present a copy of the records required by § 135.63(a)(4)(vi) and (x) at the time of application for the practical test. Due to the reorganization of proposed § 61.159(c), the FAA is referencing § 61.159(c), instead of § 61.159(c)(1), in the definition of ''pilot time,'' and in §§ 61.51(f)(3) and 61.39(a)(3). Other than updating the cross-reference to § 61.159(c), the definition of ''pilot time'' and the revisions to §§ 61.51(f) and 61.39(a)(3) remain unchanged from the proposal.

The FAA also proposed to revise the logging requirements of § 61.51(e) to allow the part 135 flight instructor serving as PIC in an operation conducted under an approved SIC PDP to log all of the flight time as PIC flight time even when the PIC is not the sole manipulator of the controls. As previously explained, the FAA is withdrawing the proposed requirement that the assigned PIC be a part 135 flight instructor. The FAA is therefore revising proposed § 61.51(e) to reflect the requirements the FAA adopted in § 135.99(c). Accordingly, § 61.51(e)(5) now allows a commercial pilot or airline transport pilot to log all flight time while acting as an assigned PIC of an operation conducted in accordance with an approved SIC PDP that meets the requirements of § 135.99(c).

4. Miscellaneous Comments on the SIC PDP

RACCA noted that the regulatory evaluation accompanying the NPRM stated ''This proposal would provide an additional option for commercial pilots seeking to meet the minimum aeronautical experience requirements for the ATP certificate while also providing a strong foundational experience for a developing professional pilot. For a commercial pilot to utilize this option, an operator would have to meet the additional requirements proposed in the NPRM. Any operators, who chose to do so, would expect their benefits to exceed their costs.'' RACCA believed this statement implies an additional, optional training requirement for the SIC to count flight time under the SIC PDP toward the ATP experience requirements. RACCA noted that there is no requirement for an ATP certificate in part 135 cargo-only operations and therefore additional training for an ATP certificate imposes an economic burden by requiring training not applicable to the operation for which the SIC is being qualified.

Neither the NPRM, nor the regulatory evaluation, proposed to require ATP training for an SIC to be able to log flight time under an SIC PDP. The statement in the regulatory evaluation was referencing the proposed new option for commercial pilots to log flight time under an SIC PDP to meet the minimum experience requirements for the ATP certificate. The proposed requirements for the SIC PDP did not include ATP training. A certificate holder is not required to have an SIC PDP. The FAA emphasizes that an SIC PDP is voluntary and would impose no new requirements on certificate holders conducting operations under part 135 if they choose not to seek approval of an SIC PDP. Any certificate holders who choose to have an SIC PDP would expect the benefits of the SIC PDP to exceed their costs of the SIC PDP.

One individual opposed the proposed SIC PDP, indicating the proposal was a money-making scheme that does not consider the negative consequences. This individual cited previous negative experience with non-required pilots in the right seat of the aircraft stating these unqualified non-essential pilots caused distractions for the PIC. Additionally, this commenter did not agree that a non-required SIC should be able to log flight time equal to the PIC unless the type certification requires an SIC.

Without additional information, the FAA cannot address the specific circumstances presented by the individual commenter. However, the SIC PDP requires pilots assigned as a non-required SIC to meet the same training and qualification requirements as a required SIC. More specifically, § 135.99(c)(3) requires the assigned SIC to meet the SIC qualifications in § 135.245, the flight time and duty period limitations and rest requirements in subpart F of part 135, and the crewmember testing and training requirements for SIC in subparts G and H of part 135.[43] The FAA notes that these requirements remain unchanged from the proposal. The FAA concludes that any concerns about unqualified pilots have been alleviated. Additionally, the FAA notes that although these non-required SICs will be able to log SIC flight time under an SIC PDP, there are restrictions. As described in the section on logging flight time, even if the SIC is the sole manipulator of the controls, the SIC cannot log PIC time. Additionally, pilots who use time logged under an SIC PDP to meet the aeronautical experience requirements for an ATP certificate will have a limitation on their certificate indicating that the pilot does not meet the PIC aeronautical experience requirements of the International Civil Aviation Organization (ICAO).

[43] The assigned SIC is also required to meet the hazardous material training requirements in subpart K, if applicable.

5. Effective Date and Implementation

In the NPRM, the FAA proposed that the amendments to §§ 61.39, 61.51(e) and (f), 61.159(a) and (c), 61.161, and 135.99(c) regarding logging flight time as a second in command in part 135 operations would be made effective 180 days after publication of any final rule associated with the NPRM. In the NPRM, the FAA acknowledged that these provisions affect part 119 certificate holders conducting operations under part 135 and will take more coordination and review by both certificate holders and the FAA.

The FAA recognizes, however, that the coordination and review timeframe will vary among certificate holders. Certain certificate holders' manuals and training programs may already include some of the components of an SIC PDP, such as SOP for conducting operations with a two pilot flightcrew, approved SIC training curriculums, and approved CRM training for operations with a two pilot flightcrew. In these instances, the FAA anticipates the development of the remaining components of an SIC PDP to take less time than for certificate holders who must develop all components of an SIC PDP.

Therefore, in the final rule, the amendments to §§ 61.39, 61.51(e) and (f), 61.159(a) and (c), 61.161, and 135.99(c) will be effective 150 days after publication of this final rule. This change in effective date will allow certificate holders and pilots to benefit from these provisions sooner than proposed, provided the certificate holder has developed all components of an SIC PDP and the certificate holder's principal operations inspector (POI) has authorized use of the SIC PDP in the certificate holder's operations specifications. The FAA notes that review and acceptance or approval of the various components of an SIC PDP by the certificate holder's POI is still required prior to authorization in the operations specifications. As such, certificate holders should plan accordingly to allow sufficient time for FAA acceptance or approval.

As previously discussed, § 135.99 allows a certificate holder to obtain authorization of an SIC PDP, which will be granted via a new operations specification (A062). To be eligible for approval of a SIC PDP, a certificate holder must be authorized to conduct IFR operations with a multiengine airplane or a single-engine turbine-powered airplane, that meets the aircraft, equipment, and instrumentation requirements of § 135.99(c)(2). In accordance with §§ 135.323 and 135.325, the certificate holder must submit a revised training program to the POI for approval. The revised training and qualification program must include (1) curricula for SICs that will serve in an SIC PDP, (2) curricula for PICs that will serve in an SIC PDP to include mentoring training and CRM training for two pilot flight crew operations, (3) curricula for flight instructors that will conduct the training of PICs and SICs in an SIC PDP, and (4) curricula for check pilots that will conduct the checking of PICs and SICs in an SIC PDP. In accordance with §§ 135.21 and 135.23, the certificate holder must also submit a revised manual to the POI for acceptance, which must include (1) standard operating procedures for operations with a two pilot flight crew, (2) duties and responsibilities of an SIC, and procedures to comply with the crew pairing requirements of § 135.99. The certificate holder must also submit procedures for the data collection and analysis process required by § 135.99(c)(1)(iii). The POI will review the documentation submitted by the certificate holder. Once the documentation meets the requirements for approval or acceptance, as applicable, the POI may authorize the SIC PDP via a new operations specification. The FAA will be issuing a new Advisory Circular to provide more detailed guidance to certificate holders on obtaining authorization of an SIC PDP.

C. Instrument Recency Experience for SICs Serving in Part 135 Operations

Prior to this final rule, § 135.245(a) required a person serving as second-in-command (SIC) in a part 135 operation conducted under IFR to ''meet the recent instrument experience requirements of part 61.'' The FAA proposed to remove the reference to part 61 in § 135.245(a) and move the current instrument experience requirements in § 61.57(c)(1) and (2) to new § 135.245(c). As explained in the NPRM,[44] it is more appropriate for the express requirement for instrument recency experience to be listed in part 135 rather than by reference to another rule part.

The FAA received comments from two organizations regarding this provision. The Aircraft Owners and Pilots Association (AOPA) and General Aviation Manufacturers Association (GAMA) recommended the FAA revise proposed § 135.245(c) to allow a pilot serving as SIC in a part 135 operation to use a combination of aircraft and FSTD to meet the proposed instrument recency requirements.

The FAA did not intend to foreclose the option of using a combination of aircraft and FSTD to accomplish SIC instrument recent experience requirements. The FAA is adding language to proposed § 135.245(c)(2) to clarify that a combination of aircraft and FSTD may be used.

AOPA also recommended that the FAA withdraw proposed § 135.245(c) and retain the current § 135.245(a) language to enable persons serving as SIC in a part 135 operation under IFR to use ATDs for instrument recency. Because § 61.57(c)(3) and (4) allow the use of ATDs to satisfy instrument recency requirements in part 61, AOPA believed the requirements of current § 135.245(a) may be satisfied by the use of ATDs. AOPA also believed that, rather than eliminating the use of ATDs for SICs serving in part 135, the FAA should add a limitation to specific Letters of Authorization (LOA) if the use of a particular ATD is not appropriate.

As noted in the NPRM, the FAA does not permit the use of ATDs to satisfy flight training, checking, and recency requirements in part 135. In accordance with § 61.4, the Administrator may approve an ATD for specific purposes. The FAA has never issued a LOA authorizing an ATD to be used to meet the qualification requirement of § 135.245.[45] The FAA acknowledges the confusion created by referencing part 61 in § 135.245(a).[46] The reference to ''recent instrument experience requirements of part 61'' in § 135.245 refers to § 61.57(c)(1) and (2) and (d). Therefore, the FAA is clarifying the SIC qualification requirements by including the express requirements of § 61.57(c)(1) and (2) and (d) in § 135.245(c) and (d) and by eliminating the reference to part 61.

AOPA also recommended that the FAA withdraw the proposal in § 135.245(c)(2) for an instructor to be present when a part 135 SIC conducts instrument recency in a FSTD. AOPA noted that, when the FAA modified the instrument recency requirements for part 61 in 2009, the FAA indicated that it did not want to require an instructor to be present when using an approved

[44] NPRM, ''Regulatory Relief: Aviation Training Devices; Pilot Certification, Training, and Pilot Schools; and Other Provisions,'' 81 FR at 29725.

[45] Advisory Circular AC 61–136A, FAA Approval of Aviation Training Devices and Their Use for Training and Experience, explains that the FAA will issue an LOA which will specify the part 61 or part 141 provision(s) for which the specific ATD is approved for use. Further, the AC states that pilots may use ATDs in accordance with the LOA to meet the aeronautical experience requirements of part 61.

[46] *See* Legal Interpretation to Mr. Gerald Naekel from Mr. Donald P. Byrne, Assistant Chief Counsel (June 18, 1991).

training device, but the change was not reflected in the regulatory language.[47] If the FAA's intent had been implemented, AOPA asserted, an instructor would not currently need to be present for a SIC in a part 135 operation to maintain instrument recency in a FSTD. AOPA stated that the FAA has failed to explain why an instructor must be present for SICs in a part 135 operation, but not for all other pilots maintaining compliance with part 61.

The SIC instrument experience requirements were added to part 135 on October 10, 1978, when the FAA published the ''Regulatory Review Program: Air Taxi Operators and Commercial Operations'' final rule, which substantially revised the requirements for operations under part 135.[48] In the final rule, the FAA stated that the primary objective was to upgrade the level of safety by providing passengers traveling on a flight conducted under part 135 with a level of safety comparable to part 121, considering the differences between the operations. Further, the FAA stated that the final rule upgraded training, testing, and proficiency requirements to ensure that passengers on aircraft operated under part 135 are flown by well qualified crewmembers. Specifically, the FAA stated that, ''[s]ection 135.245 not only contributes to raising the level of safety in part 135, but also enhances crewmember qualifications.'' [49] The FAA's position has not changed; operations under part 135 require a higher level of safety than operations under part 91 including a higher level of crewmember qualifications than required under part 61. Consistent with the higher level of safety required for part 135 operations, the FAA is retaining the requirement for an instructor to observe the tasks and iterations conducted in an FSTD. The FAA notes that this requirement has been relocated to § 135.245(c)(2)(iii). However, the FAA is no longer using the term ''authorized instructor'' as proposed in the NPRM. The term ''authorized instructor'' is defined in § 61.1; it is not defined in part 135. Therefore, for consistency with part 135 requirements, the FAA is revising proposed § 135.245(c)(2)(iii) to clarify that the tasks and iterations must be observed by a flight instructor qualified under § 135.338 or a check pilot qualified under § 135.337.

Upon further consideration, the FAA has decided to also include the instrument proficiency check (IPC) requirements of § 61.57(d) in § 135.245. Because a person who fails to satisfy the instrument experience requirements of § 61.57(c) for more than six calendar months may reestablish instrument recency only by completing an IPC in accordance with § 61.57(d), the FAA finds that the reference to ''recent instrument experience requirements of part 61'' in § 135.245 referred to the instrument experience requirements of § 61.57(c)(1) and (2) and the IPC requirements of § 61.57(d). The FAA recognizes that proposed § 135.245 did not include the option to reestablish instrument recency through an IPC. However, the FAA did not intend to eliminate this option for SICs in part 135. The FAA intended only for proposed § 135.245 to list the express requirements for instrument recency rather than reference the requirements of another part. Because the express requirements for instrument recency includes the IPC requirements of § 61.57(d), the FAA is including the IPC requirements in new § 135.245(d). However, to avoid confusion with § 135.297, which contains separate and unique instrument proficiency check requirements for PICs, the FAA is not using the term ''instrument proficiency check'' in § 135.245(d). Instead, the FAA is using the term ''reestablish instrument recency'' for SICs.[50]

The FAA notes that § 135.245(a) and (c)(1) remain unchanged from the proposal.

D. Completion of Commercial Pilot Training and Testing in Technically Advanced Airplanes

Prior to this final rule, a pilot seeking a commercial pilot certificate with an airplane single-engine class rating was required to complete 10 hours of training in either a complex or turbine-powered airplane.[51] In the NPRM, the FAA proposed to add a definition of technically advanced airplane (TAA) to § 61.1 and amend the training requirements to allow a pilot seeking a commercial pilot certificate with an airplane single-engine class rating to complete the 10 hours of training in a TAA instead of a complex or turbine-powered airplane. In addition to these regulatory changes, the FAA proposed to revise the practical test standards for commercial pilot applicants and flight instructor applicants seeking an airplane category single engine class rating to allow the use of a TAA on the practical tests.

The FAA received 35 comments on these proposed changes. Twenty-seven commenters generally supported the proposal. LOBO and 6 individuals did not support the proposal. One individual commenter did not opine, but asked for clarification regarding the definition of TAA. The following sections respond to these comments.

1. Definition of Technically Advanced Airplane

The FAA proposed to define ''technically advanced airplane'' in § 61.1 based on the common and essential components of advanced avionics systems equipped in an airplane, including a primary flight display (PFD), a multifunction flight display (MFD) and an integrated two axis autopilot. The FAA proposed that a TAA must include a PFD that is an electronic display integrating all of the following flight instruments together: An airspeed indicator, turn coordinator, attitude indicator, heading indicator, altimeter, and vertical speed indicator. Additionally, the FAA proposed that an independent MFD must be installed that provides a GPS with moving map navigation system and an integrated two axis autopilot.[52] The proposed definition of TAA would have applied to permanently-installed equipment.

GAMA suggested the FAA work with industry in refining the definition of TAA to ensure that it is appropriately flexible to accommodate future technologies.

The FAA recognizes that the proposed definition would have been too prescriptive. As explained throughout this section, the FAA has revised the proposed language in response to industry's concerns to make it more flexible and accommodating of new technologies. Furthermore, the FAA recognizes that the definition of TAA would have inappropriately embedded requirements, which may have inhibited future technologies from falling under the definition of a TAA.[53] The FAA is

[47] Legal Interpretation to Mr. Terrence K. Keller, Jr. from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (Aug. 6, 2010).

[48] Final Rule, ''Regulatory Review Program: Air Taxi Operators and Commercial Operations,'' 43 FR 46742 (Oct. 10, 1978).

[49] 43 FR at 46773.

[50] Consistent with the technical amendment to § 61.57(d), which is explained in section III.L. of this preamble, the FAA is not using the term ''practical test standards'' in the regulatory text of § 135.245(d). Rather, for the reasons explained in section III.L., the FAA is codifying in § 135.245(d) the areas of operation required to reestablish instrument recency.

[51] 14 CFR 61.129(a)(3)(ii) and appendix D to part 141.

[52] The MFD may also include additional capabilities such as depicting weather, traffic, terrain, navigation aids and airport information, but these capabilities would not have been necessary to meet the proposed definition.

[53] If the FAA were to adopt requirements in the definition of TAA, the FAA would not be able to grant an exemption from those requirements in the

therefore revising the definition of TAA in § 61.1 to contain a more general description of a TAA. TAA is now defined as an airplane equipped with an electronically advanced avionics system. The FAA is relocating the requirements regarding what a TAA must contain to § 61.129 by adding new paragraph (j). The FAA is also adding language to § 61.129(j) to allow the FAA to authorize the use of an airplane that may not otherwise meet the requirements of a TAA. This additional language is intended to provide flexibility by allowing the FAA to accommodate future technologies that do not necessarily meet the confines of the regulatory requirements for a TAA in § 61.129(j).[54]

AOPA stated that the terms ''Primary Flight Display (PFD)'' and ''Multifunction Display (MFD),'' which are not defined anywhere, will cause confusion. AOPA further noted that the same argument applies to removing ''advanced'' from ''electronically advanced avionics system.'' The addition of ''advanced,'' without any clarification, will generate questions over whether a particular system qualifies as advanced or not. AOPA commented that if a particular airplane is equipped with the items in proposed paragraphs (i) and (ii), then the airplane should be considered equipped as a TAA with the appropriate electronic avionics system.

The FAA is retaining the terms ''Primary Flight Display,'' ''Multifunction Display,'' and ''advanced'' in the TAA requirements. The FAA disagrees that the terms PFD and MFD will cause confusion. These terms are currently used and described in several FAA publications that are recognized by the aviation industry, including the Airplane Flying Handbook (FAA–H–8083–3B), the Pilot's Handbook of Aeronautical Knowledge (FAA–H–8083–25), the Aviation Instructors Handbook (FAA–H–8083–9A), the Instrument Flying Handbook (FAA–H–8083–15B), and the FAA/Industry Training Standards (FITS). The Pilot's Handbook of Aeronautical Knowledge defines a PFD and MFD in the glossary. PFD is defined as ''a display that provides increased situational awareness to the pilot by replacing the traditional six instruments used for instrument flight with an easy-to-scan display that provides the horizon, airspeed, altitude, vertical speed, trend, trim, and rate of turn among other key relevant indications.'' MFD is defined as a ''small screen (CRT or LCD) in an aircraft that can be used to display information to the pilot in numerous configurable ways. Often an MFD will be used in concert with a primary flight display.''

The FAA believes the terms PFD and MFD add clarity to the TAA requirements by describing and prioritizing the display features and elements for TAA avionics and their respective functions. For example, the term PFD is specific to the use of the primary flight controls to maintain aircraft attitude and positive control. The PFD is used by the pilot to execute appropriate use of the control stick or yoke for pitch and bank, rudder pedals for yaw, and throttle for engine power. The PFD is designed specific to controlling the aircraft attitude and altitude relative to the horizon and the surface of the earth, especially when outside visibility is poor or unavailable. The MFD has a different priority; its function is secondary to the PFD. The MFD is designed for navigational use and position awareness information, even though it may include some PFD features for redundancy. Furthermore, the FAA is requiring certain minimum display elements for both a PFD and MFD, respectively, thereby clarifying what will be considered a PFD or MFD.

As for the term ''advanced,'' the FAA finds it necessary to describe the avionics system of a TAA as ''advanced'' to differentiate current new glass cockpit aircraft designs from older aircraft that used six independent mechanical dial/analog style flight instruments.

Twin City suggested the FAA clarify whether the MFD requirement may be satisfied by a split-screen display (*e.g.,* Dynon Skyview) or two independent screens (*e.g.,* Garmin G500) contained within a single physical unit. Twin City also asked whether the moving map display of common GPS/WAAS navigators (*e.g.,* Garmin GTN650/750, Avidyne IFD 440/540) would meet the MFD requirement.

Section 61.129(j)(2) requires only the minimum elements of a MFD; it does not preclude the use of a split-screen display or two independent screens contained within a single physical unit. Therefore, a manufacturer may use a split-screen display or two independent screens for the PFD and MFD provided the displays contain the minimum elements required for each. Furthermore, in response to Twin City's comment, the FAA is clarifying the MFD requirements by first describing what the display shows (*i.e.,* a moving map) and then describing how the display is facilitated (*i.e.,* using GPS navigation). Accordingly, § 61.129(j)(2) now requires the MFD to include, at a minimum, a moving map using GPS navigation. The FAA believes this revision to the proposed language clarifies that a system with a moving map display common to GPS/WAAS navigators would satisfy the MFD requirement. Additionally, the FAA is requiring the aircraft position to be displayed on the moving map. The FAA finds this additional language adds clarity to the MFD requirement and ensures that existing equipment, such as the systems identified by Twin City, would satisfy the MFD requirement for a TAA.

Several commenters noted ambiguity with requiring the MFD to include an ''integrated two axis autopilot.'' Garmin noted that the G500 and G600 have autopilot mode control and annunciations capabilities for select autopilots on the PFD, not the MFD portion of the display. Therefore, the autopilot function itself is provided in a separate piece of equipment and not included in the MFD. Garmin also noted that equipment, such as Garmin's GTN650 and GTN750, could be considered an independent additional MFD that includes GPS with moving map navigation but the autopilot function and related mode control and annunciations are provided in separate pieces of equipment. Twin City suggested the FAA remove ''integrated'' from the description of the autopilot, allowing the use of independent/aftermarket autopilot systems.

In response to these comments, the FAA did not intend to exclude systems that provide autopilot functions separate from the MFD. The FAA is therefore separating the ''two-axis autopilot'' requirement from the MFD requirement. Accordingly, under new § 61.129(j)(3), the two axis autopilot is no longer required to be included as part of the MFD. This change from what was proposed allows the use of independent/aftermarket autopilot systems.

Twin City also asked the FAA to specify whether the integrated autopilot must include GPS roll steering (GPSS). Furthermore, Twin City asked whether the proposed two-axis requirement would have been satisfied by autopilots

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future because the FAA's regulations describe an exemption as a request for relief from the requirements of a regulation. 14 CFR 11.15.

[54] The FAA will revise Order 8900.1, Flight Standards Information Management System, Vol. 5, Chapter 1, Sec. 4, Considerations for the Practical Test, 5–85 AIRCRAFT AND EQUIPMENT USED DURING PRACTICAL TESTS to describe the process for obtaining an authorization that designates an aircraft as a TAA in accordance with § 61.129(j). The FAA will also revise AC 61–65 to provide guidance on how to submit a request to the Administrator to gain approval of an airplane as a TAA, if the airplane does not already meet the express requirements of § 61.129(j).

with altitude hold function only, or if vertical navigation (altitude preselect, glideslope tracking, etc.) is required.

In response to Twin City's comments, the TAA requirements of § 61.129(j) do not require the autopilot to have GPSS. However, § 61.129(j) specifies only the minimum requirements for a TAA. Therefore, an autopilot may have additional features, including GPSS. The ''two axis'' requirement refers to the lateral and longitudinal axes. The autopilot at a minimum must be able to track a predetermined GPS course or heading selection, and also be able to hold a selected altitude. The autopilot is not, however, required to control vertical navigation other than holding a selected altitude. The FAA is revising the proposed language for clarity and to accommodate future advancements in technology. Rather than requiring the MFD to have an integrated two axis autopilot, the FAA is requiring the TAA to have a two axis autopilot integrated with the navigation and heading guidance system. The FAA believes this revision from what was proposed clarifies the minimum requirements for the two axis autopilot and also allows for flexibility in autopilot design and installation.

AOPA, Garmin, and GAMA recommended that the FAA not require the MFD to be an ''independent additional'' piece of equipment because this requirement would preclude a single display that features the required information of both a PFD and a MFD from qualifying as a TAA.

The FAA agrees that the proposed definition of TAA would have been unintentionally restrictive and would have excluded some qualifying aircraft unnecessarily with its use of the phrase ''independent additional.'' The proposed requirement for an MFD to be an independent additional piece of equipment was intended to ensure that the minimum display elements are visible at all times. The FAA is not opposed to an aircraft having one display or piece of hardware that meets the overall definition requirements of § 61.129(j). The FAA is therefore removing the phrase ''independent additional'' from the proposed language to allow a single piece of equipment or single display to satisfy the requirement for both a PFD and MFD. However, to ensure that both displays are visible at the same time, the FAA is requiring the display elements for both the PFD and MFD (paragraphs (j)(1) and (2)) to be continuously visible.[55]

Garmin noted that the proposed phrase ''(MFD) that includes, at a minimum, a Global Positioning System (GPS) with moving map navigation and an integrated two axis autopilot'' is problematic. Garmin explained that the MFD portion of the G500 and G600 has a moving map that is driven by GPS but the GPS is a separate piece of equipment and not included in the MFD portion of the display.

In reference to the G500 and G600 equipment identified by Garmin, the FAA understands that the PFD and MFD can be driven or supported by other pieces of equipment to provide for its required functionality. Many of the display features for the PFD and MFD can be driven by separate pieces of equipment that are connected to the display. The TAA requirements in no way restrict the use of peripheral or supporting equipment that enables the display functionality described for the PFD and MFD in the TAA requirements. Therefore, the FAA finds that the G500 and G600 equipment identified by Garmin likely satisfies the requirements for an MFD.

Garmin also commented that the phrase ''Global Positioning System (GPS) with moving map navigation'' inappropriately mixes ''GPS'', ''moving map'', and ''navigation'' functionality. Garmin noted that FAA has separate TSOs for these functions, including for GPS sensors: TSO–C145 (GPS with SBAS), TSO–C161 (GPS with GBAS), and TSO–C196 (GPS only); for moving map: TSO–C165, and for navigation: TSO–C146 (standalone navigation equipment using GPS/SBAS sensor) and TSO–C115d (required navigation performance (RNP) equipment using multi-sensor inputs). Garmin added that it would be better to list these functions separately to allow for avionics architectures that provide these functions in different equipment that still supports the concept of a TAA.

In response to Garmin's concern with the use of the terms GPS, moving map, and navigation, the FAA is only describing the display functionality requirements of the PFD and MFD equipment. The FAA is not adopting any requirements for the underlying architecture or supporting equipment that would provide for the display functions or capabilities.[56] Therefore, while there may be different TSOs for the various functions of GPS, moving map, and navigation resulting in separate pieces of underlying equipment, this equipment can support the MFD requirements so long as the MFD includes a moving map that uses GPS navigation with the aircraft position displayed.

GAMA commented that the FAA should consider whether it is appropriate to evaluate designating certain rotorcraft as technically advanced for certain training and testing related initiatives in the future, noting several benefits.

The FAA appreciates GAMA's comments. However, the FAA finds it unnecessary to designate a rotorcraft as technically advanced at this time because there are no regulatory requirements to obtain training in a technically advanced rotorcraft.

2. Amendment to Aeronautical Experience Requirement for Commercial Pilots

The FAA proposed to amend § 61.129(a)(3)(ii) and appendix D to part 141 to allow a pilot seeking a commercial pilot certificate with an airplane category single engine class rating to complete the 10 hours of training in a complex airplane, turbine-powered airplane, or a TAA, or any combination of these three airplanes.[57]

AOPA, American Flyers, Bemidji, Eagle Flight Centre, UND, NATA, Twin City, and nine individuals, supported the proposal, noting that it would provide training alternatives to aging complex airplanes and reduce costs. Several commenters noted that allowing TAAs in place of complex airplanes would introduce commercial pilot candidates to risk management and increase pilot proficiency in systems management, integration, and use of glass cockpit instrumentation, which would result in a safer, more valuable training experience. Commenters explained the costs and maintenance issues associated with aging complex airplanes, and stated that allowing TAAs to be used as a replacement would address the lack of availability of complex airplanes. Furthermore, several commenters believed the proposal would enhance safety, while others commented that any potential risk to safety would be mitigated by the requirement in § 61.31(e) that a pilot receive training and an endorsement from an instructor prior to acting as PIC in a complex airplane.

As commenters noted, there are several benefits associated with allowing TAAs to be used in place of complex airplanes. For these reasons and for the reasons explained in the

[55] 14 CFR 61.129(j)(4)

[56] The FAA notes that any installed equipment must meet the appropriate regulatory requirements and standards.

[57] As previously stated, prior to this final rule, a pilot seeking a commercial pilot certificate with an airplane single-engine class rating was required to complete 10 hours of training in either a complex or turbine-powered airplane. 14 CFR 61.129(a)(3)(ii) and appendix D to part 141.

NPRM, the FAA is amending § 61.129(a)(3)(ii) and appendix D to part 141 to allow a pilot seeking a commercial pilot certificate with an airplane category single engine class rating to complete the 10 hours of training in a complex airplane, turbine-powered airplane, or a TAA.[58]

AOPA recommended the FAA revise the proposed rule language of § 61.129(a)(3)(ii) and appendix D of part 141 to clarify that the combined use of complex, turbine-powered, and technically advanced airplanes is permitted.

As evident from the NPRM, the FAA intended to allow a pilot seeking a commercial pilot certificate with a single engine class rating to complete the 10 hours of training in any combination of complex, turbine-powered, and technically advanced airplanes. However, the proposed rule language did not reflect this intent. The FAA is therefore adding language to § 61.129(a)(3)(ii) and appendix D to part 141 to clarify that any combination of a complex airplane, turbine-powered airplane, or TAA may be used. For consistency, the FAA is also adding language to § 61.129(b)(3)(ii) and appendix D to part 141 to clarify that a pilot seeking a commercial pilot certificate with a multiengine class rating may complete the 10 hours of training using any combination of multiengine complex airplanes or multiengine turbine-powered airplanes.

Furthermore, as explained in the NPRM, the FAA proposed to amend § 61.129(a)(3)(ii) and appendix D to part 141 to allow an applicant for a commercial pilot certificate with a single-engine class rating to complete 10 hours of training in a complex, turbine-powered or technically advanced airplane. The FAA explained how demonstration of proficiency in an airplane that is electronically complex will be comparable to the demonstration of proficiency in an airplane that is mechanically complex. Thus, based on the FAA's proposal, the option to use a TAA was intended to apply to all commercial pilot applicants for a single-engine class rating regardless of whether the applicant was seeking a land or sea rating. The FAA recognizes, however, that proposed § 61.129(a)(3)(ii) did not accurately reflect this intent as it applied to commercial pilot applicants for single-engine sea ratings. Rather, proposed § 61.129(a)(3)(ii) would have allowed a commercial pilot applicant for a single-engine sea rating to use only a complex airplane. Therefore, consistent with its intent, the FAA is revising proposed § 61.129(a)(3)(ii) to allow applicants for a commercial pilot certificate with a single-engine class rating (including both land and sea) to complete the 10 hours of training in a complex, turbine-powered, or technically advanced airplane, or any combination thereof. The FAA is specifying in § 61.129(a)(3)(ii), however, that the airplane must be appropriate to land or sea depending on the rating sought, which is consistent with the requirement in § 61.129(a)(3)(ii) as it existed prior to this final rule. The FAA is also adding language to appendix D to part 141 to clarify that the airplane used to satisfy the 10 hours of training in a complex, turbine-powered, or TAA must be appropriate to land or sea depending on the rating sought.[59]

Bemidji suggested the FAA add an exception to § 61.31(e), which prescribes additional training for operating complex airplanes, and § 61.31(f), which prescribes additional training for operating high-performance airplanes, to allow a part 135 flight instructor without a current flight instructor certificate/flight instructor instrument certificate to satisfy the training and endorsement requirements of paragraphs (e) and (f). Bemidji recommended an exception similar to § 61.31(g)(3)(iv), which excepts from the training and endorsements requirements of paragraphs (g)(1) and (2) persons who can document satisfactory completion of a PIC proficiency check under part 121, 125, or 135 conducted by the Administrator or by an approved pilot check airman. Bemidji noted that complex airplane training is becoming difficult for new pilots to receive in both part 61 and part 141 flight school environments and that an increasing number of part 135 instructors do not maintain a current flight instructor certificate because it is not required. Bemidji added that the current language in § 61.31(e) may become an issue in the typical flight training environment if the complex airplane is no longer needed for the commercial certificate, and if fixed gear multiengine aircraft become more popular in the flight training environment.

The FAA agrees with revising § 61.31(e) and (f) to allow a competency check under part 135 to meet the requirements for training in complex or high performance airplanes. However, the FAA is not providing an exception for part 121 or 125 operators. The change to the commercial pilot training requirements to allow use of a TAA instead of a complex airplane for the airplane single-engine class rating could require a part 135 air carrier or operator to provide this training to newly employed pilots who may not have previous experience in complex airplanes. The FAA understands Bemidji's comment to indicate that this change could also require a part 135 air carrier or operator to provide high-performance airplane training to newly employed pilots. The FAA infers this suggestion from Bemidji's comment because many complex airplanes are also high-performance airplanes. As a result, many pilots complete complex and high-performance training using the same airplane. Therefore, since a complex airplane is no longer required for the commercial certificate with an airplane single-engine class rating, it is more likely that a newly-employed pilot at a part 135 air carrier or operator might not have previous experience in a high-performance airplane.

In accordance with § 135.323, a part 135 air carrier or operator is currently required to establish and implement an approved training program that ensures that each pilot, flight instructor, and check pilot is adequately trained to perform his or her assigned duties. Therefore, a part 135 approved training program for an airplane that meets the definition of complex or high-performance will include the required ground and flight training necessary to meet the intent of § 61.31(e)(1)(i) and (f)(1)(i), as applicable. All part 135 pilots are required to complete a § 135.293 competency check every 12 calendar months. Therefore, the FAA agrees with Bemidji that it is appropriate to include an exception in § 61.31(e) and (f) for persons who have successfully completed a § 135.293 competency check in a complex or high performance airplane, or in an FSTD that is representative of a complex or

[58] General Aviation Airplane Shipment Report, End-of-Year 2006 (Washington, DC: General Aviation Manufacturers Association, 2007) indicates that 92 percent of the 2,540 piston airplanes delivered during 2006 were equipped with glass cockpit electronic flight displays. An Aircraft Owners and Pilots Association Air Safety Foundation Special Report titled ''Technically Advanced Aircraft—Safety and Training'' states ''virtually every newly designed transportation airplane is a TAA, including Lancair, Cirrus, Diamond, and the Adam 500 * * * Many owners are retrofitting their classic aircraft to convert them to TAA with IFR-certified GPS navigators and multifunction displays.''

[59] Under appendix D to part 141, each approved course must include flight training on the approved areas of operation listed in section 4, paragraph (d) that are appropriate to the aircraft category and class rating for which the course applies. For an airplane single-engine course, paragraph (d) requires training on airport and seaplane base operations. Therefore, the FAA finds that the ten hours of training in a complex, TAA, or turbine-powered airplane should be appropriate to land or sea depending on the rating sought.

high performance airplane.[60] The FAA is adding these exceptions to § 61.31(e)(2)(ii) and (f)(2)(ii).[61] The FAA notes that, in accordance with these exceptions, the competency check must be documented in the pilot's logbook or training record. Because part 125 operators are not required to have approved training programs, persons will not have received the required ground and flight training specific to the operation of complex and high performance airplanes in accordance with an approved training program prior to completing a part 125 competency check. Therefore, the FAA is not providing an exception for part 125 operators. Furthermore, the FAA finds it unnecessary to include a part 121 proficiency check as an exception to § 61.31(e) and (f). Section 121.159 prohibits certificate holders from operating a single-engine airplane under part 121. To obtain a commercial certificate with an airplane multiengine land class rating, § 61.129 requires a pilot to have received training in a multiengine complex airplane. Furthermore, § 121.436 requires pilots serving in part 121 operations to hold an ATP certificate and an appropriate type rating, and § 61.159(a)(3) requires an applicant for an ATP certificate with a multiengine rating to have 50 hours of flight time in a multiengine airplane (of which 25 hours may be completed in a FFS). As a result, the FAA expects that pilots will receive the training and endorsements required by § 61.31(e) and (f) prior to obtaining employment at a part 121 air carrier.

An individual, who identified himself as a pilot, suggested that to mitigate the risk of gear up landings for students that did not receive training in complex airplane it may be appropriate to amend the requirements of 14 CFR 61.31(e). This individual suggested requiring additional experience and/or training prior to receiving the complex endorsement, rather than keeping the requirement under § 61.129(a)(3)(ii) with respect to commercial pilot certification.

Similarly, SAFE and one individual recommended the FAA require a commercial pilot to have at least 10 hours of PIC time in a complex airplane prior to exercising commercial privileges in a complex airplane.

The FAA is not adding additional training or experience requirements to § 61.31(e). Adding the option to train in a TAA at the commercial pilot level does not change the FAA's safety assessment that a person who complies with § 61.31(e), which requires training and an endorsement from an authorized instructor certifying that the person is proficient to operate a complex airplane, is sufficient.

LOBO and four individuals, including one who identified himself as an instructor, opposed the provision, asserting that the proposed amendments would provide for a commercial pilot certificate without experience operating the controls of a mechanically complex airplane. LOBO stated that as proposed, training will result in a pilot who can operate TAA, but will know nothing about systems and procedures on complex airplanes such as controllable pitch propellers and retractable landing gear systems. LOBO further stated that many of these commercial pilots will go on to get flight instructor certificates and teach in single engine airplanes, again without having to demonstrate complex system operations. The individual, who identified himself as an instructor, stated that it is the degradation in physical pilot skills that has been noticed over time as having become problematic to the FAA and National Transportation Safety Board. This commenter noted the importance of demonstrated skill with learning, understanding and demonstrating a complicated aircraft system in the performance of flight duties. Another individual noted that the proposal would provide the pilot with no experience in the flight dynamics (changing pitch and drag) when operating landing gear, flaps and a controllable propeller.

LOBO and three individuals, one of whom identified himself as an instructor, noted that a combination of complex airplane and TAA for use during training and checking would be a better choice. Specifically, LOBO suggested that commercial pilot applicants should have to demonstrate proficiency with both glass cockpit technology and complex system operations, including use of the landing gear.

LOBO and three individuals generally noted that current requirements provide valuable experience in cockpit management procedures and complex systems operations, not provided by TAA. Specifically, LOBO noted that the perception that an FAA checkride in a single engine TAA will produce a commercial pilot with the same skills as one who had to learn complex airplane operations is false. One individual noted that training in a complex airplane provides the proper mindset and cockpit management procedures needed in order to be successful long term pilots. Additionally, one individual, identified as an instructor, noted that the original purpose of the regulation was to ensure pilot demonstration and mastery of both the technical aspects of the system operation and incorporating that understanding into the safe and efficient operation of the airplane. This individual further believed that the FAA has lost sight of that purpose in seeking to substitute a TAA in place of complex or turbine powered airplanes.

The FAA disagrees with comments suggesting that TAA skills are not as significant or as necessary as complex airplane skills. The FAA does not suggest that this is the same skill set required for operating a complex airplane, but an appropriate experience requirement for a commercial pilot applicant. This final rule allows the combined use of a turbine-powered, complex, or TAA for satisfying the experience requirements. In fact, most, if not all, production aircraft currently produced now have glass cockpits utilizing advanced LCD displays for aircraft control and navigation. These advanced flight information systems are becoming mainstream equipment in both general and commercial aviation aircraft operations, and many older aircraft are being retrofitted with this new instrument glass cockpit technology.

The FAA emphasizes that prior to acting as PIC of a complex airplane, a commercial pilot (or any other certificated pilot) must receive and log additional ground and flight training in a complex airplane and receive an endorsement from an authorized instructor certifying that the person is proficient to operate a complex airplane.[62] This final rule does not remove or amend that requirement in any way. The FAA does not dispute that proficiency in a complex airplane is a necessary skill for a commercial pilot who intends to operate as PIC in such airplanes. Authorized flight instructors who provide these complex airplane endorsements have a responsibility to

[60] In accordance with § 135.341, part 135 air carriers or operators with only one pilot employee are not required to have an approved training program. While these pilots are still required to have satisfactorily completed a § 135.293 competency check every 12 calendar months, the FAA finds that they may only be excepted under new § 61.31(e)(2)(ii) and (f)(2)(ii) if they have received ground and flight training under an approved training program.

[61] To add the exceptions to paragraphs (e)(2) and (f)(2), the FAA had to reorganize the paragraphs. Accordingly, the exceptions that were provided in former paragraphs (e)(2) and (f)(2) are now in paragraphs (e)(2)(i) and (f)(2)(i), respectively. The new exception for persons who have satisfactorily completed a competency check under § 135.293 are now in § 61.31(e)(2)(ii) and (f)(2)(ii).

[62] 14 CFR 61.31(e).

ensure the pilot is proficient and competent before providing the endorsement. Therefore, pilots will continue to be formally trained and required to demonstrate competency and proficiency in a complex airplane prior to receiving an endorsement authorizing a pilot to operate and act as PIC in a complex airplane.[63] The FAA further emphasizes that a fixed amount of time or experience in an aircraft does not guarantee pilot proficiency. Training time requirements leading to pilot proficiency can vary from one individual to another. A flight instructor is expected to provide a sufficient amount of training time as necessary to verify proficiency before providing a pilot operating privileges and endorsements.[64]

LOBO and two individuals believed that the proposal would increase the risk of gear up landings. LOBO asserted that the number one cause of all Lancair accidents and incidents is failure to follow proper procedures. An individual explained the need for pilots to be trained on operations of retractable landing gear and the associated emergency procedures. This individual emphasized that training in a TAA cannot serve as a substitute.

This final rule does not eliminate the requirement for a pilot to receive training in complex airplane operations prior to acting as PIC of a complex airplane. The amendment to § 61.129(a)(3)(ii) allows a pilot to use a TAA as an alternative to a complex airplane to satisfy the aeronautical experience specified in paragraph (a)(3)(ii). However, under § 61.31(e), a pilot is still required to receive training in a complex airplane and an endorsement from the authorized instructor certifying that the pilot is proficient to operate a complex airplane prior to acting as PIC of a complex airplane. An authorized instructor is responsible for providing as much training time as necessary to ensure a person is proficient before providing a complex airplane endorsement. Therefore, the FAA does not expect the final rule to result in an increase in gear up landings.

LOBO cited a report by Tom Turner of the American Bonanza Society that noted ''Tracking accident reports through other sources, I've found that nearly 20 percent of all accidents in piston-powered, retractable gear aeroplanes are gear-up landings. The U.S. Federal Aviation Administration (FAA) tells us there is an average of three gear-up landings every week in the United States.'' (Turner, 2015). LOBO stated that Turner also stated that landing gear related mishaps cost the insurance industry (and the owners who pay premiums) nearly $1 million per month in claims or $12 million per year, far more than the $1.6 million per year in savings proposed by the NPRM.[65]

The FAA reviewed the gear up landing statistics referenced by LOBO and has determined, with the assistance of the National Transportation Safety Board, that the gear up landing statistics are significantly less than described, representative of mostly private operators, and the majority of them not engaged in commercial operations. The NTSB reported to the FAA that between January 2013 and June 2016 there were a total of 59 gear-up incidents and accidents reported, and all but one was operating under part 91 operating rules.[66] Additionally, of the 59 reports, half were private pilots acting as PIC and 93% reported no injuries. This information suggests that the cost of such incidents or accidents is much lower and contradicts the LOBO's position and referenced data. This would also reduce the insurance costs estimates that LOBO references from Turner, and suggests that those costs are also significantly lower. LOBO failed to provide how this third party statistical data is captured, substantiated, or verified. In the NPRM, the FAA determined that the cost savings benefits allowing the use of TAA would be about $9.7 million or $8 million in present value at a 7 percent discount rate. This was based on half of all initial single engine commercial pilot applicants (based on the number of certificates issued in previous years) using a TAA aircraft for training and on the practical test. This also included cost savings associated with those who would train and use a TAA for the flight instructor airplane practical test.[67] The FAA believes this is a very conservative estimate and it is likely that more than half will take advantage of using a less expensive TAA airplane for the commercial pilot experience requirement.

LOBO disagreed with the FAA's position that there are certain challenges with availability, maintenance and cost of complex airplanes. Specifically, LOBO stated that the FAA's position that airplanes with retractable landing gear are unavailable for purchase, expensive to maintain, and are not equipped with glass cockpits, is false. LOBO noted that it is aware of at least one retractable gear airplane with a Garmin G500 cockpit and that there are single engine retractable gear airplanes suitable for flight training available at affordable prices, but did not provide any specific data. One individual acknowledged the higher maintenance costs for complex airplanes, but also noted the higher acquisition costs for TAAs. This individual explained that there is little cost difference to the student because the equally high maintenance and acquisition costs are passed on to the renter. Another individual believed that the initial acquisition costs for TAAs makes the cost of training in TAA far greater than in complex airplanes.

Based on public comment, the GAMA shipment database, and discussion with large general aviation organizations, the current fleet of available complex airplanes is decreasing. Many commenters describe limited or no availability of complex airplanes for rent. New production of these types of complex airplanes used for initial flight training is at an all-time low,[68] and maintenance costs for many of those older complex airplanes is steadily increasing. As noted previously, other commenters discussed the difficulty of obtaining parts and the associated cost. Additionally, the FAA never stated that complex airplanes do not have glass cockpits. The LOBO statement describing a new complex airplane with a G500 glass cockpit at an affordable cost is contradictory to the current understanding of the high cost for such complex airplanes. Also, the commenter's reference to higher acquisition costs for TAA fails to take into account that the acquisition cost for a retractable gear airplane of the same year of production as a TAA aircraft, is also equally expensive if not more so

[63] 14 CFR 61.31(f) and (i).

[64] 14 CFR 61.31(e)(1).

[65] In the NPRM, the FAA proposed that the cost savings benefits allowing the use of TAAs would be about $9.7 million or $8 million in present value at a 7 percent discount rate. While the commenter did not explain where he came up with $1.6 million, the FAA assumes that the commenter divided $8 million by 5 years because the FAA estimated the net quantifiable present value benefits over a 5 year analysis period.

[66] NTSB data available at *https://app.ntsb.gov/avdata/* or contact the National Transportation Safety Board at 202–314–6000 and ask to be transferred to the Safety Research and Statistical Analysis Division and request a query of the database.

[67] 81 FR 29719, May 12, 2016 (and the associated regulatory evaluation).

[68] The General Aviation Manufacturers Association website shows Cessna has not produced a piston engine retractable gear airplane since 1985 and Piper has produced only 28 piston engine airplanes with retractable gear since 2008 (16 being the Piper Arrow model). Production for Beechcraft is also at an all-time low for piston single engine airplanes with retractable gear.

than a TAA.[69] It may be true that there are older less expensive complex airplanes available, but again, the limited availability, difficulty of obtaining parts and the cost associated with maintenance and refurbishing these older aircraft, makes their use cost prohibitive.

The FAA also received comments on ensuring the flight instructor providing the training in a complex airplane or TAA is qualified to provide the training. Specifically, SAFE recommended the FAA amend § 61.195 to require a flight instructor to have at least 10 hours of PIC time in a complex airplane prior to giving instruction in a complex airplane and at least 10 hours of PIC time in a TAA prior to giving instruction in a TAA. An individual also recommended requiring flight instructors to have 10 hours of PIC time in a complex airplane.

The FAA is not requiring a flight instructor to obtain a minimum of 10 hours as PIC in a complex airplane prior to instructing in a complex airplane. As discussed previously, the FAA finds that the current training and endorsement requirement to act as PIC of a complex airplane as set forth in § 61.31, in conjunction with the flight instructor's demonstrated knowledge of the fundamentals of instruction, is sufficient to ensure that this type of training is provided effectively. Furthermore, the ability to provide training in a complex airplane without having been evaluated on a practical test is consistent with other § 61.31 endorsements, including high performance aircraft, tailwheel aircraft, and high altitude operations.

Additionally, the FAA is not requiring a flight instructor to obtain 10 hours as PIC in a TAA prior to instructing in a TAA. The proposal was intended only to introduce commercial pilot candidates to TAAs. Flight instructors are currently permitted to provide flight training in airplanes with glass-cockpits without having to receive any specific amount of training in the aircraft. Therefore, allowing a flight instructor to provide flight instruction in a TAA without first receiving extensive training in the TAA will not result in a decreased level of safety. Flight instructors have the responsibility of ensuring their familiarity with an aircraft prior to providing flight instruction in that aircraft.

Furthermore, since the NPRM, the FAA has determined that the requirement in § 61.129(b)(3)(ii) that a seaplane have flaps and a controllable pitch propeller has not been updated to reflect the revised definition of ''complex airplane'' in § 61.1. In 2011, the FAA amended the definition of ''complex airplane'' to include airplanes and seaplanes equipped with a full authority digital engine control (FADEC).[70] The FAA is, therefore, adding language to § 61.129(b)(3)(ii) to accommodate seaplanes equipped with a FADEC consistent with the definition of complex airplane in § 61.1.

3. Amendments to Commercial Pilot and Flight Instructor Practical Test Standards

In the NPRM, the FAA proposed to revise the commercial pilot single engine airplane practical test standards (PTS) to permit the use of a TAA in place of a complex or turbine-powered airplane during the initial practical test.[71] The FAA also proposed to revise the flight instructor single engine airplane PTS to permit the flight instructor applicant to use a TAA during the initial practical test.

AOPA supported the proposed changes to the commercial pilot and flight instructor PTS because they are necessary to carry out the proposed amendments to § 61.129(c)(3)(ii) and appendix D to part 141.

UND recommended the FAA not require an applicant to use a TAA for the flight instructor practical test. UND described that, according to the flight instructor single engine airplane PTS, the TAA would be needed for ''takeoff and landing maneuvers as well as appropriate emergency procedures'' and questioned why a two axis autopilot is needed to demonstrate proficiency for takeoff and landings in a VFR traffic pattern. UND suggested that this PTS requirement should be removed from a PTS that focuses on VFR maneuvers. UND requested the removal of both the complex airplane and the TAA airplane requirement from the flight instructor single engine airplane PTS.

Upon further review, the FAA decided not to revise the commercial pilot airman certification standards (ACS) and flight instructor PTS to include the option to use a TAA during the commercial pilot (single-engine airplane) or flight instructor (single-engine airplane) practical tests.[72] Instead, the FAA removed from the commercial pilot ACS the requirement to provide a complex or turbine powered airplane for the initial practical test.[73] Additionally, the FAA removed from the flight instructor PTS the requirement to provide a complex airplane for the practical test.[74]

As explained in the NPRM, there are far fewer single engine complex airplanes available to meet the ACS requirement, and the single engine complex airplanes that are available are older aircraft that are expensive to maintain. Revising the airmen certification standards to include the option to use a TAA for the commercial pilot and flight instructor practical tests would have alleviated some of the cost, maintenance and production issues associated with single engine complex airplanes. However, the FAA found that removing the ACS requirements to furnish a complex or turbine powered airplane achieves the same objectives. Additionally, the FAA determined that removing these ACS/PTS requirements, rather than adding the option to use a TAA, more significantly reduces costs for persons pursuing a commercial pilot or flight instructor certificate by allowing applicants to utilize less expensive airplanes on the practical test that are not turbine driven, complex, or technically advanced. Furthermore, the FAA found that no longer requiring a complex airplane to be furnished for the initial commercial pilot or flight instructor practical test will not result in a decreased level of safety. Airplanes provided for the practical test will be less complex, newer, and not as likely to fail due to mechanical and maintenance issues associated with older single engine complex airplanes. Additionally, prior to operating as PIC of a complex airplane, a pilot is still required to receive flight training and an endorsement from an authorized

[69] See *www.controller.com* (listing the price of a 2017 C–172 with G1000 equipment (non-complex) at $403,295 on June 15, 2017); SkyTech Piper Dealer (quoting the price of a 2017 Piper Arrow (complex) at $466,880 on June 15, 2017).

[70] Final Rule, ''Pilot in Command Proficiency Check and Other Changes to the Pilot and Pilot School Certification Rules, 76 FR 54095, 54101 (Aug. 31, 2011).

[71] Prior to this final rule, the commercial pilot PTS for airplane required a pilot to use a complex or turbine-powered airplane for takeoff and landing maneuvers and appropriate emergency tasks for the initial practical test for a commercial pilot certificate with an airplane category. Similarly, the flight instructor PTS for airplane required an instructor candidate to use a complex airplane for the performance of takeoff and landing maneuvers as well as appropriate emergency procedures.

[72] The FAA is in the process of replacing the practical test standards (PTS) with the airman certification standards (ACS).

[73] Notice N 8900.463, *Use of a Complex Airplane During a Commercial Pilot or Flight Instructor Practical Test* (Apr. 24, 2018) (outlining a change in policy regarding the testing of applicants for a commercial pilot or flight instructor certificate), available at *https://www.faa.gov/documentLibrary/media/Notice/N_8900.463.pdf.* The FAA no longer requires applicants for a commercial pilot certificate with an airplane single-engine rating to provide a complex or turbine-powered airplane for the associated practical test. *Id.*

[74] The FAA no longer requires applicants for a flight instructor certificate with an airplane single-engine rating to provide a complex airplane for the practical test. *Id.*

instructor certifying his or her proficiency in a complex airplane.[75]

The FAA concluded that any airplane may be used to accomplish the tasks described in the commercial pilot (single-engine) ACS or flight instructor (single-engine) PTS, provided that aircraft is capable of accomplishing all areas of operation required for the practical test and is the appropriate category and class for the rating sought.[76] Therefore, the aircraft used for the practical test must still meet the requirements specified in § 61.45.

E. Flight Instructors With Instrument Ratings Only

In the NPRM, the FAA proposed to revise § 61.195(b) and (c) to allow a flight instructor who holds only an instrument-airplane or instrument-helicopter rating on his or her flight instructor certificate to conduct instrument training.[77] As proposed, the flight instructor and the pilot receiving instrument training would both have been required to hold category and class ratings on their pilot certificates that are applicable to the aircraft in which the instrument training is accomplished. Therefore, under this proposal, the flight instructor would no longer have been required to hold the appropriate category and class ratings in addition to the instrument rating on his or her flight instructor certificate.

The FAA received four comments on this proposal. Three commenters supported the proposed changes to § 61.195(b) and (c); one individual opposed them.

American Flyers stated that if an instrument instructor holds the appropriate category and class on his or her commercial pilot certificate, he or she has already demonstrated proficiency on the tasks required for the commercial practical test. Eagle Sport stated that instrument procedures are standard across the board and instrument instructors should be qualified to teach them. One individual believed that removing the requirement of category and class for instrument instructors makes absolute sense and instrument flying and the regulations are the same no matter what aircraft is being flown.

The FAA recognizes that instrument procedures are fundamentally consistent within a particular category of aircraft and that the same instrument flight rules apply in the NAS regardless of what aircraft is being flown. However, upon further review, the FAA has determined that a flight instructor who does not possess an airplane category multiengine class rating on his or her flight instructor certificate has not been trained and tested on giving instruction in a multiengine airplane, specifically instruction on one-engine inoperative tasks. The Flight Instructor Instrument Practical Test Standards (PTS) are not the same for single-engine and multiengine airplanes because the PTS contains two tasks that are specific to multiengine airplanes.[78] If an applicant is completing the flight instructor instrument practical test in a multiengine airplane, the standards direct the examiner to have the applicant perform at least one of the following tasks: (1) An engine failure during straight-and-level flight and turns (Task IX. C); or (2) an instrument approach with one engine inoperative (Task IX. D).[79] Similarly, the Flight Instructor Airplane PTS contains additional tasks for persons completing the practical test in a multiengine airplane, including tasks related to operating a multiengine airplane with one engine inoperative. Therefore, a flight instructor who holds an instrument rating and an airplane category multiengine class rating on his or her flight instructor certificate has been trained and tested on conducting training in a multiengine airplane to include one-engine inoperative maneuvers and/or approaches. The FAA emphasizes that an initial flight instructor candidate who completes a flight instructor instrument-airplane rating practical test in a single engine airplane has not been trained and tested on providing instruction in a multiengine airplane to include these one-engine inoperative tasks.

In the interest of safety, the FAA has determined that, in order to provide instrument instruction in a multiengine airplane competently and safely, the flight instructor must have been trained and tested on giving instruction in a multiengine airplane including instruction on one-engine inoperative tasks. Any task required for the multiengine airplane rating has the potential for becoming a single engine operation. Verification of flight instructor proficiency in teaching emergency scenarios such as a loss of an engine during multiengine operations ensures that flight instructors can successfully mitigate such risk and safely provide instrument training in multiengine airplanes.

Therefore, the FAA is revising proposed § 61.195(c) by adding new paragraph (c)(2), which requires a flight instructor who possesses an instrument rating on his or her flight instructor certificate to also possess an airplane category multiengine class rating on his or her flight instructor certificate when conducting instrument training in a multiengine airplane.[80] Section 61.195(c)(1) contains the proposed requirement, which has been revised to apply only to flight instructors giving instrument instruction in aircraft other than multiengine airplanes. Thus, § 61.195(c)(1) allows an instrument-only flight instructor to conduct instrument training in an aircraft (other than multiengine airplanes) provided the instructor and the pilot receiving instrument training hold category and class ratings on their pilot certificates that are applicable to the aircraft in which the instrument training is accomplished.[81]

The FAA is also revising § 61.195(e) to clarify that a flight instructor may not give instrument training in an aircraft that requires the PIC to hold a type rating unless the flight instructor holds a type rating for that aircraft on his or her pilot certificate. While this revision was not proposed in the NPRM, flight instruction includes instrument training;[82] therefore, former § 61.195(e)

[75] 14 CFR 61.31(e).

[76] 14 CFR 61.45.

[77] Section 61.195 sets forth the limitations and qualifications for flight instructors. Prior to this final rule, under § 61.195(b), an instructor could not conduct flight training in any aircraft for which the instructor did not hold a pilot certificate and flight instructor certificate with the applicable category and class ratings for the aircraft in which the training was provided. Additionally, under § 61.195(c), a flight instructor who provided instrument training for the issuance of an instrument rating, a type rating not limited to VFR, or the instrument training required for commercial pilot and ATP certificates was required to hold an instrument rating on his or her pilot certificate and flight instructor certificate that was appropriate to the category and class of aircraft used for the training.

[78] FLIGHT INSTRUCTOR INSTRUMENT Practical Test Standards for AIRPLANE and HELICOPTER, FAA–S–8081–9D with Changes 1 & 2, U.S. Department of Transportation, Federal Aviation Administration (July 2010). In ''IX. Area of Operation: Emergency Operations,'' the FAA notes that ''[t]he examiner shall omit TASKS C and D unless the applicant furnishes a multiengine airplane for the practical test, then TASK C or D is mandatory.''

[79] The Flight Instructor Instrument PTS does not contain separate tasks for applicants completing the practical test in a multiengine helicopter.

[80] Section 61.195(c)(2) requires a flight instructor conducting instrument training in a multiengine airplane to meet the requirements of § 61.195(b), which requires the flight instructor to hold the applicable category and class rating on his or her flight instructor certificate.

[81] As the FAA noted in the NPRM, the powered-lift category does not contain any corresponding class ratings, on either a pilot certificate or flight instructor certificate.

[82] Under § 61.1, ''Instrument training'' means that time in which instrument training is received from

Continued

would have applied to flight instructors conducting instrument training under paragraph (c). The FAA is revising paragraph (e) only for clarity.

One individual, who is identified as a flight instructor, believed that an instrument-only flight instructor may not possess the skills necessary to manipulate the aircraft if the pilot flying loses control of the aircraft. The commenter further stated that instrument-only flight instructors do not have to demonstrate stalls or spin proficiency on the practical test, and described observing many pilots on instrument proficiency checks incorrectly recovering from an unusual attitude training event pushing the aircraft closer to a stall/spin scenario.

For the reasons explained above, the FAA agrees that an instrument-only flight instructor may not possess the skills needed to conduct instrument training in a multiengine airplane and is revising proposed § 61.195(c) accordingly. However, the FAA believes that a flight instructor with only an instrument-airplane rating or instrument-helicopter rating possesses the skills necessary to conduct instrument training in an aircraft (other than a multiengine airplane). The Flight Instructor Instrument Airplane and Helicopter PTS states that examiners shall place special emphasis upon areas of aircraft operations considered critical to flight safety, including positive aircraft control, stall/spin awareness, and other areas deemed appropriate to any phase of the practical test.[83] Additionally, because § 61.195(c)(1) requires the flight instructor and the pilot receiving the instrument training to hold on their pilot certificates the appropriate category and class ratings in advance of the instrument training, both the instructor and the applicant will have already been found proficient in stall prevention, recognition, and recovery for the aircraft in which the instrument training will be accomplished.

Furthermore, the FAA is revising and restructuring proposed § 61.195(b) for clarity. Proposed § 61.195(b)(2) would have required the flight instructor to hold a pilot certificate with a type rating, if appropriate. The FAA finds that this language could have been interpreted as requiring the flight instructor to hold a type rating, which was not the FAA's intent. Prior to this final rule, § 61.195(b) required a flight instructor to hold a type rating only if appropriate. The FAA did not propose to change this requirement. Therefore, the FAA is revising proposed § 61.195(b) to require the flight instructor to hold a flight instructor certificate appropriate to category and class; to hold a pilot certificate; and to meet the requirements of § 61.195(e), if applicable. Section 61.195(e) requires a flight instructor to hold a type rating on his or her pilot certificate if the aircraft requires the PIC to hold a type rating.

The FAA will revise FAA Order 8900.1 to be consistent with the flight instructor privileges and limitations associated with this rule. Additionally, these instructor privileges and limitations described for instrument training in an aircraft will also be applicable to training credits permitted when using an FFS, FTD, or ATD.[84]

F. Light-Sport Aircraft Pilots and Flight Instructors

1. Sport Pilot Flight Instructor Training Privilege

In the NPRM, the FAA proposed to add new § 61.412 to authorize a flight instructor with a sport pilot rating to provide training on control and maneuvering solely by reference to the instruments to sport pilot applicants receiving flight training for the purpose of solo cross-country requirements in an airplane that has a V_h greater than 87 knots CAS.[85] Because a flight instructor with a sport pilot rating is not evaluated on this instructional knowledge, the FAA proposed to require a flight instructor with a sport pilot rating to receive training and an endorsement from a flight instructor certificated under subpart H that affirms the flight instructor with a sport pilot rating has been found competent and is qualified to provide flight training on tasks and maneuvers performed solely by reference to the flight instruments.[86] Proposed § 61.412(b) would have required the flight instructor with a sport pilot rating to receive a minimum of 1 hour of ground training and 3 hours of flight training in an airplane with a V_h greater than 87 knots CAS or in a FFS or FTD that replicates an airplane with a V_h greater than 87 knots CAS.[87]

The FAA also proposed to revise § 61.415 by adding a new paragraph (h) to clarify that a flight instructor with a sport pilot rating may not conduct flight training on control and maneuvering an aircraft solely by reference to the instruments in an airplane that has a V_h greater than 87 knots CAS without meeting the requirements in proposed § 61.412. Additionally, the FAA proposed to revise § 91.109(c) to permit a flight instructor with a sport pilot rating who has obtained the endorsement proposed in § 61.412 to serve as a safety pilot only for the purpose of providing flight training on control and maneuvering solely by reference to the instruments to a sport pilot applicant seeking a solo cross country endorsement in an airplane with a V_h greater than 87 knots CAS.

The FAA received six comments regarding this proposal. All commenters supported the FAA allowing flight instructors with a sport pilot rating to provide training to sport pilot applicants on control and maneuvering solely by reference to the flight instruments. However, each commenter expressed concern and offered revisions to proposed § 61.412.

AOPA, Chesapeake Sport Pilot (2 individuals), and one individual recommended the FAA except flight instructors with a sport pilot rating who also hold at least a private pilot certificate with a single-engine airplane rating from the proposed § 61.412 training requirement.

The FAA is not providing an exception to the training and endorsement requirements of § 61.412 for flight instructors with a sport pilot rating who also possess a private pilot certificate or higher. As the FAA explained in the NPRM, § 61.412(b) involves flight training for the purpose of giving instruction on control and maneuvering solely by reference to the instruments. While a person who holds at least a private pilot certificate with a single-engine airplane rating has received three hours of flight training in a single-engine airplane on the control

an authorized instructor under actual or simulated conditions.

[83] FLIGHT INSTRUCTOR INSTRUMENT Practical Test Standards for AIRPLANE and HELICOPTER, FAA–S–8081–9D with Changes 1 & 2, U.S. Department of Transportation, Federal Aviation Administration (July 2010).

[84] 14 CFR 61.65(h) and (i).

[85] Prior to this final rule, a flight instructor with a sport pilot rating was not allowed to provide training on control and maneuvering solely by reference to the instruments. However, sport pilot applicants are required to receive this training for the purpose of solo cross-country requirements in an airplane that has a V_h greater than 87 knots CAS. 14 CFR 61.93(e)(12). Therefore, prior to this final rule, sport pilot applicants were required to obtain this training from a flight instructor certificated under subpart H of part 61.

[86] A flight instructor with a sport pilot rating is not required to receive this endorsement. The endorsement will only be required if the flight instructor with a sport pilot rating seeks the privilege of providing training to sport pilot applicants on maneuvering solely by reference to the flight instruments.

[87] Private pilot applicants have a similar requirement under § 61.109(a)(3) that requires 3 hours of flight training in a single-engine airplane on the control and maneuvering of an airplane solely by reference to instruments, including straight and level flight, constant airspeed climbs and descents, turns to a heading, recovery from unusual flight altitudes, radio communications, and the use of navigation systems/facilities and radar services appropriate to instrument flight.

and maneuvering of an airplane solely by reference to the instruments pursuant to § 61.109(a)(3), he or she has not received training specific to ''giving instruction'' on control and maneuvering solely by reference to the instruments. Therefore, the training requirements of § 61.412(b) are not duplicative to § 61.109(a)(3).

Eagle Sport LLC commented that requiring a flight instructor with a sport pilot rating to obtain additional instruction and an endorsement in order to provide training on control and maneuvering solely by reference to the flight instruments is needlessly cumbersome. One individual commenter suggested that an endorsement may be sufficient (without the need for a specific training time requirement).

The FAA is requiring a flight instructor with a sport pilot rating to receive and log a minimum of one hour of ground training and three hours of flight training, as proposed. As stated in the NPRM,[88] the basic instrument flight training should involve flight training for the purpose of giving instruction on control and maneuvering solely by reference to the flight instruments, including straight and level flight, turns, descents, climbs, use of radio aids, and air traffic control directives.[89] Therefore, § 61.412(c) requires a flight instructor with a sport pilot rating to receive training for the purpose of giving instruction on the tasks specified in § 61.93(e)(12), as proposed. The FAA believes that a minimum amount of training time on the tasks specified in § 61.412(c) and an endorsement certifying proficiency in those tasks are necessary to ensure that a flight instructor with only a sport pilot rating has the experience, proficiency, and skills necessary to provide his or her sport pilot students with the training and skills required to safely operate a light-sport aircraft solely by reference to the flight instruments.[90]

SAFE agreed that a one-time endorsement is appropriate, but asserted that the minimum training requirement is insufficient. SAFE recommended that the flight instructor with a sport pilot rating be required to demonstrate all the tasks described in the Private Pilot ACS Area VIII, Task F.

The FAA disagrees with SAFE's assertion. The training and subsequent endorsement that will be provided to the flight instructor with a sport pilot rating is not meant to be a practical test and should not be treated as such. The instructor providing the training can make the determination of competency without referencing the PTS standards. The training and endorsement required under § 61.412 is similar in nature to the other training and endorsements instructors provide, such as for high performance, complex, or tailwheel airplanes.

SAFE also stated that it is unclear what ''use of radio aids and ATC directives'' means under proposed § 61.412(c). To more clearly define it, SAFE suggested referencing the ''Private Pilot ACS Area VIII, Task F, Radio Communications, Navigation Systems/Facilities, and Radar Services'' instead.

Because § 61.412(c) requires the flight instructor with a sport pilot rating to receive an endorsement certifying that the instructor is proficient in providing the flight training specified in § 61.93(e)(12), the FAA is describing the flight training in § 61.412(c) by using language that mirrors the language of § 61.93(e)(12). Thus, the language ''use of radio aids and ATC directives'' does not introduce a new concept into the regulations. It has been used in 14 CFR 61.93 since 1997.[91] Flight instructors authorized under subpart H of part 61 have been conducting the flight training required by § 61.93, which includes ''use of radio aids and ATC directives,'' for over 20 years. The FAA believes the phrase ''use of radio aids and ATC directives'' is sufficiently clear.

SAFE also stated that it is unclear what type of instructor would be authorized under subpart H. SAFE questioned if this should be any flight instructor that meets the appropriate category and class requirement, an instrument flight instructor, or an instructor who meets the requirements to provide instruction for an initial flight instructor certificate applicant. SAFE suggested the training be provided by an instructor with substantial experience who also meets the requirements to provide training for the initial flight instructor certificate.

The FAA intended for any flight instructor authorized under subpart H to provide the requisite training and endorsement to a flight instructor with a sport pilot rating. However, in its own continued review of the NPRM, the FAA discovered that the express language of § 61.195(c) would have prohibited an instrument-only flight instructor from providing flight training on the control and maneuvering of an airplane solely by reference to the flight instruments. As explained in the NPRM, a subpart H instructor is instrument rated and knowledgeable on the appropriate techniques for safely accomplishing flight by reference to the flight instruments. Because flight training on the control and maneuvering of an airplane solely by reference to the flight instruments is not instrument training, it may be provided by a flight instructor who does not hold an instrument rating on his or her flight instructor certificate.[92] The FAA, therefore, concludes that a flight instructor who holds an instrument rating on his or her flight instructor certificate that is appropriate to the aircraft in which the training is provided should also be allowed to provide flight training on the control and maneuvering of an airplane solely by reference to the flight instruments. Accordingly, the FAA is adding new paragraph (l) to § 61.195 to expressly allow an instrument-only instructor to provide this training notwithstanding § 61.195(c).

The FAA understands that a flight instructor with a sport pilot rating has already demonstrated proficiency in the fundamentals of instruction and course development. A flight instructor with a sport pilot rating is evaluated and then qualified on the fundamentals of flight instruction before receiving a flight instructor certificate.[93] That same flight instructor with a sport pilot rating will then receive additional training from a flight instructor authorized under subpart H, specific to giving instruction on control and maneuvering solely by reference to the instruments. The FAA believes this will enable the flight instructor with a sport pilot rating to provide the training under § 61.93(e)(12) effectively and safely.

AOPA recommended the FAA revise proposed § 61.412(b) to allow flight instructors with a sport pilot rating to receive the required three hours of flight training in an ATD. AOPA explained

[88] 81 FR at 29734.

[89] 14 CFR 61.93(e)(12).

[90] Section 61.315 prescribes the privileges and limitations of a person who holds a sport pilot certificate. Under § 61.315(c), a person who holds a sport pilot certificate may not act as PIC of a light sport aircraft when the flight or surface visibility is less than 3 statute miles, or without visual reference to the surface. The FAA notes that receiving flight instruction on control and maneuvering solely by reference to the flight instruments does not give a sport pilot privileges to operate contrary to the limitations established in § 61.315(c).

[91] Final Rule, ''Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules,'' 62 FR 16220 (Apr. 4, 1997).

[92] Legal Interpretation, Letter to Scott Rohlfing from Lorelei Peter, Acting Assistant Chief Counsel for Regulations (Feb 24, 2016); Legal Interpretation, Letter to Taylor Grayson from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (Jan. 4, 2010); Legal Interpretation, Letter to Taylor Grayson from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (July 6, 2010).

[93] FAA–S–8081–29 SPORT PILOT Practical Test Standards for Flight Instructor Pg. 4–13, I. AREA OF OPERATION: FUNDAMENTALS OF INSTRUCTING.

that a flight instructor with a sport pilot rating who holds an endorsement under § 61.327(b) has already been found proficient in an airplane with a V_h greater than 87 knots CAS. Additionally, because the flight instructor with a sport pilot rating and the sport pilot student will not be rated to fly under IFR, all the training to be conducted under proposed §§ 61.412 and 61.93(e)(12) will be performed under simulated instrument meteorological conditions, not actual instrument meteorological conditions. Lastly, AOPA also stated that limitations on the use of certain ATDs being used for this type of flight training can be imposed by the LOA process when the FAA evaluates and approves an ATD.

The FAA recognizes that proposed § 61.412(b) would have allowed the three hours of flight training to be conducted in an airplane with a V_h greater than 87 knots CAS, or in a FFS or FTD that replicated an airplane with a V_h greater than 87 knots CAS. The FAA did not intend to preclude the use of ATDs under this provision. Because ATDs are currently permitted to satisfy training requirements for the instrument rating and recency, the FAA finds that they should also be allowed to satisfy the flight training requirements of § 61.412(b). Accordingly, the FAA is revising proposed § 61.412(b) to also allow the use of ATDs, as AOPA recommended.

AOPA also recommended clarifying changes to proposed § 61.412. First, AOPA recommended revising the proposed rule language to clarify that the solo cross-country endorsement is not issued pursuant to § 61.93(e)(12). Rather, the required flight training maneuvers and procedures are listed under § 61.93(e)(12). Second, AOPA stated that § 61.327 requires two different endorsements. AOPA recommended referencing § 61.327(b), rather than § 61.327 in its entirety, because paragraph (b) requires the endorsement for sport pilots who want to operate a light-sport aircraft that has a V_h greater than 87 knots CAS.

The FAA is revising proposed § 61.412 to clarify that the flight training on control and maneuvering an aircraft solely by reference to the instruments is provided under § 61.93(e)(12), and the solo cross-country endorsement is issued under § 61.93(c)(1). Additionally, the FAA is using the phrase ''student pilot seeking a sport pilot certificate,'' rather than the proposed term ''sport pilot applicant,'' because it more accurately describes the pilots who must obtain the solo-cross country endorsement under § 61.93(c)(1). The phrase ''student pilot seeking a sport pilot certificate'' is also consistent with the terminology that exists in current § 61.93(e)(12). Furthermore, the FAA is referencing § 61.327(b) for the reasons identified by AOPA.

Eagle Sport LLC expressed concern with requiring student pilots seeking a sport pilot certificate to receive training on flight solely by reference to the flight instruments as part of training for cross-country flight if operating a light sport airplane that has a V_h greater than 87 knots CAS.

This requirement has existed since February 1, 2010.[94] The NPRM did not propose any changes to this requirement; therefore, Eagle Sport LLC's comments on this provision are outside the scope of this rulemaking.

One commenter recommended the FAA add instrument time to the requirements for flight instructors with a sport pilot rating. The FAA is not adopting this recommendation. The FAA finds it unnecessary to require a flight instructor with a sport pilot rating to obtain instrument training because a sport pilot may not operate when the flight or surface visibility is less than 3 statute miles, or without visual reference to the surface.[95]

The FAA notes that §§ 61.415 and 91.109 remain unchanged from the NPRM. The FAA also notes that it will revise AC 61–65F to include the appropriate endorsement language that can be used when authorizing a flight instructor with a sport pilot rating.

2. Credit for Training Obtained as a Sport Pilot

In the NPRM, the FAA proposed to revise § 61.99 and add new § 61.109(l) to allow a portion of the flight training received from a sport pilot instructor who does not also hold a flight instructor certificate issued under the requirements in subpart H to be credited toward a portion of the flight training requirements for a recreational or private pilot certificate with airplane, rotorcraft, or lighter-than-air categories.[96] The FAA proposed that any training received from a sport pilot instructor that would be credited must be completed in an aircraft appropriate to the category and class rating for the recreational or private pilot certificate sought.[97]

As an alternative, the FAA considered allowing all training received from a sport pilot instructor to be credited by an applicant seeking a recreational or private pilot certificate. An applicant would still be required to obtain a minimum of three hours of training in preparation for the practical test (within the preceding 2 calendar months) from a flight instructor under subpart H,[98] as well as be endorsed by a flight instructor under subpart H as being prepared for the required practical test. The FAA sought public comment, and any associated data, on this alternative.

The FAA received 13 comments on this proposal. Twelve commenters supported the proposed rule changes; one commenter opposed them.

EAA, AOPA, one individual, and two commenters writing on behalf of Chesapeake Sport Pilot recommended that all the training time received from a flight instructor with a sport pilot rating be allowed for credit for the recreational or private pilot certificate. Both EAA and AOPA indicated that the same fundamental knowledge is required for the sport pilot certificate as other pilot certificates, that many of the flight training requirements and tasks

[94] Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Modifications to Rules for Sport Pilot, 75 FR 5204 (Feb. 1, 2010). The FAA removed the training requirement for student pilots seeking a sport pilot certificate to receive training in the control and maneuvering of an airplane solely by reference to flight instruments prior to conducting solo cross-country flight in an aircraft other than airplanes with a V_H greater than 87 knots CAS. 75 FR at 5211.

[95] 14 CFR 61.315(c).

[96] Under § 61.51(h), a person may log training time when that person receives training from an authorized instructor in an aircraft, FFS, or FTD. A sport pilot instructor is not authorized to conduct training for a recreational pilot certificate or a private pilot certificate with airplane, rotorcraft, glider, or lighter-than-air category ratings. 14 CFR 61.413. Therefore, prior to this final rule, under § 61.51(h), a pilot could not count flight training received from a flight instructor with only a sport pilot rating (subpart K instructor) towards the training requirements for a recreational pilot certificate or private pilot certificate with category ratings other than powered parachute and weight-shift control aircraft.

[97] For the airplane category single engine class, the FAA proposed to allow 10 hours of sport pilot training to be credited toward the 15 hours of training required for a recreational pilot certificate and toward the 20 hours of training required for the private pilot certificate. For the rotorcraft category gyroplane class, the FAA proposed to allow 10 hours of sport pilot training to be credited toward the 15 hours of training required for the recreational pilot certificate and toward the 20 hours of training required for the private pilot certificate. For the lighter-than-air category airship class, the FAA proposed to allow 12.5 hours of sport pilot training to be credited toward the 25 hours of training required for the private pilot certificate. For the lighter-than-air category balloon class, the FAA proposed to allow 5 hours of sport pilot training, including 3 training flights with an authorized instructor, to be credited toward the 10 hours of flight training, including 6 training flights with an authorized instructor, required for a private pilot certificate.

[98] 14 CFR 61.109(a)(4), (d)(3), and (g)(3). The FAA notes, however, that a person who applies for a private pilot certificate with a lighter-than-air category and balloon class rating is required to obtain a minimum of 2 hours in preparation for the practical test within the preceding 2 calendar months from the month of the test. 14 CFR 61.109(h)(1) and (2).

are the same, and that the credit limit does not provide a safety benefit. AOPA stated there are sufficient safeguards in place, including subpart H instructor training and endorsements, to ensure that a sport pilot will be properly qualified for the recreational or private pilot certificate and to ensure there is not a reduction in proficiency or safety. EAA and one individual stated that a flight instructor with a sport pilot rating is equally capable of providing instruction on the areas common to the sport, recreational, and private pilot certificates as a subpart H instructor. Several commenters, including EAA, noted how the proposal would lower the cost and provide a viable path for those pursuing higher certificates. One individual supported the proposal, noting how the current regulations imply that a flight instructor with a sport pilot rating is less qualified than a subpart H instructor.

After review of the comments and further analysis, the FAA has decided to allow all training received from a flight instructor with a sport pilot rating to be credited by an applicant seeking a recreational or private pilot certificate. The FAA recognizes that an applicant for a sport pilot certificate must complete flight training on many of the same areas of operation required for a recreational or private pilot certificate.[99] Additionally, as explained in the NPRM, many of the tasks and maneuvers outlined in the practical test standards for a sport pilot are the same as those outlined in the practical test standards for recreational or private pilot.[100] In fact, these areas of operation must be performed to identical proficiency standards.[101] Therefore, the FAA believes that all training received as a sport pilot candidate is relative to the aeronautical experience required for a higher certificate. Accordingly, the FAA is not going to limit the sport pilot training that may be credited toward a higher certificate to a prescriptive number of hours. The FAA notes, however, that sport pilots applying for a higher certificate are still required to complete all the requirements for the specific certificate or rating sought, which includes additional training provided by a subpart H instructor and successful completion of the knowledge test and practical test.[102]

Additionally, before receiving solo cross-country privileges, all student pilots pursuing a sport pilot (in airplanes with a V_h greater than 87 knots calibrated airspeed (KCAS)), recreational pilot, or private pilot certificate in a single engine airplane must receive the training specified in § 61.93(e)(12) that includes control and maneuvering solely by reference to flight instruments, including straight and level flight, turns, descents, climbs, use of radio aids, and ATC directives. In recognition that these training tasks are similar to the ones described in § 61.109(a)(3), which requires ''control and maneuvering of an airplane solely by reference to instruments, including straight and level flight, constant airspeed climbs and descents, turns to a heading, recovery from unusual flight attitudes, radio communications, and the use of navigation systems/facilities and radar services'', the FAA will allow training tasks described in § 61.93(e)(12) provided to a sport pilot candidate by a flight instructor with a sport pilot rating, to be credited toward the private pilot training requirements specified in § 61.109(a)(3). This training credit will only be applicable if the training was provided by a flight instructor with a sport pilot rating who has received the training and endorsement required by § 61.412.[103] However, the FAA has identified that the requirement for training specific to ''recovery from unusual attitudes'' specified in § 61.109(a)(3) must be accomplished by a subpart H instructor. Sport pilot candidates are not required to receive training on recovery from unusual attitudes under § 61.93(e)(12). Therefore, § 61.412, which allows flight instructors with a sport pilot rating to provide the flight training under § 61.93(e)(12) provided the training and endorsement requirements are satisfied, does not require flight instructors with a sport pilot rating to receive training from a subpart H instructor on recovery from unusual attitudes.

A student pilot seeking a sport pilot certificate is not tested on basic instrument maneuvers during the sport pilot practical test.[104] However, the holder of a sport pilot certificate who seeks a private pilot certificate will be required under § 61.109(a)(4) to receive 3 hours of flight training in a single-engine airplane with a flight instructor authorized under subpart H in preparation for the private pilot practical test. Because a large portion of the Private Pilot ACS requires a demonstration of basic instrument flight maneuvers, a flight instructor under subpart H must observe an applicant's proficiency before endorsing the student pilot for the private pilot practical test.[105] As such, even though a sport pilot may credit basic instrument flight training received from a flight instructor with a sport pilot rating toward § 61.109(a)(3), an applicant for a private pilot certificate will likely receive as part of the training required by § 61.109(a)(4) a substantial amount of flight training from a subpart H flight instructor on basic instrument flight maneuvers, including straight and level flight, constant airspeed climbs and descents, turns to a heading, recovery from unusual flight attitudes, radio communications, and the use of navigation systems/facilities and radar services appropriate to instrument flight. Furthermore, a designated pilot examiner (DPE) will observe and test the private pilot candidate on these basic instrument maneuvers according to the proficiency standards in the private pilot ACS.

The FAA agrees with AOPA that sufficient safeguards are in place to prevent any reduction in safety, including the additional training and recommendations[106] required and provided by a subpart H instructor and the requirement for the applicant to pass a knowledge test and practical test to the standards specified for that grade of certificate. These safeguards would also include any additional training not provided by a flight instructor with a sport pilot rating that is explicit to the recreational or private pilot certificate.[107] As previously stated, an applicant is also required to receive at least 3 hours of training in preparation for the practical test (within 2 calendar

[99] 81 FR at 29735.

[100] *Id.*

[101] *Id.*

[102] Sections 61.99 and 61.109 contain the aeronautical experience requirements for recreational and private pilot certificates, respectively.

[103] The FAA is adopting new § 61.412 in this final rule. Section 61.412 allows a flight instructor with a sport pilot rating to provide flight training under § 61.93(e)(12) on control and maneuvering an aircraft solely by reference to the flight instruments for the purpose of issuing a solo cross-country endorsement under § 61.93(c)(1) to a student pilot seeking a sport pilot certificate, provided the flight instructor with a sport pilot rating holds an endorsement required by § 61.327(b), has received and logged the required training specified in § 61.412(b) from an authorized instructor, and has received a one-time endorsement from a flight instructor authorized under subpart H who certifies that the person is proficient in providing training on control and maneuvering solely by reference to the instruments in an airplane with a V_h greater than 87 knots CAS. See Section III.E.1. Sport Pilot Flight Instructor Training Privilege of this final rule.

[104] Sport Pilot Practical Test Standards (FAA–S–8081–29 Change 1, 2 and 3).

[105] 14 CFR 61.103(f), and Private Pilot Certification Standards (FAA–S–ACS–6A Change 1).

[106] Authorized instructor recommendations include signing the applicant's pilot logbook record and airman application certifying he or she is prepared and qualified for the test.

[107] For example, an applicant for a private pilot certificate will still be required to receive night training and additional cross-country training requirements. 14 CFR 61.109.

months preceding the month of application) from a flight instructor qualified under subpart H.[108] This includes an endorsement from the flight instructor certifying that the applicant received training on the applicable areas of operation for the certificate sought and is prepared for the practical test.

For the reasons discussed above, the FAA is revising § 61.99 and adding new paragraph (l) to § 61.109 to allow all flight training received from a flight instructor with a sport pilot rating to be credited toward the aeronautical experience requirements of §§ 61.99 and 61.109, provided certain conditions are met. The FAA notes that proposed § 61.109(l) would have allowed only a certain amount of sport pilot training to be credited toward the private pilot certificate based on the specific aircraft category and class rating sought. Because the FAA is now allowing all sport pilot training to be credited, the FAA is revising proposed § 61.109(l) to no longer differentiate credit based on specific aircraft categories and classes and to clarify the conditions under which a sport pilot may credit sport pilot training toward a private pilot certificate. Therefore, new § 61.109(l) allows the holder of a sport pilot certificate to credit flight training received from a flight instructor with a sport pilot rating toward the aeronautical experience requirements of § 61.109 if the conditions specified in paragraphs (l)(1) through (3) are satisfied.

Section 61.109(l)(1) requires the flight training to be accomplished in the same category and class of aircraft for which the rating is sought. This requirement is consistent with the NPRM, which stated that any training received from a sport pilot instructor that would be credited under this rule must be completed in an aircraft appropriate to the category and class rating for the recreational or private pilot certificate sought.[109] Section 61.109(l)(2) requires the flight instructor with a sport pilot rating to be authorized to provide the flight training. This requirement is consistent with the NPRM, which explained that the FAA was not proposing to expand the privileges of a flight instructor who holds only a sport pilot rating,[110] other than as discussed in section III.E.1 of this preamble.[111] The FAA emphasizes that flight instructors with a sport pilot rating are still subject to the privileges and limitations of their flight instructor certificate.[112] Therefore, a flight instructor with a sport pilot certificate is not authorized to provide flight training under subpart H to a recreational or private pilot candidate. Lastly, paragraph (l)(3) requires the flight training to include either: (i) Training on areas of operation that are required for both a sport pilot certificate and a private pilot certificate; or (ii) training on the control and maneuvering of an airplane solely by reference to the flight instruments, provided the training was received from a flight instructor with a sport pilot rating who holds an endorsement required by § 61.412(c). The FAA finds that new paragraph (l)(3)(i) is consistent with the NPRM, which explained that the FAA was proposing to allow sport pilot training to be credited toward the flight training requirements of a recreational or private pilot certificate because of the common areas of operation and proficiency standards in flight training for sport pilots, recreational pilots, and private pilots.[113] As explained above, the FAA is adding new § 61.109(l)(3)(ii) because new § 61.412 of this final rule will allow sport pilots to receive the training specified in § 61.93(e)(12) from flight instructors with a sport pilot rating if the training and endorsement requirements of § 61.412 are met.[114]

The FAA is revising proposed § 61.99(b) to be consistent with the reorganization of proposed § 61.109(l).

SAFE commented that pilot certification under part 61 is based on demonstrated performance. Therefore, if a sport pilot meets the required performance standards, the pilot should not have to accomplish additional training just because the previous training was provided by a subpart K instructor.

The FAA notes that pilot certification under part 61 is based on more than flight proficiency. An applicant for a pilot certificate must meet all the applicable aeronautical knowledge, flight proficiency, and aeronautical experience requirements. Sections 61.99 and 61.109, which contain the aeronautical experience requirements for a person who applies for a recreational or private pilot certificate, respectively, prescribes flight training and experience requirements above those that are required for a sport pilot certificate.[115] Therefore, while this rulemaking allows a sport pilot to credit flight training received from a flight instructor with a sport pilot rating toward the flight training requirements for a recreational or private pilot certificate, that pilot is still required to accomplish additional flight training and experience requirements that exceed those required for a sport pilot certificate. These additional requirements include additional training (*e.g.* night training), verification of proficiency, and a recommendation from a flight instructor (qualified under subpart H) that the applicant is prepared for the practical test for the recreational or private pilot certificate.

One individual suggested that if a private pilot candidate can credit time in a light sport aircraft, then the FAA should allow a sport pilot candidate to credit his or her sport pilot training toward the private pilot certificate in the future.

This final rule allows an applicant for a higher pilot certificate who receives flight training from a flight instructor with a sport pilot rating, to credit that pilot time toward the aeronautical experience requirements for a recreational or private pilot certificate. This can include training accomplished in a Light Sport Aircraft (LSA).

[108] 14 CFR 61.109(a)(4), (d)(3), (g)(3).

[109] 81 FR at 29735.

[110] 81 FR at 29735.

[111] As explained in section III.E.1 of this preamble, new § 61.412 authorizes flight instructors with sport pilot ratings to provide training on control and maneuvering solely by reference to the instruments to sport pilot applicants receiving flight training for cross-country flight in an airplane that has a V_h greater than 87 knots CAS.

[112] Section 61.413 prescribes the privileges of a flight instructor certificate with a sport pilot rating. Section 61.415 prescribes the limits of a flight instructor certificate with a sport pilot rating. Section 61.315 prescribes the privileges and limits of a sport pilot certificate. More specifically, the FAA notes that § 61.315(c) prohibits a sport pilot from acting as PIC of a light sport aircraft at night, and § 61.415(c) prohibits a flight instructor with a sport pilot rating from providing training to operate a light sport aircraft in Class B, C, and D airspace, at an airport located in Class B, C, or D airspace, and to, from, through, or at an airport having an operational control tower, unless the instructor has the endorsement specified in § 61.325, or is otherwise authorized to conduct operations in this airspace and at these airports. Therefore, a flight instructor with a sport pilot rating is not authorized to provide flight training at night and may not be authorized to provide flight training at an airport with an operating control tower.

[113] 81 FR at 29735.

[114] Under § 61.93(e)(2), when a student pilot seeking a sport pilot certificate receives training for cross-country flight in an airplane that has a V_h greater than 87 knots CAS, that student pilot must receive and log flight training in a single-engine airplane on control and maneuvering solely by reference to flight instruments, including straight and level flight, turns, descents, climbs, use of radio aids, and ATC directives.

[115] For example, §§ 61.99(a)(2) and 61.109 require a person to receive 3 hours of flight training with an authorized instructor in the aircraft for the rating sought in preparation for the practical test within the preceding 2 calendar months. Section 61.109 also requires 3 hours of night training, 3 hours of flight by reference to instruments, operations at an airport with an operating control tower, and some additional cross-country time requirements. The FAA notes that night and instrument time are not required for balloon, powered parachute, or weight-shift control aircraft at the private pilot certification level.

Both EAA and Chesapeake Sport Pilot discussed that allowing only partial credit would have placed undue burden on designated pilot examiners when trying to differentiate training provided by a subpart K instructor verses a subpart H instructor since this time is documented as ''dual'' instruction in a person's logbook.

Because the FAA is allowing full credit for training received as a sport pilot applicant, this alleviates concerns with differentiating training received from a subpart H instructor versus training received from a flight instructor with a sport pilot rating, when recording flight instruction in a person's logbook. Flight instructors provide additional details in the applicant's logbook other than just describing dual instruction. A subpart H instructor is required to provide a recommendation in the pilot applicant's logbook certifying that he or she has provided the required additional training referencing §§ 61.103(f), 61.107(b), and 61.109, for the private pilot certificate.[116] This same flight instructor will certify flight training entries, in which he or she was the instructor providing the training, in the student's logbook with a signature, flight instructor certificate number, and expiration date. This allows an examiner to verify that the additional flight training provided qualifies for the higher certificate.

The FAA notes that currently examiners are not required to verify the credentials of the recommending instructor unless there are extenuating circumstances such as ensuring the flight instructor meets the requirements of § 61.195(h). Section 61.59 provides safeguards to ensure that the training flight instructors provide is appropriate to the certificate or rating for which a student is applying.[117] Applicants have a responsibility to understand and be familiar with the qualifications of the person providing them training and recommendations. The FAA expects applicants to provide additional scrutiny to their own pilot records before providing them to an examiner or inspector, who will verify the applicant's experience and qualifications.

GAMA stated that since the publication of the proposed rule, the FAA replaced the PTS for private and sport pilots with the Airman Certification Standards (ACS), which became effective in June 2016. GAMA recommended referencing the ACS instead of the PTS to help facilitate the proposed changes in this rule.

The FAA implemented the ACS for Private Pilot Airplane on June 15, 2016, subsequent to the publication of the NPRM. Because the Private Pilot ACS for Airplane superseded the Private Pilot PTS for Airplane,[118] this final rule preamble refers to the Private Pilot ACS rather than the PTS. However, the FAA will continue to refer to the Sport Pilot PTS until it is replaced by the applicable ACS.[119]

One individual commenter opposed the provision. The commenter stated that a sport pilot instructor only has to have a private pilot certificate and no instrument rating. The commenter suggested that a sport pilot instructor does not have the appropriate experience and background to provide ''airline discipline,'' and claimed that sport pilot ratings are sought due to a non-requirement for a medical certificate. The individual claimed the ''general aviation safety record shows the need for rigorous, standardized training from the student's first flight.'' Additionally, this individual asserted that the private pilot certificate requires 20 hours of instruction from an authorized instructor who has a vastly superior background than a sport pilot instructor.

A flight instructor with a sport pilot rating is not required to possess a private pilot certificate. He or she is required to hold at least a sport pilot certificate with the category and class ratings or privileges, appropriate to the flight instructor certificate held.[120] The commenter's reference to ''airline discipline'' is irrelevant since those who possess a flight instructor certificate are not held to airline standards. Only those pursuing an airline transport pilot (ATP) certificate with an airplane category and multiengine class rating are required by regulation to be trained on air carrier operations as outlined in § 61.156. There is no doubt that a subpart H instructor must meet higher experience requirements than a flight instructor with a sport pilot rating. However, flight instructors with a sport pilot rating are trained and tested on the same fundamentals of instruction as a subpart H instructor. Additionally, flight instructors with a sport pilot rating provide flight training on many of the same tasks and maneuvers as subpart H instructors because many of the training requirements and practical test standards for the recreational and private pilot certificates are identical to those required for the sport pilot certificate. For example, as stated in the NPRM, ten of the twelve areas of operation required in the airplane practical test standards for private pilot are also listed in the airplane practical test standards for sport pilot.[121] These areas of operation must be performed to identical standards. Furthermore, sport pilots who pursue a recreational or private pilot certificate will still be required to receive additional training and endorsements from a subpart H flight instructor and meet the additional experience and proficiency requirements for that certificate. For example, an applicant for a recreational or private pilot certificate will still be required to receive a minimum of three hours of training within 2 calendar months of the practical test from a flight instructor certificated under subpart H.[122] A flight instructor certificated under subpart H is still required to conduct training on all the areas of operation and certify that the applicant is prepared for the practical test.[123] Thus, only a subpart H flight instructor may recommend an applicant for a recreational or private pilot practical test.

The fact that a flight instructor with a sport pilot rating does not have an instrument rating on his or her pilot certificate is not relevant because all the training that he or she provides must be accomplished under visual flight rules. This fact is also true for the majority of the flight training that a student receives in pursuit of a recreational or private pilot certificate.[124]

[116] AC 61–65F Certification: Pilots and Flight and Ground Instructors provides recommended endorsements and rule references.

[117] Section 61.59 governs the falsification, reproduction, or alteration of applications, certificates, logbooks, reports, or records.

[118] The Private Pilot PTS for Airplane was cancelled as of June 15, 2016.

[119] In light of GAMA's comment, however, the FAA has decided to update its terminology in 14 CFR to reflect the transition from the PTS to the ACS. For further explanation, see section III.L. of this final rule preamble.

[120] 14 CFR 61.403(c)

[121] 81 FR at 29735.

[122] *See* 14 CFR 61.99(a)(2) and 61.109(a)(4), (b)(4), (c)(3), (d)(3), (g)(3).

[123] 14 CFR 61.96(b)(5) and 61.103(f).

[124] The FAA also notes that, similar to a subpart H instructor providing flight training to a recreational or private pilot applicant, a flight instructor with a sport pilot rating is not required to have an instrument rating on his or her flight instructor certificate. As noted in several legal interpretations, a flight instructor who provides flight training on the ''control and maneuvering of an airplane solely by reference to the instruments'' is not required to hold an instrument rating on his or her flight instructor certificate. Legal Interpretation, Letter to Scott Rohlfing from Lorelei Peter, Acting Assistant Chief Counsel for Regulations (Feb. 24, 2016); Legal Interpretation, Letter to Taylor Grayson from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (Jan. 4, 2010); Legal Interpretation, Letter to Taylor Grayson from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (July 6, 2010). Under § 61.65(d)(2), ''the required instrument time other than instrument

Continued

The FAA notes that the commenter's statement about persons seeking sport pilot ratings due to the ability to fly without a medical certificate is not relevant to the FAA's proposal because the proposal was not specific to medical certification requirements. Furthermore, BasicMed now allows certain pilots to operate without a medical certificate, provided certain conditions and limitations are met.[125]

G. Pilot School Use of Special Curricula Courses for Renewal of Certificate

In the NPRM, the FAA proposed to amend § 141.5(d) to allow the FAA to issue or renew a pilot school certificate to a part 141 pilot school that holds a training course approval for special curricula courses based on their students' successful completion of end-of-course tests for these FAA approved courses.[126]

AOPA supported this proposal noting that it could benefit the flight training community by encouraging the development of more FAA-approved courses by part 141 schools and by encouraging existing flight schools to pursue part 141 certificates.

SAFE believed the proposed language would have significantly changed the effect § 141.5(d) has on pilot schools requesting approval or renewal of their certificates. SAFE asked the FAA to reconsider its use of the words ''all'', ''or'', and ''and,'' and to reword the proposed rule to ensure that the 80 percent or higher pass rate would be computed properly.

After reconsidering its use of the words ''all'' and ''and'' in the proposed rule, the FAA finds that proposed § 141.5(d), which would have required an applicant for a pilot school certificate to establish at least an 80 percent pass rate on the first attempt for all tests administered, accurately reflects the FAA's intent. Prior to 2009,[127] § 141.5(d) required at least 80 percent of all tests administered to be passed on the first attempt. In the 2009 final rule and subsequent technical amendment, the FAA made changes to § 141.5(d);[128] however, the FAA explained that the changes were intended to clarify, not alter, the existing rule requirements.[129] In a legal interpretation dated July 1, 2011, the FAA stated that ''the quality of training requirement under § 141.5(d) is calculated based on the percentage of successful first attempts on all knowledge tests, practical tests, and end-of-course tests for appendix K courses.'' [130] Because the FAA never intended to alter the requirement that ''at least 80 percent of all tests administered be passed on the first attempt,'' the FAA finds that proposed § 141.5(d) was accurately worded.

Section 141.5(d) remains unchanged from the NPRM. The FAA expects that a pilot school will utilize special curricula course graduations when applying for or renewing a pilot school certificate on or after the effective date of this provision, even if those special curricula course graduations occurred before the effective date of this new rule provision. Therefore, effective July 27, 2018, pilot schools will be able to immediately utilize graduates from special curricula courses to qualify for or renew their pilot school certificates as described in § 141.5(d).

H. Temporary Validation of Flightcrew Members' Certificates by Part 119 Certificate Holders Conducting Operations Under Part 121 or 135 and by Fractional Ownership Program Managers Conducting Operations Under Part 91, Subpart K

In the NPRM, the FAA proposed to amend §§ 121.383(c) and 135.95 to allow part 119 certificate holders conducting operations under part 121 or 135 to provide their flightcrew members a temporary verification document (valid for 72 hours) without the need of an FAA exemption.[131] The FAA also proposed to amend §§ 61.3(a) and 63.3(a) to permit the documents provided by certificate holders to be carried as an airman certificate or medical certificate, as appropriate.[132] The FAA proposed that a certificate holder would be required to obtain approval from the Principal Operations Inspector to exercise this privilege. The FAA also proposed to establish a process to facilitate approval of a Certificate Verification Plan via Operations Specifications (A063).[133]

The FAA received five comments from organizations and two comments from individuals.

Airlines for America (A4A), National Air Transportation Association (NATA), and Regional Air Cargo Carriers Association (RACCA) recommended the FAA clarify what an acceptable form of media is for the temporary validation document. A4A suggested revising proposed § 121.383(c) to clarify that the temporary document may be in either paper or electronic form. A4A noted that this clarification would standardize methods of documentation in the industry and, as more flight decks go paperless, ensure that the airlines have the ability to transmit the required

training does not require the presence of a CFI but only the presence of an individual qualified to act as a safety pilot or as a pilot in command of an operation in actual instrument conditions.'' *Id.*

[125] The Federal Aviation Administration (FAA) Extension, Safety, and Security Act of 2016, Public Law 114–190, Section 2307 (2016); 14 CFR 61.3(c)(2)(xiii), 61.23(a)(3), 61.101, 61.113(i). *See also* Final Rule, ''Alternative Pilot Physical Examination and Education Requirements,'' 82 FR 3149 (Jan. 11, 2017).

[126] Prior to this final rule, under § 141.5, the graduates that completed special curricula courses could not be counted when calculating the 80 percent pass rate required for issuance or renewal of a pilot school certificate.

[127] ''Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules; Final Rule,'' 62 FR 16220 (Apr. 4, 1997); 14 CFR 141.5(d) (1998).

[128] After the 2009 final rule and subsequent technical amendment, § 141.5(d) stated: ''Has established a pass rate of 80 percent or higher on the first attempt for all knowledge tests leading to a certificate or rating, practical tests leading to a certificate or rating, or end-of-course tests for an approved training course specified in appendix K of this part.'' ''Pilot, Flight Instructor, and Pilot School Certification'' Technical Amendment, 75 FR 56857 (Sep. 17, 2010); 14 CFR 141.5(d) (2011).

[129] In 2009, the FAA sought to clarify the ''quantity of training'' requirement in § 141.5(d) by revising and relocating it to new paragraph (e). ''Pilot, Flight Instructor, and Pilot School Certification; Final Rule,'' 74 FR 42500 (Aug. 21, 2009). As a result of the 2009 final rule, § 141.5(d) contained the ''quality of training'' requirement and § 141.5(e) contained the ''quantity of training'' requirement. The FAA explained in the preamble that the requirement that ''at least 80 percent of those persons passed their test on the first attempt is not a change from the existing rule. The purpose of this change is clarifying the intent of the rule.'' 74 FR 42500, 42538. The FAA issued a technical amendment in 2010 to clarify § 141.5(d) and to reinsert language that was inadvertently removed as a result of the 2009 final rule. 75 FR 56857. In the technical amendment, the FAA explained that it was revising the language of § 141.5(d) to clarify that in order to meet the quality of training standard for issuance or renewal of a pilot school certificate, a pilot school must achieve a combined 80 percent pass rate on the first attempt for all: (1) Knowledge tests and practical tests leading to a certificate or rating, and (2) end-of-course tests for appendix K courses. 75 FR 56857. The FAA adopted rule language, however, that appeared to be inconsistent with its intent given its use of the term ''or'' instead of ''and'' in § 141.5(d). 14 CFR 141.5(d) (2011).

[130] Legal Interpretation to Jared Testa from the Assistant Chief Counsel, Regulations Division (July 1, 2011).

[131] Prior to this final rule, regulations required a person serving as a required flightcrew member of a United States civil aircraft to have his or her airman certificate in his or her physical possession or readily accessible in the aircraft when exercising the privileges of that certificate. 14 CFR 61.3(a) and 63.3(a). The regulations also required a person serving as a required flightcrew member to have an appropriate medical certificate in his or her physical possession or readily accessible in the aircraft. 14 CFR 61.3(c) and 63.3(a).

[132] If the flightcrew member's airman or medical certificate remains unavailable after 72 hours, the flightcrew member would be required to comply with the requirements of § 61.29 or § 63.16, as applicable, and request a 60-day temporary confirmation document from the Airman Certification Branch or the Aeromedical Certification Branch until a replacement certificate is issued and in the possession of that airman.

[133] This would be in lieu of utilizing the FAA Airmen Online Services website that can provide temporary authority in the form of a fax or email. This also would apply to the temporary authority for the medical certificate provided by fax from the Aeromedical Branch.

documentation to the pilot in a timely manner, thereby reducing stress and delays without compromising safety. Similarly, NATA believed an electronic document would be suitable.

The FAA finds it unnecessary to specify in §§ 121.383(c) and 135.95(b) that the temporary verification document may be in either paper or electronic form. Sections 121.383(c) and 135.95(b) are intended to provide flexibility and allow for advancements in technology regarding the method, format or media by which the temporary document must be provided. The operations specification authorizing an approved certificate verification plan will include the specific method or format for each air carrier/operator. Accordingly, the FAA is adopting §§ 121.383(c) and 135.95(b) as proposed. The FAA will be issuing a new Advisory Circular (AC 00–70) to provide guidance to air carriers/operators on obtaining approval of a certificate verification plan, including the necessary components for various methods and formats of issuing the temporary document.

A4A supported proposed §§ 121.383(c) and 135.95(b), which would have allowed the use of temporary validation documents for flights conducted ''entirely within the United States.'' Unlike the current exemptions that limit the relief to ''operations conducted entirely within the District of Columbia and the 48 contiguous States of the United States,'' the proposed rule language would have allowed persons to use the temporary document on flights conducted entirely within Alaska, Hawaii, Puerto Rico and other possessions.

The FAA is adopting §§ 121.383(c) and 135.95(b) as proposed.[134] Article 29 of the Convention on International Civil Aviation requires that every aircraft engaged in international navigation shall carry ''the appropriate licenses for each member of the crew.'' Thus, temporary verification documents provided by the certificate holder from its records will not meet the requirements of the Convention.

One individual suggested the FAA change ''domestic operations'' to ''operations within the United States'' to avoid confusion with the term ''domestic operations'' contained in 14 CFR part 119, which defines a particular type of part 119 operation.

The term ''domestic operations'' was not proposed in regulatory text. It is therefore unnecessary to make any changes to the proposed rule language in response to the individual's comment. The FAA notes, however, that this term was used in Tables 1 and 3 of the NPRM,[135] which summarized the proposed provisions. To avoid any confusion, the FAA is not using the term ''domestic operations'' in this final rule document.

AOPA suggested a correction to proposed § 63.3(a)(2), which would have mistakenly referenced § 63.16(d) instead of § 63.16(f).

Section 63.3(a)(2) now references new § 63.16(f), as AOPA suggested because the requirements that were previously contained in § 63.16(d) have been relocated to new § 63.16(f) and revised.

One individual asked several clarifying questions regarding limitations on the use of temporary validation documents. This individual asked how the program would keep track of the number of times a flightcrew member loses, destroys, or otherwise fails to have their certificates in their possession. This individual also asked if there was a limit to the number of temporary verification documents issued to an individual, and if so, how those limitations would be enforced.

Keeping track of how many times a crewmember loses their pilot or medical certificate, or any limitations regarding the number of times a temporary verification document can be issued to any one individual, can be managed appropriately with FAA air carrier oversight. In addition, conditions and limitations can be specified in an air carrier's certificate verification plan, within its operation specifications.

RACCA and Bemidji Aviation Services, Inc. suggested incorporating similar allowances for aircraft registration and airworthiness certificates.

These comments are outside the scope of this rulemaking. The proposal was specific to certificates that an airman must have in his or her possession to exercise his or her privileges. Unlike airmen certificates that are carried on a person outside of the aircraft, the airworthiness and registration certificates are typically placed in a permanent location within the aircraft (usually visible to the operator) and are rarely removed from the aircraft.[136]

AOPA recommended the FAA implement an online method to allow all pilots and airmen to request and obtain a temporary document confirming medical certification. This comment is also outside the scope of this rulemaking. The FAA notes, however, that it is addressing AOPA's comment in a separate action.[137]

The FAA is amending §§ 121.383(c) and 135.95 as proposed. Furthermore, as a result of the FAA's own continued review of the proposal, the FAA has decided to also allow part 91, subpart K, program managers to issue temporary verification documents to flightcrew members who do not have their airman or medical certificates in their personal possession for a particular flight. The FAA did not originally consider providing relief to part 91, subpart K, program managers only because there were no current exemptions granted to these program managers. However, upon further review, the FAA finds that it is appropriate to include part 91, subpart K, program managers because of the similarity of part 91, subpart K, operations compared to part 121 and 135 operations. Many similarities exist between part 91, subpart K, program managers and part 135 operators providing public air transportation, such as: Time, duty, and rest requirements, destination airport analysis programs, minimum equipment lists, recordkeeping, pilot training and checking, proving tests, approved inspection programs, and drug and alcohol misuse and prevention programs. In some instances, a part 91, subpart K, program manager is also certificated under part 119 to conduct part 135 operations.

Specifically, part 91, subpart K, fractional ownership programs are subject to FAA oversight similar to that provided to air carriers (parts 135 and 121), with the exception of line checks and en-route inspections. FAA aviation safety inspectors conduct scheduled and unscheduled inspections, and surveillance of personnel, aircraft, records, and other documents to ensure compliance with the regulations. Given the similarities between parts 91, subpart K, 121 and 135, the FAA finds it appropriate to also prevent cancelation of flights under part 91, subpart K, in situations where a pilot certificate or medical certificate is valid

[134] In accordance with § 1.1 ''United States, in a geographical sense, means (1) the States, the District of Columbia, Puerto Rico, and the possessions, including the territorial waters, and (2) the airspace of those areas.''

[135] 81 FR at 29722 and 29748.

[136] The FAA also notes that Article 29 of the Convention on International Civil Aviation requires that every aircraft of a contracting State, engaged in international navigation, shall carry in the aircraft several documents, including its certificate of registration, its certificate of airworthiness, and the appropriate licenses for each member of the crew. Because temporary verification documents would not meet the requirements of the Convention, the FAA is only allowing the use of temporary verification documents on flights conducted entirely within the United States.

[137] Aerospace Medicine Safety Information System (AMSIS) will permit user(s) to print a valid medical certificate. AMSIS is still in development and is anticipated to become available in 2020.

but not physically available. Therefore, consistent with the amendments to §§ 121.383 and 135.95, the FAA is revising § 91.1015 by adding new paragraph (h), which will allow a program manager to obtain approval to provide a temporary document verifying a flightcrew member's airman certificate and medical certificate privileges under an approved certificate verification plan set forth in the program manager's management specifications. Consistent with the NPRM, the temporary verification document will remain a short-term solution for a period not to exceed 72 hours. The FAA is also revising § 61.3(a)(1) by adding new paragraph (vi) to permit flightcrew members to carry temporary documents provided by a program manager only on flights conducted for the program manager under part 91, subpart K.[138] This is consistent with the NPRM, which proposed to add new § 61.3(a)(1)(v) to allow flightcrew members to carry documents provided by a certificate holder only on flights conducted for the part 119 certificate holder, including ferry flights to reposition aircraft. The FAA notes that it is adopting § 61.3(a)(1)(v) as proposed. The FAA is also adopting the proposed revisions to current § 61.3(a)(1)(iv).

Furthermore, as a result of the FAA's continued review of the proposal, the FAA is making several clarifying changes to allow for smooth implementation of the final rule. Because the final rule allows a person to use a temporary verification document as an airman certificate or medical certificate, if certain conditions are met, the inspection requirements of §§ 61.3(l), 63.3(e), and 121.383(b) would have applied to the temporary document. However, to avoid any confusion, the FAA is revising §§ 61.3(l), 63.3(e), and 121.383(b) to expressly include the temporary verification document in the list of documents that must be presented for inspection upon request from the Administrator.

Additionally, the FAA is revising § 121.383(a) to clarify that an airman engaged in part 121 operations must have in his or her possession any required appropriate current airman and medical certificates or a temporary verification document issued in accordance with an approved certificate verification plan under new § 121.383(c).[139] This change from what was proposed is consistent with the FAA's proposal to add new § 61.3(a)(1)(v) to allow a person engaged in flight operations within the United States for a part 119 certificate holder authorized to conduct operations under part 121, to hold a temporary verification document in place of an airman or medical certificate. The FAA will be issuing a new Advisory Circular to provide guidance to certificate holders/program managers on obtaining approval of a certificate verification plan. The FAA will continue to provide relief through exemptions until June 27, 2019 to allow sufficient time for certificate holders to obtain authority under the regulation from their Principal Operations Inspector.

I. Military Competence for Flight Instructors

In the NPRM, the FAA proposed several changes to §§ 61.197 and 61.199 to accommodate renewal and reinstatement of flight instructor certificates by military instructors and examiners.[140] In § 61.197(a)(2)(iv), the FAA proposed to expand the 12-calendar-month timeframe to 24 calendar months. The FAA also proposed to clarify in § 61.197(a)(2)(iv) that a flight instructor would be able to renew his or her certificate by providing a record demonstrating that, within the previous 24 calendar months, the instructor passed a military instructor pilot proficiency check for a rating that the instructor already holds or for a new rating.

In § 61.199, the FAA proposed to revise paragraph (a) to permit a military instructor pilot to reinstate his or her expired flight instructor certificate by providing a record showing that, within the previous six calendar months, the instructor pilot passed a U.S. Armed Forces instructor pilot or pilot examiner proficiency check for an additional military rating.[141] Additionally, the FAA proposed to add a new § 61.199(c) as a temporary provision, which would have allowed military instructor pilots who obtained their initial flight instructor certificate under subpart H to reinstate that instructor certificate based on military competence rather than by completing a practical test.

The FAA received six comments on these proposed amendments. Three commenters supported the proposal. Two commenters recommended changes to the proposed rule language. One commenter opposed the proposal.

The Society of Aviation and Flight Educators (SAFE) and Aircraft Owners and Pilots Association (AOPA) concurred with the proposed amendments to § 61.199. AOPA also supported the proposed changes to § 61.197. One individual, identifying himself as a retired U.S. Air Force instructor, supported having military credentials recognized by the FAA and providing civilian equivalent instructor ratings.

One individual, identifying as a military instructor with the National Guard Bureau, agreed with changing the timeframe in § 61.197(a)(2)(iv) from 12 calendar months to 24 calendar months. However, the commenter suggested that the FAA revise the proposed rule language to require a record showing that, within the preceding 24 months from the month of application, the flight instructor passed an official U.S. Armed Forces military instructor pilot proficiency check equivalent to renewal requirements as stated in the practical test standards (PTS) for the rating sought. The commenter believed that this would validate an equivalent level of flight proficiency. The commenter explained that because some U.S. Armed Forces have instructors that only train specific tasks such as formation flying or tactical operations, this type of instruction is not an equivalent level of flight proficiency as required for the renewal of a FAA flight instructor certificate. The commenter also provided attachments described as comparable military instructor pilot proficiency checks accomplished on an annual basis in the U.S. Army. The commenter asserted that these annual checks are equivalent to or better than what would be necessary for the renewal of a flight instructor rating.

As stated in the NPRM, the FAA proposed to clarify in § 61.197(a)(2)(iv) that a flight instructor may renew his or her certificate by providing a record demonstrating that, within the previous

[138] The FAA proposed to redesignate current § 61.3(a)(1)(v) as new § 61.3(a)(1)(vi). Now that the FAA is adding new § 61.3(a)(1)(vi) to extend the relief to part 91, subpart K operators, this final rule redesignates current § 61.3(a)(1)(v) as new § 61.3(a)(1)(vii).

[139] In this final rule, the FAA is adding § 121.383(c) to allow a certificate holder to obtain approval to provide a temporary document verifying a flightcrew memberr's airman certificate and medical certificate privileges under an approved certificate verification plan set forth in the certificate holder's operations specifications.

[140] Prior to this final rule, a person renewing his or her flight instructor certificate under § 61.197(a)(2)(iv) was required to submit a record showing that, within the preceding 12 calendar months, the flight instructor passed an official U.S. Armed Forces military instructor pilot proficiency check. Section 61.199 required the holder of an expired flight instructor certificate to reinstate that certificate by passing a practical test.

[141] As explained in the NPRM, the FAA has accepted a flight instructor or examiner proficiency check conducted by the military to be equivalent to an FAA practical test for the purposes of issuing initial flight instructor certificates, adding ratings to existing flight instructor certificates, and renewing flight instructor certificates.

24 calendar months, the instructor passed a ''U.S. Armed Forces military instructor pilot proficiency check'' for a rating that the instructor already holds or for a new rating. As explained in the NPRM, the FAA has accepted a flight instructor or examiner proficiency check conducted by the military to be equivalent to an FAA practical test for the purposes of issuing initial flight instructor certificates and adding ratings to existing flight instructor certificates.[142] Upon further reflection, the FAA finds that the renewal requirements of § 61.197(a)(2)(iv) should be consistent with § 61.73(g), which allows a person to apply for and be issued an initial flight instructor certificate based on official U.S. military documentation of being a U.S. military instructor pilot or U.S. military pilot examiner. Therefore, the FAA is revising proposed § 61.197(a)(2)(iv) to allow renewal based on either ''an official U.S. Armed Forces military instructor pilot or pilot examiner proficiency check.''

However, the FAA disagrees with referencing the PTS within § 61.197(a)(2)(iv) because it would be too prescriptive. The military typically does not perform all the tasks from the PTS or Airman Certification Standards (ACS), as appropriate, required for civil pilot certification during their military instructor pilot proficiency checks. Rather, the military typically performs tasks or maneuvers that are not outlined in the PTS and/or ACS. The FAA believes that requiring a record showing that, within the preceding 24 months from the month of application, the flight instructor passed an official U.S. Armed Forces military instructor pilot proficiency check in an aircraft for which the military instructor already holds a rating or in an aircraft for an additional rating, is sufficient to validate a flight instructor's equivalent level of competency. The FAA has long recognized and accepted military credit without further review.

The individual commenter further asserted that if a military proficiency check meets the requirements for flight instructor renewal or reinstatement as described in the PTS and/or ACS, the FAA should modify § 61.73(g)(3)(iv) to read: ''An official U.S. Armed Forces record or order that shows the person passed a U.S. Armed Forces instructor pilot or pilot examiner proficiency check in an aircraft as a military instructor pilot or pilot examiner that is appropriate to the flight instructor rating sought that meets equivalent requirements of 14 CFR 61.185.''

[142] 81 FR at 29740.

Section 61.73(g)(3)(i) already requires the applicant to present a knowledge test report that shows the person passed a knowledge test on the aeronautical knowledge areas listed under § 61.185(a). Therefore, the FAA finds it unnecessary to revise § 61.73(g)(3)(iv) to require the U.S. Armed Forces proficiency check to meet requirements of § 61.185.

This commenter also recommended the FAA revise proposed § 61.199(a)(3), which would have required a military instructor to show, within the preceding 6 calendar months from the date of application for reinstatement, the person passed a U.S. Armed Forces instructor pilot or pilot examiner proficiency check for an additional military instructor rating. The commenter noted that additional military ratings are not acquired through a ''proficiency check.'' The commenter, therefore, recommended the FAA revise paragraph (a)(3) to require a record showing that, within the previous six calendar months, the instructor passed a U.S. Armed Forces instructor pilot or pilot examiner qualification program for an additional military rating that results in an additional rating to be added to the airman certificate. The individual also recommended the FAA add a new paragraph (a)(4) that would allow for reinstatement of a flight instructor certificate if the instructor can provide a record showing that, within the previous six calendar months, the instructor passed a U.S. Armed Forces instructor pilot or pilot examiner proficiency check equivalent to reinstatement requirements as stated in the PTS and/or ACS for the rating sought. The commenter explained this provision would facilitate reinstatement of an expired flight instructor certificate through a U.S. Armed Forces proficiency check that would be equivalent to the flight test described in the PTS.

As the commenter pointed out, additional military ratings are not acquired through a proficiency check. Therefore, the FAA is revising proposed § 61.199(a)(3) to more accurately reflect the process by which a military instructor pilot acquires an additional aircraft rating qualification. The FAA is also dividing proposed § 61.199(a)(3) into two subparagraphs to make the reinstatement requirements for a military instructor pilot more consistent with the reinstatement requirements for a civilian holder of an expired flight instructor certificate, which are found in § 61.199(a)(1) and (2).

Accordingly, § 61.199(a)(3)(i) now allows reinstatement of an expired flight instructor certificate if the military instructor pilot can provide a record showing that, within the preceding 6 calendar months from the date of application for reinstatement, the pilot passed a U.S. Armed Forces instructor pilot or pilot examiner proficiency check. The FAA finds that a U.S. Armed Forces instructor pilot or pilot examiner proficiency check is the military equivalent of a flight instructor certification practical test. Therefore, this requirement is consistent with § 61.199(a)(1), which allows reinstatement of an expired flight instructor certificate if the civilian pilot satisfactorily completes a flight instructor practical test for one of the ratings held on the expired flight instructor certificate.

Additionally, § 61.199(a)(3)(ii) now allows reinstatement of an expired flight instructor certificate if the military instructor pilot can provide a record showing that, within the preceding 6 calendar months from the date of application for reinstatement, the pilot completed a U.S. Armed Forces instructor pilot or pilot examiner training course and received an additional aircraft rating qualification as a military instructor pilot or pilot examiner that is appropriate to the flight instructor rating sought. The FAA finds that this requirement accurately reflects the process by which a military instructor pilot acquires an additional aircraft rating. The FAA is not using the terminology ''qualification program,'' as the commenter recommended, because it is subject to interpretation. Instead, the FAA is using language that is consistent with the terminology of § 61.73(g)(3)(iii).[143] The FAA notes that new § 61.199(a)(3)(ii) is consistent with § 61.199(a)(2), which allows a civilian holder of an expired flight instructor certificate to reinstate that flight instructor certificate by satisfactorily completing a flight instructor certification practical test for an additional rating.

One individual asserted that military instructor pilots who allow their FAA flight instructor rating to expire reflect a lack of knowledge concerning 14 CFR part 61 that is pervasive in the military.

The FAA disagrees. There are many possible scenarios other than ''a lack of knowledge'' that may lead to someone letting his or her flight instructor

[143] To be issued a flight instructor certificate with the appropriate ratings, § 61.73(g) requires, in part, that the person present an official U.S. Armed Forces record or order that shows the person completed a U.S. Armed Forces' instructor pilot or pilot examiner training course and received an aircraft rating qualification as a military instructor pilot or pilot examiner that is appropriate to the flight instructor rating sought. 14 CFR 61.73(g)(3)(iii).

certificate expire. In some instances, it may be intentional or an individual may be subject to events beyond his or her control. As such, the commenter's assertion is speculative. The FAA has determined that this provision will provide an equitable method of renewal or reinstatement for a FAA flight instructor certificate similar to the allowances currently described in § 61.199(a)(1) and (2).[144]

One individual recommended the FAA revise § 61.73 to add military navigators and naval flight officers who hold a FAA flight instructor certificate and who are military flight instructors to the list of persons eligible for an instrument flight instructor certificate. This commenter further asserted that there are numerous other military aeronautical specialties beyond pilots, navigators, and naval flight officers who have a skill set that may be valuable to the civilian aviation community. The commenter recommended that any military member that can produce documentation of service instructing any aviation crew position be exempted from the fundamentals of instruction written examination for a flight instructor certificate in § 61.183(e) or for a ground instructor certificate in § 61.213(b).

The FAA is not adopting these recommendations because they are outside the scope of this rulemaking. Furthermore, the FAA disagrees with providing flight instructor equivalency for non-pilot instructor positions.

The FAA is adding new § 61.199(c) as proposed. As previously stated, § 61.199(c) will allow military instructor pilots who obtained their initial flight instructor certificate under subpart H to reinstate that flight instructor certificate based on military competence rather than by completing a practical test. The FAA notes that § 61.199(c) is a temporary provision that will expire on August 26, 2019. The FAA will revise FAA Order 8900.1 to provide guidance to designees and inspectors on how to facilitate instructor military competency approvals.

J. Use of Aircraft Certificated in the Restricted Category for Pilot Flight Training and Checking

Section 91.313(a) prohibits a person from operating a restricted category aircraft for other than the special purpose for which it is certificated or in any operation other than one necessary to accomplish the work activity directly associated with the special purpose. Under § 91.313(b), operating a restricted category civil aircraft to provide flight crewmember training in a special purpose operation for which the aircraft is certificated is an operation for that special purpose. The FAA recently clarified, however, that flight training and testing for certification (*e.g.,* for type ratings) in restricted category aircraft is not a special purpose operation under § 91.313.[145] As such, these activities cannot be conducted in a restricted category aircraft.

1. Flights Necessary To Accomplish Work Activity Directly Associated With the Special Purpose

In the NPRM, the FAA proposed in § 91.313(b) to list the following operations in restricted category aircraft as flights necessary to accomplish the work activity directly associated with a special purpose operation:

- Flights conducted for flight crewmember training in a special purpose operation for which the aircraft is certificated provided the flight crewmember holds the appropriate category, class, and type ratings and is employed by the operator to perform the appropriate special purpose operation;
- Flights conducted to satisfy proficiency check and recent flight experience requirements under part 61 of this chapter provided the flight crewmember holds the appropriate category, class, and type ratings and is employed by the operator to perform the appropriate special purpose operation; and
- Flights conducted to relocate a restricted category aircraft for maintenance.

A number of commenters, including Queen Bee Air Specialties, Inc., GAMA, Air Tractor, and the National Agricultural Aviation Association (NAAA), noted that the proposed regulation would prohibit third-party training providers from conducting flight crewmember training in a special purpose operation. The commenters indicated that such a provision would eliminate agricultural aviation schools and decrease safety. The commenters noted that training by experienced instructors based on an approved curriculum in restricted category aircraft under the oversight of FAA inspectors enhances safety. The NAAA and the Colorado Agricultural Aviation Association (CAAA) commented that they interpreted the proposal to allow agricultural aviation operator ''sponsored'' pilots to be able to attend third party training facilities.

GAMA, NAAA, AOPA, and CAAA suggested revisions to proposed § 91.313(b) to ensure that training which is directly associated with the special purpose operation is permitted without an employment relationship existing between the trainee and the special purpose operator.[146]

Upon review of the extensive comments received, including a conference call with Air Force representatives on December 13, 2016, and a face-to-face meeting with representatives from the agricultural aviation industry during the comment period, the FAA agrees that the proposed rule language would have unnecessarily required all personnel receiving flight crewmember training in a special purpose operation to be employed by the operator providing the training.[147]

Flight crewmember training in a special purpose operation has historically been conducted by flight schools. Appendix K of part 141 for pilot schools contains allowances for special curriculum courses for agricultural and external load operations. The FAA did not intend to end the longstanding practice of pilot schools conducting flight crewmember training in a special purpose operation. Flight crewmember training in a special purpose operation for which the aircraft is certificated is currently authorized in accordance with § 91.313(b) and was not intended to be affected by this provision. It was the FAA's intent only to require pilot candidates to be an employee of the operator when accomplishing training or practical tests specific to the requisite type rating, a proficiency check, or recent flight experience requirements specified under part 61. The FAA has revised the language proposed in the NPRM to remove the employee requirement for

[144] (1) A flight instructor certification practical test, as prescribed by § 61.183(h), for one of the ratings held on the expired flight instructor certificate.

(2) A flight instructor certification practical test for an additional rating.

[145] Several operators hold exemptions that permit them to conduct pilot training for certification, practical tests (for type rating designations) in aircraft certificated in the restricted category.

[146] GAMA, Air Tractor, NAAA and Colorado Agricultural Aviation Association all cited a recent survey conducted by the NAAA which found that operators who conduct agricultural operations have an average of 2.1 aircraft per operation, and that there was an average of 2.0 pilots per operation. Texas State Technical College, GAMA, NAAA, Farm Air, Curless Flying Service and Colorado Agricultural Aviation Association all noted that many of these small operators do not have capacity to dedicate an aircraft to training. NAAA, Farm Air, Curless Flying Service, Colorado Agricultural Aviation Association and Queen Bee Air Specialties specifically discussed the difficulty of maintaining a turbine aircraft and commented that most operators rely on third party training providers to provide instruction in a dual cockpit aircraft.

[147] A record of conversation was placed in the docket for each of these meetings.

flight crewmember training in a special purpose operation.

The FAA is retaining the provision proposed in § 91.313(b) that allows pilots employed by operators performing special purpose operations to accomplish § 61.58 proficiency checks and recent flight experience requirements set forth in § 61.57 in the course of their employment provided the pilots hold the appropriate category, class, and type ratings. When a pilot is employed to perform a special purpose operation, satisfying recent flight experience and proficiency check requirements is necessary to accomplish the work activity directly associated with a special purpose operation. When a pilot is not employed to perform a special purpose operation, these operations are neither a special purpose operation nor an operation directly associated with a special purpose operation and, therefore, are not permitted under § 91.313(a).

The FAA is also retaining the provision from the NPRM that adds relocation flights for maintenance to the list of operations considered necessary to accomplish the work activity directly associated with the special purpose operation.

GAMA, Air Tractor, NAAA, Thrush Aircraft, Inc. and CAAA all noted that the FAA's proposal to add this provision could suggest that other essential types of flights necessary to accomplish work directly associated with the special purpose, such as positioning flights, flights to deliver aircraft, and flights to trade shows, are excluded from expressly listed operations. GAMA stated that these flights are clearly within the scope of flights necessary to accomplish work directly associated with the special purpose, but that the industry could benefit from explicit recognition that § 91.313(b) does not contain an exhaustive list of flights.

The FAA has modified the final rule text to include flights to relocate a restricted category aircraft for delivery, repositioning, or maintenance to be considered as flights necessary to accomplish work activity directly associated with a special purpose operation. This change in the final rule permits many of the operations described by the commenters, such as deliveries from an aircraft manufacturer, change in ownership deliveries, relocation from one special purpose operation to another, or repositioning for the special purpose operation. The FAA notes that other types of flight events not expressly allowed by the regulation may be permitted if they are necessary to accomplish work activity directly associated with the special purpose operation.[148] Any operation that does not meet this standard would require an exemption from the regulation.

2. LODAs for Training and Testing for Certification

In the NPRM, the FAA proposed in § 91.313(h) to allow operators of restricted category aircraft to apply for deviation authority for the purpose of conducting the following operations in restricted category aircraft:

- Flight training and the practical test for issuance of a type rating provided the pilot being trained and tested holds at least a commercial pilot certificate with the appropriate category and class ratings for the aircraft type and is employed by the operator to perform a special purpose operation; and
- Flights to designate an examiner or qualify an FAA inspector in the aircraft type and flights necessary to provide continuing oversight and evaluation of an examiner.

The FAA emphasized that the proposed provision was intended to ensure that operators do not establish training schools for the sole purpose of issuing type ratings using restricted category aircraft. As proposed, operators would only be granted deviation authority under proposed § 91.313(h) to conduct this training and testing for pilots who are employed by the operator and only when a type rating is required to complete the special purpose operation for which the aircraft was certificated and the operator is actively engaged in performing.

A number of commenters opposed the proposed provision in § 91.313(h) that limited the ability to obtain a LODA to an employer providing flight training to its employees who perform a special purpose operation for that employer. Texas State Technical College, GAMA, L–3 Communications, and Queen Bee all suggested that such a limitation would result in a reduction in safety.

More specifically, Thrush Aircraft, Inc. noted that the implication of the phrase ''is employed by the operator'' in proposed § 91.313(h)(1)(i) is that an employer/employee relationship must exist before any training may commence. The interpretation of this phrase could create the effect of ''restricting'' the aircraft from being used in agricultural aviation flight schools to conduct training of students planning to become agricultural pilots, by instructors employed by manufacturers and their dealers, or flight schools to perform pilot checkouts and transitional training, such as transitions from piston powered to turbine powered aircraft and by third party training for firefighting or other restricted category operations. The U.S. Air Force commented that proposed § 91.313(h) would prohibit commercial vendors from providing the required USAF flight crewmember training; therefore, USAF flightcrew would not be able to receive training in restricted category aircraft. The USAF also indicated that removing the employment requirement would allow training in aircraft where it is not practical to obtain a type rating in an aircraft with a standard airworthiness certificate. Queen Bee stated that the proposal limits ability for dealers to provide training that is crucial to customers for their safety, success and comfort.

As noted previously, the FAA has removed the proposed employment requirement for flight crewmember training in a special purpose operation. Third party training providers may continue to provide training in special purpose operations (*e.g.* firefighting, agricultural operations, and aerial advertising) absent an employment relationship provided the operation is a special purpose operation for which the aircraft is certificated.[149] The LODA and employment requirements described in § 91.319(h)(1)(i) is specific to training and testing to obtain a type rating and does not impede the special purpose flight training identified by Thrush, the USAF, and Queen Bee.

GAMA, L–3 Communications, and AOPA all suggested that the FAA revise the proposal to permit individuals or entities (instead of operators) to apply for deviation authority and require that the trainee is employed by ''an'' operator to perform a special purpose operation instead of ''the'' operator applying to conduct the training in proposed § 91.313(h)(1). They noted that this would help to ensure that the type rating training is required for the special purpose operation in which the operator is actively engaged but allow flexibility if the operator is unable to conduct the training itself. GAMA noted, however, that this provision still would hinder training of pilots trying to enter the

[148] In the 1965 final rule, the FAA provided examples of operations necessary to accomplish the work activity directly associated with the special purpose operation which included allowing a farmer to conduct a flight for the purpose of showing which fields should be dusted or transportation of an insurance agent, surveyor, or inspector to the site of a special purpose operation. The FAA would also consider a flight conducted to relocate an aircraft to an area of a special purpose operation to be an operation necessary to accomplish the special purpose operation.

[149] 14 CFR 21.25(b).

industry and not yet employed by a special purpose operator.

L–3 Communications noted that modifying the proposal so that other entities could obtain a LODA would allow training of initial cadres of pilots by an aircraft manufacturer or by a properly certified training school with an authorization to conduct restricted category training. L–3 Communications noted that such a change would still achieve the FAA's goal of limiting the training in restricted category aircraft for certification to only those pilots who are employed to perform a special purpose operation.

GAMA, Air Tractor, Queen Bee, and one individual generally noted that limiting the training and testing for the purpose of achieving a type rating in a restricted category aircraft to a pilot's employer will deny access to training for pilots that are not currently employed in a special purpose operation. Additionally, Air Tractor noted the possible burden on students, who must stay employed to finish flight training. GAMA also noted that some insurance underwriters may require pilots to obtain training that is only available through third party training providers. Air Tractor, NAAA, CAAA, Queen Bee and one individual all noted that these types of barriers to training will affect the ability to replace an aging pilot community.

As noted in the NPRM, the FAA has historically placed operating limitations on the use of restricted category aircraft because the airworthiness certification standards for these aircraft are not designed to provide the same level of safety that is required for aircraft certificated in the standard category. The operating limitations set forth in § 91.313 are designed to compensate for the different standards and provide the necessary level of safety for special purpose operations. In the final rule, the FAA has retained the employment requirement to prevent flight training and testing for the purpose of obtaining a type rating in restricted category aircraft without an explicit employment connection to special purpose operations. The operation of restricted category aircraft has always been limited to special purpose operations and those operations necessary to accomplish the work activity directly associated with a special purpose operation. Providing flight training and testing for certification to a pilot who does not perform a special purpose operation is not training in a special purpose operation and the hope of eventual employment in a special purpose operation is too attenuated to be necessary to accomplish the work activity associated with a special purpose operation.

3. Economic Burden

L–3 Communications, Air Tractor, NAAA, CAAA, and Queen Bee generally noted that the proposed rule would have a significant adverse effect on businesses conducting operations with restricted category aircraft since nearly all of these businesses are small businesses. Texas State Technical College, L–3 Communications, Air Tractor, NAAA and CAAA all noted that limiting the training and testing of pilots for the purpose of achieving a type rating in a restricted category aircraft to owners/operators will result in a major financial burden to certain entities. GAMA, L–3 Communications, Air Tractor, Inc., and Queen Bee Air Specialties generally noted that many agricultural aviation operators lack the staff and aircraft to conduct training for their employees. Texas State Technical College and GAMA both noted that many of these small operators do not have in-house training staff. Texas State specifically noted that the cost of providing its own training would be a huge burden. Air Tractor commented that the FAA should not place more burdens on these operators and reduce safety by requiring training in restricted aircraft to be conducted by the operator and requiring the student to be an employee of the operator.

Most of the commenters concerned with the employment requirement have described training operations in which restricted category aircraft are being used for flightcrew member training in a special purpose operation rather than flight training to obtain a type rating. The FAA has removed the proposed employment requirement for special purpose training in the final rule which may continue to be conducted without obtaining a LODA and without an employment relationship. As such, the economic burden associated with this provision would only affect operators who must obtain a LODA to conduct flight training for certification. These are very limited training operations, and they are currently conducted by operators using the exemption process. The FAA has issued several exemptions to facilitate this training.[150] In all cases, the FAA has required the training to be accomplished by the employer as a condition of the exemption. If anything the provision will be relieving in nature to both operators and the FAA by eliminating the need for the exemption process. As discussed in the NPRM, the provision is not intended to allow operators to establish training schools utilizing restricted category aircraft for the purpose of issuing type ratings.

Queen Bee specifically noted that this provision would limit its ability to vet pilots for operators that do not have two-place, dual control aircraft and/or the expertise in training. Queen Bee indicated it currently provides this training, which would be prohibited under the proposed requirements, for the U.S. company ARAMCO which responds to oil spills in the Red Sea with U.S. citizens as pilots.

L–3 Communications, Air Tractor, NAAA, Farm Air, Curless Flying Service and CAAA noted the effect on manufacturers developing and selling new restricted category type designs. L–3 Communications, Farm Air and Curless Flying Service asserted that the proposed rule would limit the ability of manufacturers to develop and sell new restricted category type design aircraft. According to the commenters, prospective buyers of new restricted category aircraft would not be able to receive training for their pilot employees. A manufacturer would have no incentive to produce a new design aircraft providing safety benefits and improvements based on new design features and technology insertion because pilot employees of a prospective buyer could not receive training.

Most restricted category aircraft do not require a type rating and would be unaffected by this provision. Additionally, a manufacturer of a new large or turbojet powered aircraft could seek approval as a standard or transport category aircraft and, therefore, avoid any such ''type rating'' training limitations. The FAA notes that the level of safety for restricted category aircraft may be lower than the level of safety for standard category aircraft. However, the restricted category level of certification does not eliminate any type certification procedural requirements, such as the need to comply with continued airworthiness requirements. To maintain an equivalent level of safety for the public the FAA imposes certain operating restrictions for restricted category aircraft. This provision is specific to facilitate training in restricted category aircraft requiring a type rating safely, not the promotion of restricted category aircraft production for public use.

[150] Aero Contractors Ltd., Exemption No. 14396; Alaska Air Fuel, Inc., Exemption No. 14205; Sky Aviation Corporation, Exemption No. 12449; Columbia Helicopters, Exemption No. 11506; Airborne Support, Inc., Exemption No. 11470; Withrotor Aviation, Inc., Exemption No. 11427; CHI Aviation, Exemption No. 11383; Aero-Flite, Inc., Exemption No. 11276; Billings Flight Service, Exemption No. 11383.

4. Operations for Compensation or Hire

The FAA also proposed a change to § 91.313(c) to ensure that instructors providing flight training and designees conducting practical tests under a LODA may accept compensation for these operations. Likewise, the FAA proposed to revise § 91.313(d) to permit persons to be carried on restricted category aircraft if necessary to accomplish a flight authorized by LODA under paragraph (h).

AOPA suggested revisions to § 91.313(c) to eliminate confusion by breaking each of the operations identified into three separate subparagraphs and provided specific revised rule language. The FAA is retaining the language in paragraph (c) as it was proposed in the NPRM. The FAA merely proposed to add operations conducted under a LODA to the existing list of operations involving the carriage of persons and material that could be conducted without violating the general rule prohibiting the carriage of persons or property on restricted category aircraft for compensation or hire.

5. Exemptions

GAMA raised concerns about the relationship between § 61.31 and proposed § 91.313(h). GAMA noted that, if applicants requesting exemption from § 61.31 type rating requirements also must request exemption from § 91.313 type rating training through this LODA process, they will be subject to an employment requirement. GAMA suggested that the FAA clarify that aircraft operators who hold exemptions from a type rating requirement do not need to also request exemption from § 91.313(h) per the proposed LODA process or revise the LODA process to permit third party training as discussed previously.

GAMA also noted that while the LODA process seems to provide a path for training in restricted category aircraft in pursuit of a type rating, they believe that this process will be burdensome to obtain and maintain. This process will be a barrier to a small business in that manufacturers that plan on building larger restricted category aircraft, that may not be exempted from the type rating requirement of § 61.31, will have a more difficult time getting training for pilots. Air Tractor added that it and its competitor Thrush Aircraft, Inc. manufacture airplanes that, by definition, are ''large'' (greater than 12,500 lbs. gross weight). These airplanes are operated under exemptions from § 61.31. Air Tractor requested that the FAA consider clarifying that large aircraft that are exempt from § 61.31 are also exempt from the LODA process as proposed in the new § 91.313(h).

Section 91.313 requires an operator to obtain a LODA to conduct training and testing for the purpose of obtaining a type rating in a restricted category aircraft. To the extent that some operators may hold exemptions that enable pilots to operate certain aircraft as PIC without a type rating, then § 91.313 would be inapplicable. We note, however, that the general provision limiting the operation of restricted category aircraft to special purpose operations and flights necessary to accomplish the work activity directly associated with a special purpose operation remains applicable to all operations conducted—even operations conducted under these exemptions. No operator should utilize a restricted category aircraft outside the permitted operations in § 91.313.

6. FAA Interpretation of § 91.313

Finally, AOPA commented that, for the last 50 years, operators of restricted category aircraft have been permitted to use such aircraft for type rating training, type rating practical tests, and PIC proficiency checks per §§ 61.31 and 61.58. AOPA suggested that the FAA reversed long-standing precedent in 2015 when it concluded that this type rating training was not permissible under § 91.313. AOPA noted that new FAA guidance for conducting pilot training and/or certification events in a restricted category aircraft was then outlined in Notice N 8900.295 which stated that flights necessary for PICs to obtain type rating designations in the restricted category aircraft required under § 61.31(a) are not permitted by the operating limitations in § 91.313.[151] AOPA stated that none of the FAA's documentation provides sufficient explanation as to the reason for the recent change in interpretation of current § 91.313(b). AOPA commented that the FAA is now proposing to codify this new interpretation and implement a LODA process. AOPA added that conducting type rating training and practical tests in restricted category aircraft under certain circumstances and without a LODA has been an accepted practice for at least several decades.

AOPA recommended that the FAA incorporate the operations from proposed § 91.313(h)(1) into proposed § 91.313(b). This approach would permit, without having to obtain a LODA, flight operations in restricted category aircraft which are necessary for PICs to obtain type rating designations in that aircraft, as required under § 61.31(a). AOPA did not believe that the LODA approach adds any increased level of safety because the FAA has not articulated any reason for the recent reinterpretation of current § 91.313. AOPA also believed that the FAA has not explained why the past accepted practice should not be codified.

The FAA Office of the Chief Counsel was asked by the Director of the Flight Standards Service to provide a legal interpretation on the scope of § 91.313 and whether the regulation permitted operators to conduct training and testing for certification in restricted category aircraft. The Office of the Chief Counsel concluded that the rule as written does not expressly permit this training and testing. As previously noted, the FAA has historically placed limitations on the use of restricted category aircraft because they do not meet the same standard as a standard category aircraft. When restricted category aircraft are used solely for the purpose of providing a type rating to a pilot who is not engaged in a special purpose operation, the operation cannot meet the express requirements of § 91.313(a). The previous history relative to this type of training does not change the identified training limitation. Additionally, the FAA believes that this type rating training and testing needs FAA oversight and approval to ensure safe operations. Restricted category aircraft were never intended or designed to be used for FAA pilot training and certification. The FAA will retain the requirement for an operator to obtain an LODA specific to training and testing in restricted category aircraft that require a type rating when a standard category aircraft is not readily available or does not exist and only when a pilot will be performing a special purpose operation.

AOPA noted that the FAA proposed to implement the changes to § 91.313 within 180 days of the final rule. AOPA further noted that if all of its recommendations are adopted, the implementation time frame should be reduced to 30 days. AOPA suggested that the proposed changes would be less complex to implement because the LODA process is eliminated and less coordination within the FAA is required.

The FAA is not eliminating the LODA process and will retain the 180-day effective date after publication. This will allow the FAA and operators time to become familiar with the guidance and process documents associated with the LODA requirements. The FAA has

[151] N 8900.295 *Pilot Training and/or Certification Events Conducted in Restricted Category Aircraft* became effective 05/05/2015.

retained the provision as proposed in the NPRM.

K. Single Pilot Operations of Former Military Airplanes and Other Airplanes With Special Airworthiness Certificates

In the NPRM, the FAA proposed to revise § 91.531 to allow large airplanes, including former military aircraft and some experimental aircraft, to operate without an SIC if they were originally designed for single pilot operations.[152] The FAA also proposed to reorganize § 91.531 by placing all affirmative requirements in paragraph (a) and all exceptions thereto in paragraph (b).[153]

The Aircraft Owners and Pilots Association (AOPA) expressed concern that, if read in isolation, proposed § 91.531(b) could be interpreted as providing an exhaustive list of airplanes that may be operated without a SIC. AOPA stated that this would be a detrimental unintended consequence because airplanes type certificated for one required pilot are not listed in proposed § 91.531(b). AOPA recommended the FAA clarify that proposed § 91.531(b) is not an exhaustive list.

Section 91.531(b) should not be read in isolation from the remainder of § 91.531. Section 91.531 prescribes SIC requirements under subpart F of part 91. Subpart F of part 91 applies to large and turbine-powered multiengine airplanes and fractional ownership program aircraft. Section 91.531(b) should be read in context with paragraph (a), which expressly states that exceptions are provided in paragraph (b). The FAA finds that reading § 91.531 in its entirety alleviates AOPA's concern. The FAA is adopting § 91.531(b) as proposed.

AOPA also recommended revising proposed § 91.531(b)(3) to state ''large airplane or turbojet-powered multiengine airplane,'' rather than ''large or turbojet-powered multiengine airplane,'' to prevent any confusion as to whether the paragraph applied to ''large airplanes'' or ''large multiengine airplanes.''

The FAA agrees that proposed § 91.531(b)(3) may have caused confusion specific to large airplanes. The FAA is adopting AOPA's recommendation.

Additionally, the FAA recognizes that § 91.531 has been amended since the FAA published the NPRM on May 12, 2016.[154] Effective August 30, 2017, the FAA amended its airworthiness standards for normal, utility, acrobatic, and commuter category airplanes by replacing the current prescriptive design requirements of part 23 with performance-based airworthiness standards.[155] As part of the part 23 final rule, the FAA replaced the utility, acrobatic, and commuter categories in part 23 with new airplane certification levels. As a result, the FAA amended § 91.531(a)(1) and (3) to incorporate the new airplane certification levels to ensure airplanes certificated in the future under new part 23 airworthiness standards would be addressed by § 91.531. In this final rule, the FAA finds it unnecessary to expressly incorporate the new airplane certification levels in the reorganized rule language of § 91.531(a) because levels 3 and 4 airplanes are already covered by § 91.531(a)(1), which requires a SIC for any airplane that is type certificated for more than one required pilot.

Furthermore, the FAA is relocating the exception in proposed § 91.531(a)(2), which excepts from the SIC requirement any large airplane that is type certificated for single-pilot operation, to § 91.531(b)(1). This change from what was proposed is consistent with the NPRM, which intended to place all affirmative requirements in paragraph (a) and all exceptions in paragraph (b). The FAA notes that, rather than providing an exception for any large airplane certificated under SFAR 41 if that airplane is certificated for operation with one pilot, paragraph (b)(1) excepts any airplane that is certificated for operation with one pilot. It is therefore unnecessary to expressly reference the new airplane certification levels in paragraph (b) because § 91.531(b)(1) will except from the SIC requirement any airplane that is certificated for single-pilot operation, including any airplanes certificated under new part 23 and any large airplanes certificated under SFAR 41. The FAA notes that the remaining requirements of § 91.531 remain unchanged from the proposal.

L. Technical Corrections and Nomenclature Change

In the NPRM, the FAA proposed a technical correction in appendix I to part 141, Additional Aircraft Category and/or Class Rating Course. In paragraph 4.(k), course for an airplane additional multiengine class rating, subparagraph (2) discussing the requirements for the commercial pilot certificate, the FAA noted that two paragraphs were designated as (k)(2)(iv). The FAA proposed to redesignate the second paragraph (k)(2)(iv) as paragraph (k)(2)(v). The FAA received no comments on this correction. The FAA is redesignating the second paragraph (k)(2)(iv) as paragraph (k)(2)(v) as proposed.

Additionally, to reflect the change in nomenclature regarding flight simulators, the FAA proposed to remove the words ''flight simulator'' wherever they appear in the sections the FAA determined needed to be revised and replace them with the words ''full flight simulator.'' The Society of Aviation and Flight Educators agreed with the proposed changes of wording to ''full flight simulator.'' The FAA is adopting the changes as proposed. The following sections are amended to reflect this nomenclature change: §§ 61.31, 61.51, 61.57, 61.109, 61.129, 61.159, 61.161, and section 4 of Appendix D to part 141.

Finally, as discussed in section III.F.2. of this preamble, GAMA recommended the FAA update its nomenclature to reflect the new Airmen Certification Standards (ACS). The FAA began transitioning from the practical test standards (PTS) to the airmen certification standards (ACS) on June 15, 2016. The transition from the PTS to the ACS is an ongoing process in which the FAA is enhancing the guidance it provides to applicants, instructors, and evaluators to better prepare applicants for knowledge and practical tests.[156]

In light of GAMA's comment, the FAA recognized that the following sections still referenced the practical test standards: §§ 61.43, 61.57, 65.59, appendix A to part 65, and appendices A, B, C and D to part 60. The FAA has

[152] Prior to this final rule, certain former military aircraft and some experimental aircraft that were designed to be flown by one pilot were required under § 91.531(a) to have a SIC because they qualified as a large airplane. These airplanes were not eligible to obtain an LOA under § 91.531(b) because they were not type certificated. Under § 91.531(b), the Administrator was allowed only to issue LOAs for the operation of an airplane without an SIC ''if that airplane is designed for and type certificated with only one pilot station.''

[153] As stated in the NPRM, the FAA also proposed to eliminate inconsistencies, redundancies, and obsolete provisions in § 91.531, including the language found in former paragraph (d). 81 FR at 29744. The FAA notes that former § 91.531(d), which applied to part 91, subpart K aircraft, was redundant to § 91.1049(d). Section 91.1049(d) states, ''[u]nless otherwise authorized by the Administrator, when any program aircraft is flown in program operations with passengers onboard, the crew must consist of at least two qualified pilots employed or contracted by the program manager or the fractional owner.''

[154] Regulatory Relief: Aviation Training Devices; Pilot Certification, Training, and Pilot Schools; and Other Provisions, proposed rule, 81 FR 29720 (May 12, 2016).

[155] Revisions of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes, final rule, 81 FR 96572 (Dec. 30, 2016) (part 23 final rule).

[156] The ACS offers a more comprehensive and integrated presentation of standards for the knowledge and practical test for an airman certificate or rating.

decided to revise these sections to reflect the transition to the ACS.

In § 61.57(d), the FAA is removing the reference to the PTS. The FAA recognizes that it was inappropriate for § 61.57(d) to state that the areas of operation and instrument tasks were required in the instrument rating PTS. The PTS and ACS do not contain regulatory requirements. Therefore, rather than referencing the instrument rating ACS in § 61.57(d), the FAA is codifying in § 61.57(d) the areas of operation for an IPC. The FAA finds that this revision is not a substantive change because the areas of operation and instrument tasks required for an IPC remain unchanged. Thus, an IPC is still driven by the standards for the instrument rating practical test.[157]

In § 61.43(a)(1), the FAA is removing the reference to the PTS as unnecessary. The FAA is also removing from § 65.59 the reference to the aircraft dispatcher PTS, to be consistent with editorial changes made to other regulatory parts pertaining to certification of airmen. In its place, the FAA is requiring an applicant to demonstrate skill in applying the areas of knowledge and the topics outlined in appendix A of part 65 to preflight and all phases of flight, which must include abnormal and emergency procedures. The FAA emphasizes that this is not a substantive change. The areas of operation in the aircraft dispatcher PTS are currently based on an aircraft dispatcher's duties as they relate to the various phases of flight, including preflight, en route, and post-flight, and abnormal and emergency situations that could occur. Therefore, the practical test will still be based on the aircraft dispatcher PTS on the items outlined in appendix A of part 65. Additionally, the aircraft dispatcher PTS will continue to provide direction to examiners on how to administer a practical test.

Additionally, the FAA is removing the references to the practical test standards for FAA Publication FAA–S–8081 series (Practical Test Standards for Airline Transport Pilot Certificate, Type Ratings, Commercial Pilot, and Instrument Ratings) in appendices A, B, C, and D to part 60. These references are replaced with ''FAA Airman Testing Standards for the Airline Transport Pilot Certificate, Type Ratings, Commercial Pilot Certificate, and Instrument Ratings.''

[157] The areas of operation and instrument tasks are contained in new § 61.57(d)(1). The FAA notes that it is redesignating former § 61.57(d)(1) as new § 61.57(d)(2), and former § 61.57(d)(2) as new § 61.57(d)(3).

IV. Discussion of Effective Dates for Rule Provisions

In the NPRM, the FAA proposed three different effective dates for the various proposed amendments. The proposed amendments would have been effective either 30, 60 or 180 days after the date of publication of the final rule in the **Federal Register**, depending on the type and scale of implementation needed for persons to begin complying with the amended requirements.

The FAA received no comments on the proposed effective dates. The following discussion summarizes when the various amendments included in this final rule will become effective.

Provisions Effective 30 Days After Date of Publication of Final Rule

The following provisions will be effective 30 days after publication of the final rule:

- The revised definition of ''flight simulation training device'' in § 1.1
- All definitions added to § 61.1 and revisions to the definition of ''pilot time'' in § 61.1 regarding the reference to FFSs rather than flight simulators and the allowance for training received or given in an ATD
- Substantive and clarifying amendments to § 61.51(g)(4) and (5) regarding instructor requirement when using an FFS, FTD, or ATD to complete instrument recency experience
- Amendment to § 61.51(h) to include ATDs to accommodate the logging of training time in an ATD
- Amendments to § 135.245 regarding instrument experience requirements
- Amendments to § 61.195 regarding flight instructors with instrument ratings only
- Amendment to § 61.99 and addition of § 61.109(l) regarding credit for training obtained as a sport pilot
- Substantive amendment to § 91.531 regarding single pilot operations of former military airplanes and other airplanes with special airworthiness certificates and clarifying amendments
- Typographical correction to appendix I to part 141
- Revisions related to the transition from the practical test standards to the airman certification standards in §§ 61.43, 61.57, 65.59, appendix A to part 65, and appendices A, B, C and D to part 60

Provisions Effective 60 Days After Date of Publication of Final Rule

The following provisions will be effective 60 days after publication of the final rule:

- Substantive amendments to § 61.129(a)(3)(ii) and (j) and appendix D to part 141 regarding the completion of commercial pilot training in technically advanced airplanes and clarifying amendments to § 61.129(b)(3)(ii)
- Amendments to §§ 61.412, 61.415(h) and 91.109(c) regarding sport pilot flight instructor training privilege
- Amendments to §§ 61.197 and 61.199 regarding military competence for Flight Instructors
- Amendments to § 61.31 regarding the allowance of a § 135.293 pilot-in-command competency check in a complex or high-performance airplane to meet the training requirements for a complex or high-performance airplane, respectively

Provisions Effective 150 Days After Date of Publication of Final Rule

The following provisions will be effective 150 days after publication of the final rule:

- Revisions to the definition of ''pilot time'' in § 61.1 regarding the allowance of SIC time obtained under the SIC PDP in accordance with § 135.99(c)
- Amendments to § 61.57(c) regarding instrument experience requirements
- Amendments to §§ 61.39, 61.51(e) and (f), 61.159(a), (c), and (d)-(f), 61.161, and 135.99(c) and (d) regarding logging flight time as a second in command in part 135 operations
- Amendment to § 141.5(d) regarding pilot school use of special curricula courses for renewal of certificate

Provisions Effective 180 Days After Date of Publication of Final Rule

The following provisions will be effective 180 days after publication of the final rule:

- Amendments to §§ 61.3(a) and (l), 63.3, 63.16, 121.383(a) through (c), 91.1015 and 135.95 regarding temporary validation of flightcrew members' certificates
- Amendments to § 91.313 regarding use of aircraft certificated in the restricted category for pilot flight training, checking, and testing.

V. Advisory Circulars and Other Guidance Materials

To further implement this final rule, the FAA is revising or creating the following Advisory Circulars and FAA Orders.

FAA Order 8900.1, Flight Standards Information Management System, Vol. 11, Chapter 10, Basic and Advanced Aviation Training Device, Sec. 1, Approval and Authorized Use under 14

CFR parts 61 and 141 guidance concerning ATD's will be revised.

FAA Order 8900.1, Flight Standards Information Management System, Vol. 5 Airmen Certification, Chapter 1 Direction, Guidance, and Procedures for Title 14 CFR parts 121/135 and General Aviation, Sec. 1, General Information, will be revised adding a new paragraph to facilitate application to the General Aviation and Commercial Division for new technology TAA designation.

The Commercial Pilot—Airplane ACS will be revised to no longer require a complex or turbine powered airplane to be provided for part of the practical test, and the Flight Instructor PTS for Airplane will be revised to no longer require a complex airplane to be provided for part of the practical test.

AC 135–43: This document will be a new AC (Part 135 SIC Professional Development Program) that will provide part 135 operators guidance on receiving FAA approval for training and qualifying pilots to act as an SIC and log that time for the ATP flight time requirements.

AC 61–65, Certification: Pilots and Flight and Ground Instructors will be revised to include endorsements and guidance pertaining to the sport pilot provisions. This will include the recommended endorsement for qualifying a sport pilot only instructor to give basic instrument flight instruction to sport pilot candidates only. Additional guidance will be provided concerning reference to the General Aviation and Commercial Division, to qualify aircraft as TAA that otherwise do not meet the criteria defined in the rule definition.

AC 141–1 *Pilot School Certification* will be revised to reflect the allowance to use graduates from special curricula courses as a counter for those pilot schools obtaining initial or renewal pilot school certification.

AC 00–70: This document will be a new AC (Flightcrew Member Certificate Verification Plan) that will provide part 121 air carriers, part 135 air carriers/operators, and part 91, subpart K, program managers guidance on receiving FAA approval of a certificate verification plan to provide a temporary document verifying a flightcrew member's airman certificate and medical certificate privileges.

FAA Order 8900.1, Flight Standards Information Management System, Vol. 5, Airman Certification, Chapter 1, Direction, Guidance and Procedures for Parts 121/135 and General Aviation, Sec. 7, Amendments to Certificates and Replacement of Lost Certificates will be revised to provide guidance concerning temporary documents verifying a flightcrew member's airman certificate and medical certificate privileges under an approved certificate verification plan set forth in the certificate holder's operations specifications/management specifications.

FAA Order 8900.1, Flight Standards Information Management System, Vol. 5, Airman Certification, Chapter 2, Title 14 CFR part 61 Certification of Pilots and Flight Instructors, Sec. 15, Issue a Title 14 CFR part 61 Pilot Certificate Based on Military Competence; and FAA Order 8900.2, General Aviation Airman Designee Handbook, Chapter 7, Designated Pilot Examiner Program, Sec. 19, Accomplish Designation/Issue Certificates as an ACR Employed Solely by a FIRC Sponsor, Paragraph 121, Flight Instructor Certificate and Ratings Issued on the Basis of Military Competence by an MCE and MC/FPE, and Paragraph 122, Certification of Graduates; and Sec. 20, Accomplish Designation/Conduct Functions as an MCE, FPE, MC/FPE, GIE, and FIRE, Paragraphs 123–127, Background, General Information for MCE, FPE, and MC/FPE Designations, Issuance of a U.S. Private Pilot Certificate and Ratings Based on Foreign Pilot Licenses, Pilot Certificates and Ratings Issued on the Basis of Military Competence by an MCE and MC/FPE, and Compliance with Other Provisions, respectively, guidance concerning flight instructor certificate renewal via military competence will be revised regarding the military flight instructor provisions included in this final rule.

VI. Section-By-Section Discussion of the Final Rule

In part 1, definitions and abbreviations, in § 1.1, the definition of ''flight simulation training device'' is revised.

In part 60, flight simulation training device initial and continuing qualification and use, appendices A, B, C, and D are revised to remove the references to the FAA Publication FAA–S–8081 series (Practical Test Standards for Airline Transport Pilot Certificate, Type Ratings, Commercial Pilot, and Instrument Ratings) to reflect the transition to the airman certification standards. These references are replaced with ''FAA Airman Testing Standards for the Airline Transport Pilot Certificate, Type Ratings, Commercial Pilot Certificate, and Instrument Ratings.''

In part 61, certification: Pilots, flight instructors, and ground instructors, in § 61.1, the definition of ''pilot time'' is revised. New definitions are added to § 61.1(b) for ''aviation training device'' and ''technically advanced airplane.''

Section 61.3(a) is revised to permit a pilot flightcrew member to carry a temporary document as a required pilot certificate for operating a civil aircraft of the United States. This document must be provided under an approved certificate verification plan by a part 119 certificate holder conducting operations under part 121 or 135 or a fractional ownership program manager conducting operations under part 91, subpart K. Section 61.3(l) is revised to require the temporary document to be presented for inspection upon request of certain persons.

Section 61.31 is revised to add an exception in § 61.31(e) and (f) to allow a § 135.293 pilot-in-command competency check completed in a complex or high performance airplane to meet the training requirements for a complex or high performance airplane, respectively.

Section 61.39 is revised to add a provision that requires a pilot who has logged flight time under the SIC professional development program requirements of § 61.159(c) to present a copy of the records required by § 135.63(a)(4)(vi) and (x) at the time of application for the practical test.

Section 61.43 is revised to remove the reference to the practical test standards to reflect the transition to the airman certification standards.

Section 61.51(e) is revised to allow a commercial pilot or ATP acting as PIC of a part 135 operation to log all of the flight time as PIC flight time even when the SIC is the sole manipulator of the controls under an approved SIC PDP. Section 61.51(e) is also revised to prohibit an SIC from logging PIC time when the SIC is the sole manipulator of the controls under an approved SIC PDP. Section 61.51(f) is revised to reflect the allowance for SICs to log flight time in part 135 operations when not serving as required flightcrew members under the type certificate or regulations. Section 61.51(g) is revised to allow a pilot to accomplish instrument experience when using a FFS, FTD, or ATD without an instructor present. Section 61.51(h) is revised to include ATDs to accommodate the logging of training time in an ATD.

Section 61.57(c) is revised to allow pilots to accomplish instrument experience in ATDs at the same 6-month interval allowed for FFSs and FTDs. In addition, the section is revised to no longer require pilots, who opt to use ATDs for accomplishing instrument experience, to complete a specific number of additional instrument experience hours or additional tasks. Finally, § 61.57(d) is being revised to remove the reference to the practical test

standards and codifying the areas of operation and instrument tasks required for an IPC.

Section 61.99 is revised to allow flight training received from a flight instructor with a sport pilot rating who does not also hold a flight instructor certificate issued under the requirements in subpart H of part 61 to be credited toward the flight training and aeronautical experience requirements for a recreational pilot certificate with airplane or rotorcraft categories.

Section 61.109 is revised by adding paragraph (l) to allow flight training received from a flight instructor with a sport pilot rating who does not also hold a flight instructor certificate issued under the requirements in subpart H of part 61 to be credited toward the flight training and aeronautical experience requirements for a private pilot certificate with airplane, rotorcraft, or lighter-than-air categories.

Section 61.129(a)(3)(ii) is revised to allow a pilot seeking an initial commercial pilot certificate with an airplane single engine rating to complete 10 hours of training, currently required in a complex or turbine-powered airplane, to also be completed in a TAA or any combination thereof. Section 61.129(a)(3)(ii) is also revised to include a reference to the requirements of paragraph (j) because the FAA is relocating the proposed requirements regarding what a TAA must contain to § 61.129(j). Coordinated revisions are made in § 61.129(b)(3)(ii) for clarity and consistency purposes only.

Section 61.159 is revised to permit flight time logged under an approved SIC PDP to be used to meet certain flight time requirements for an ATP certificate with an airplane category rating.

Section 61.161 is revised to permit flight time logged under an approved SIC PDP to be used to meet certain flight time requirements for an ATP certificate with a rotorcraft category and helicopter class rating.

Section 61.195(b) and (c) are revised to permit a flight instructor who holds only an instrument rating to provide instrument training without being required to hold aircraft category and class ratings on his or her flight instructor certificate if both the flight instructor and the pilot receiving training hold a pilot certificate with the appropriate category and class ratings. Flight instructors who wish to provide instrument training in a multiengine airplane must still have that additional category and class on their flight instructor certificate.

Section 61.197(a)(2)(iv) is revised to allow a military instructor who has passed a U.S. Armed Forces military instructor pilot proficiency check within the 24 calendar months preceding the month of application to be eligible to renew his or her FAA flight instructor certificate based on that proficiency check. The section is clarified to indicate that a flight instructor is able to renew his or her certificate by providing a record demonstrating that, within the previous 24 calendar months, the instructor passed a military instructor pilot proficiency check for a rating that the instructor already holds or for a new rating.

Section 61.199 is revised to permit a military instructor to reinstate his or her flight instructor certificate by providing a record showing that, within the previous six calendar months, the instructor passed a U.S. Armed Forces instructor pilot or pilot examiner proficiency check for an additional military rating or completed a U.S. Armed Forces' instructor pilot or pilot examiner training course and received an additional aircraft rating qualification as a military instructor pilot or pilot examiner. Section 61.199(c) is added as a temporary provision to provide a reinstatement method for military instructors and examiners who allowed their FAA instructor certificates to expire before the regulations allowed them to add a rating based on military instructor competence.

Section 61.412 is added to establish training and endorsement requirements for those sport pilot flight instructors who want to provide training for sport-pilot applicants on control and maneuvering solely by reference to the flight instruments.

Section 61.415 is revised by adding new paragraph (h) to clarify that a sport pilot instructor may not conduct flight training on control and maneuvering an aircraft solely by reference to the instruments in an airplane that has a V_h greater than 87 knots CAS without meeting the requirements in § 61.412.

In part 63, certification: Flight crewmembers other than pilots, § 63.3(a) is revised to permit a flight engineer flightcrew member to carry a temporary verification document as an airman certificate or medical certificate, as appropriate. This document must be provided under an approved certificate verification plan by a part 119 certificate holder conducting operations under part 121. Section 63.3(e) is revised to require the temporary document to be presented for inspection upon request of certain persons.

Section 63.16 is revised to update the process for replacement of a lost or destroyed airman certificate or medical certificate and to add a process for replacement of a lost or destroyed knowledge test report.

In part 65, certification: Airmen other than flight crewmembers, § 65.59 and appendix A are revised to update the terminology to reflect the transition to the airman certification standards.

In part 91, general operating and flight rules, § 91.109(c) is revised to permit a sport pilot instructor who has obtained the endorsement in § 61.412 to serve as a safety pilot only for the purpose of providing flight training on control and maneuvering solely by reference to the instruments to a sport pilot applicant seeking a solo endorsement in an airplane with a V_h greater than 87 knots CAS.

Section 91.313 is revised to permit operators of aircraft certificated in the restricted category to operate those aircraft for the purpose of providing pilot training and testing, to pilots employed by the operator to perform the special purpose operation, that leads to a type rating designation required by § 61.31(a) (and an ATP certificate obtained concurrently with a type rating). The section is amended to allow flights to be conducted in restricted category aircraft for the purpose of designating examiners and qualifying FAA inspectors in the aircraft type and conducting oversight and observation of designated examiners.

Section 91.531 is revised to allow certain large airplanes that are not type-certificated to be operated without a pilot who is designated as SIC, provided that those airplanes: (1) Were originally designed with only one pilot station; or (2) were originally designed with more than one pilot station for purposes of flight training or for other purposes, but were operated by a branch of the United States armed forces or the armed forces of a foreign contracting State to the Convention on International Civil Aviation with only one pilot. The section is revised to eliminate redundancies and reorganized for purposes of clarification by placing all affirmative requirements for a SIC in paragraph (a) and all exceptions thereto in paragraph (b).

Section 91.1015 is revised to permit a fractional ownership program manager to obtain approval to provide a temporary document verifying a flightcrew member's airman certificate and medical certificate privileges under an approved certificate verification plan set forth in the program manager's management specifications.

In part 121, operating requirements: Domestic, flag, and supplemental operations, § 121.383(b) is revised to require the temporary document to be

presented for inspection upon request of the Administrator. Section 121.383(c) is revised to permit a certificate holder to obtain approval to provide a temporary document verifying a flightcrew member's airman certificate and medical certificate privileges under an approved certificate verification plan set forth in the certificate holder's operations specifications.

In part 135, operating requirements: Commuter and on demand operations and rules governing persons on board such aircraft, § 135.95 is revised to permit a certificate holder to obtain approval to provide a temporary document verifying a flightcrew member's airman certificate and medical certificate privileges under an approved certificate verification plan set forth in the certificate holder's operations specifications.

Section 135.99 is revised to add paragraph (c) to permit a certificate holder conducting part 135 operations to receive approval of an SIC PDP via operations specifications (Ops Specs) in order to allow their pilots to log time as SICs in an operation that does not require an SIC by type certification of the aircraft or the regulations under which the flight is being conducted. The paragraph includes requirements related to the certificate holder, aircraft, and pilots involved. Section 135.99(d) states that certificate holders who have been approved to deviate from the requirements in § 135.21(a), § 135.341(a), or § 119.69(a) are not permitted to obtain approval to conduct an SIC PDP.

Section 135.245 is revised to remove the reference to part 61 in § 135.245(a) and move the current instrument experience requirements in § 61.57(c) and (d) to new § 135.245(c) and (d).

In part 141, pilot schools, § 141.5(d) is revised to add an end-of-course test for a special curricula course approved under § 141.57 to the list of activities a pilot school may use for the FAA to issue or renew a pilot school certificate.

Appendix D to part 141, commercial pilot certification course, is revised to allow commercial pilot certification courses to reflect the relief in § 61.129(a)(3)(ii) that permits a pilot seeking a commercial pilot certificate with an airplane single engine class rating to complete the 10 hours of training in one, or a combination of, a TAA, a complex airplane, or a turbine-powered airplane.

Appendix I to part 141, additional aircraft category and/or class rating course, section 4, paragraph (k)(2) is revised by redesignating the second paragraph (k)(2)(iv) as paragraph (k)(2)(v).

VII. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866, and Executive Order 13563, direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade 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) 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 rule. We suggest readers seeking greater detail read the full regulatory evaluation, a copy of which we have placed in the docket for this rulemaking.

In conducting these analyses, FAA has determined that this final rule: (1) Has benefits that justify its costs, (2) is not an economically ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, (3) is not ''significant'' as defined in DOT's Regulatory Policies and Procedures; (4) will not result in a significant economic impact on a substantial number of small entities, because this rule provides modest cost savings without imposing significant costs; (5) will not create unnecessary obstacles to the foreign commerce of the United States; and (6) will not impose an unfunded mandate on state, local, or tribal governments, or on the private sector by exceeding the threshold identified above. These analyses are summarized below, and a full discussion of the benefits and costs is provided in the regulatory evaluation included in the docket for this rulemaking.

Who is potentially affected by this rule?

This final rule will provide regulatory relief and benefits to pilots, student pilots, flight instructors, military pilots seeking civilian ratings, and pilot schools.

Assumptions

1. Analysis Time Period—5 Years
2. Discount Rates—3% and 7%
3. Analysis Base Dollar Year—2016

Summary of Cost Savings

The amendments in this final rule reduce or relieve existing burdens on the general aviation community and part 135 operators. Several of these changes result from comments from the general aviation community through petitions for rulemaking, industry/agency meetings, and requests for legal interpretation. The changes include: reduction in time and flexibilities in the use of ATDs, FTDs, and FFSs; expanded opportunities for pilots in part 135 operations to log flight time; allowed alternatives to the complex airplane requirement for commercial pilot training; and, an allowance for pilots to credit some of their sport pilot training toward a higher certificate. This final rule does not result in additional costs.

The present value total cost savings over the 5-year period of analysis is about $93.1 million with an annualized cost savings of about $22.7 million at a 7% discount rate. The following table summarizes unquantified and monetized cost savings over the 5-year period of analysis.

TABLE 2—SUMMARY OF RULE PROVISIONS

Provision/area of regulatory relief	Total 5-year cost savings (millions of $2016 dollars)*		
	2016$	PV at 3%	PV at 7%
Allow a pilot to accomplish instrument recency experience in an FFS, FTD, or ATD without an instructor present	$12.5	$11.4	$10.3
Reduction in interval and time for pilots using ATDs	83.1	76.1	68.2
Allowance to use less expensive basic airplanes for tests instead of more expensive complex airplanes	3.1	2.8	2.6
Credit for training obtained as a sport pilot*	14.0	13.3	12.3
5-Year Total	113.5	104.0	93.1
Provisions With Unquantified Minimal Cost Savings			
Second in Command for part 135 operations.			
Instrument recency experience for SICs serving in Part 135 operations.			
Flight instructors with instrument ratings only.			
Sport pilot flight instructor training privilege.			
Include special curricula courses in renewal of pilot school certificate.			
Temporary validation of flightcrew members' certificates.			
Military competence for flight instructors.			
Restricted category aircraft training and testing allowances.			
Single pilot operations of former military airplanes and other airplanes with special airworthiness certificates.			

*Totals may not sum due to rounding.

The following table summarizes annualized cost savings at a 7% discount rate (annualized estaimtes at a 3% discount rate are almost the same in this analysis). The reduction in interval and time for pilots using ATDs comprises about 75% of the savings of this final rule.

TABLE 3—SUMMARY OF ANNUALIZED COST SAVINGS*

Provision/area of regulatory relief	Annualized cost savings at 7% ($M)
Allow a pilot to accomplish instrument recency experience in an FFS, FTD, or ATD without an instructor present	$2.5
Reduction in interval and time for pilots using ATDs	16.6
Allowance to use TAAs for training and less expensive basic airplanes for tests instead of more expensive complex airplanes	.6
Credit for training obtained as a sport pilot	3.0
Total	22.7

*Estimates may total due to rounding.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

Most of the parties affected by this final rule will be small businesses such as flight instructors, aviation schools, fixed base operators, and small part 135 air carriers. There are over 1,000 part 135 air carriers alone. The general lack of publicly available financial information from these small businesses precludes a financial analysis of these small businesses.

This final rule will affect a substantial number of small entities. However, this final rule will not impose a significant impact on those entities because this rule provides modest cost savings without imposing significant costs.

Therefore, as provided in section 605(b), the head of the FAA certifies that this final rule will not result in a significant economic impact on a substantial number of small entities, as it imposes no new costs.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the

Uruguay Round Agreements Act (Pub. L. 103–465), 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 these Acts, 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 it will have only a domestic impact and therefore would not create unnecessary obstacles to the foreign commerce of the United States.

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. According to the 1995 amendments to the Paperwork Reduction Act, (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number.

In the proposed rule the FAA identified three provisions with PRA implications that will require amended OMB supporting statements:

- Instrument recency experience requirements (information collection 2120–0021),
- Second in command for part 135 operations (information collection 2120–0021, 2120–0593, 2120–0039),
- Include special curricula courses in renewal of pilot school certificate (information collection 2120–0009).

The FAA did not receive any comments regarding its proposed revision to any of the listed information collections. However, as the FAA was developing this final rule, it recognized that it had not provided an opportunity for meaningful comment regarding the proposed revisions to information collections 2120–0021, 2120–0039 and 2120–0009.[158] While the FAA had described the changes in burden it did not provide estimates of the total number of respondents affected by some of the changes. To ensure transparency and a meaningful opportunity for comment, the FAA published three notices seeking specific comment regarding the revisions being made to each of these information collections as part of this final rule.[159] The revisions to these information collections will follow the notice and comment requirements of the Paperwork Reduction Act and will be submitted to OMB for review and approval.

The FAA notes that the effective dates of the provisions of this final rule with information collection revisions have been adjusted from the effective dates that were proposed to address the Paperwork Reduction Act requirements for notice and OMB approval.

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to ICAO Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified the following differences with these proposed regulations.

The FAA notes that, under § 61.159(c), pilots are permitted to log second in command flight time in part 135 operations when a second pilot is not required. ICAO standards do not recognize the crediting of flight time when a pilot is not required by the aircraft certification or the operation under which the flight is being conducted. Accordingly, all pilots who log flight time under this provision and apply for an ATP certificate would have a limitation on the certificate indicating that the pilot does not meet the PIC aeronautical experience requirements of ICAO. This limitation may be removed when the pilot presents satisfactory evidence that he or she has met the ICAO standards.

Additionally, the FAA is allowing part 119 certificate holders conducting operations under parts 121 and 135 and program managers conducting operations under part 91 subpart K to issue temporary verification documents to flightcrew members who do not have their airman certificates or medical certificates in their personal possession for a particular flight. A temporary verification document may be used for a period not to exceed 72 hours. Article 29 of the Convention on International Civil Aviation requires that every aircraft engaged in international navigation shall carry ''the appropriate licenses for each member of the crew.'' Accordingly, the FAA is limiting the use of temporary verification documents to flights conducted entirely within the United States.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6f and involves no extraordinary circumstances.

VIII. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this proposed 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

[158] The FAA notes that for one information collection, 2120–0593: Certification: Air Carriers and Commercial Operators, the FAA provided estimates of the number of respondents and the total burden. Therefore, the FAA provided adequate notice and an opportunity for comment regarding the revisions to information collection 2120–0593 in the NPRM. 81 FR 29749–52. The FAA further notes that this information collection was submitted to OMB during the comment period for the NPRM. OMB filed comment and continued the information collection on January 2, 2017.

[159] Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Pilot Schools-FAR 141, 83 FR 27820 (Jun. 14, 2018); Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Certification: Pilots, Flight Instructors, and Ground Instructors, 83 FR 27821 (Jun. 14, 2018); Agency Information Collection Activities: Requests for Comments; Clearance of a Revision to an Approval of an Existing Information Collection: Operating Requirements: Commuter and On-Demand Operation, 83 FR 27822 (Jun. 14, 2018).

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

IX. Additional Information

A. Availability of Rulemaking Documents

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

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

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677. Commenters must identify the docket or notice number of this rulemaking.

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

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) 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 person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/*.

List of Subjects

14 CFR Part 1

Air transportation.

14 CFR Part 60

Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 61

Aircraft, Airmen, Aviation safety, Teachers.

14 CFR Part 63

Aircraft, Airman, Aviation safety.

14 CFR Part 65

Air traffic controllers, Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 91

Aircraft, Airmen, Aviation safety.

14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety.

14 CFR Part 135

Aircraft, Airmen, Aviation safety.

14 CFR Part 141

Airmen, Educational facilities, Reporting and recordkeeping requirements, Schools.

The Amendment

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

PART 1—DEFINITIONS AND ABBREVIATIONS

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

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

■ 2. In § 1.1, revise the definition of ''Flight simulation training device'' to read as follows:

§ 1.1 General definitions.

* * * * *

Flight simulation training device (FSTD) means a full flight simulator or a flight training device.

* * * * *

PART 60—FLIGHT SIMULATION TRAINING DEVICE INITIAL AND CONTINUING QUALIFICATION AND USE

■ 3. The authority citation for part 60 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, and 44701; Pub. L. 111–216, 124 Stat. 2348 (49 U.S.C. 44701 note).

■ 4. In appendix A, revise paragraph 1.d.(27) to read as follows:

Appendix A to Part 60—Qualification Performance Standards for Airplane Full Flight Simulators

* * * * *

1. * * *

d. * * *

(27) FAA Airman Testing Standards for the Airline Transport Pilot Certificate, Type Ratings, Commercial Pilot Certificate, and Instrument Ratings.

* * * * *

■ 5. In appendix B, revise paragraph 1.d.(26) to read as follows:

Appendix B to Part 60—Qualification Performance Standards for Airplane Flight Training Devices

* * * * *

1. * * *

d. * * *

(26) FAA Airman Testing Standards for the Airline Transport Pilot Certificate, Type Ratings, Commercial Pilot Certificate, and Instrument Ratings.

* * * * *

■ 6. In appendix C, revise paragraph 1.d.(25) to read as follows:

Appendix C to Part 60—Qualification Performance Standards for Helicopter Full Flight Simulators

* * * * *

1. * * *

d. * * *

(25) FAA Airman Testing Standards for the Airline Transport Pilot Certificate, Type Ratings, Commercial Pilot Certificate, and Instrument Ratings.

* * * * *

■ 7. In appendix D, revise paragraph 1.d.(28) to read as follows:

Appendix D to Part 60—Qualification Performance Standards for Helicopter Flight Training Devices

* * * * *

1. * * *

d. * * *

(28) FAA Airman Testing Standards for the Airline Transport Pilot Certificate, Type Ratings, Commercial Pilot Certificate, and Instrument Ratings.

* * * * *

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

■ 8. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709–44711, 44729, 44903, 45102–45103, 45301–45302; Sec. 2307 Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note).

■ 9. Amend § 61.1(b) as follows:

■ a. Add a definition of ''Aviation training device'' in alphabetical order.

■ b. Revise the definition of ''Pilot time;'' and,

■ c. Add a definition of ''Technically advanced airplane'' in alphabetical order.

The revisions and additions read as follows:

§ 61.1 Applicability and definitions.

* * * * *

(b) * * *

Aviation training device means a training device, other than a full flight simulator or flight training device, that has been evaluated, qualified, and approved by the Administrator.

* * * * *

Pilot time means that time in which a person—

(i) Serves as a required pilot flight crewmember;

(ii) Receives training from an authorized instructor in an aircraft, full flight simulator, flight training device, or aviation training device; or

(iii) Gives training as an authorized instructor in an aircraft, full flight simulator, flight training device, or aviation training device.

* * * * *

Technically advanced airplane (TAA) means an airplane equipped with an electronically advanced avionics system.

* * * * *

■ 10. Effective November 26, 2018, in § 61.1(b), amend the definition of ''Pilot time'' by removing the word ''or'' at the end of paragraph (ii), revising paragraph (iii), and adding paragraph (iv) to read as follows:

§ 61.1 Applicability and definitions.

* * * * *

(b) * * *

Pilot time * * *

(iii) Gives training as an authorized instructor in an aircraft, full flight simulator, flight training device, or aviation training device; or

(iv) Serves as second in command in operations conducted in accordance with § 135.99(c) of this chapter when a second pilot is not required under the type certification of the aircraft or the regulations under which the flight is being conducted, provided the requirements in § 61.159(c) are satisfied.

* * * * *

■ 11. Effective December 24, 2018, in § 61.3, revise paragraph (a)(1)(iv), redesignate paragraph (a)(1)(v) as paragraph (a)(1)(vii), add paragraphs (a)(1)(v) and (vi), and revise paragraph (l) introductory text to read as follows:

§ 61.3 Requirement for certificates, ratings, and authorizations.

(a) * * *

(1) * * *

(iv) A document conveying temporary authority to exercise certificate privileges issued by the Airmen Certification Branch under § 61.29(e);

(v) When engaged in a flight operation within the United States for a part 119 certificate holder authorized to conduct operations under part 121 or 135 of this chapter, a temporary document provided by that certificate holder under an approved certificate verification plan;

(vi) When engaged in a flight operation within the United States for a fractional ownership program manager authorized to conduct operations under part 91, subpart K, of this chapter, a temporary document provided by that program manager under an approved certificate verification plan; or

* * * * *

(l) *Inspection of certificate.* Each person who holds an airman certificate, temporary document in accordance with paragraph (a)(1)(v) or (vi) of this section, medical certificate, documents establishing alternative medical qualification under part 68 of this chapter, authorization, or license required by this part must present it and their photo identification as described in paragraph (a)(2) of this section for inspection upon a request from:

* * * * *

■ 12. Amend § 61.31 as follows:

■ a. Effective July 27, 2018, in paragraphs (e)(1)(i), (f)(1)(i), (g)(2) and (3), and (h)(1), remove the words ''flight simulator'' and add in their place the words ''full flight simulator''; and

■ b. Effective August 27, 2018, revise paragraphs (e)(2) and (f)(2).

The revisions read as follows:

§ 61.31 Type rating requirements, additional training, and authorization requirements.

* * * * *

(e) * * *

(2) The training and endorsement required by paragraph (e)(1) of this section is not required if—

(i) The person has logged flight time as pilot in command of a complex airplane, or in a full flight simulator or flight training device that is representative of a complex airplane prior to August 4, 1997; or

(ii) The person has received ground and flight training under an approved training program and has satisfactorily completed a competency check under § 135.293 of this chapter in a complex airplane, or in a full flight simulator or flight training device that is representative of a complex airplane which must be documented in the pilot's logbook or training record.

(f) * * *

(2) The training and endorsement required by paragraph (f)(1) of this section is not required if—

(i) The person has logged flight time as pilot in command of a high-performance airplane, or in a full flight simulator or flight training device that is representative of a high-performance airplane prior to August 4, 1997; or

(ii) The person has received ground and flight training under an approved training program and has satisfactorily completed a competency check under § 135.293 of this chapter in a high performance airplane, or in a full flight simulator or flight training device that is representative of a high performance airplane which must be documented in the pilot's logbook or training record.

* * * * *

■ 13. Effective November 26, 2018, in § 61.39, revise paragraph (a)(3) to read as follows:

§ 61.39 Prerequisites for practical tests.

(a) * * *

(3) Have satisfactorily accomplished the required training and obtained the aeronautical experience prescribed by this part for the certificate or rating sought, and if applying for the practical test with flight time accomplished under § 61.159(c), present a copy of the records required by § 135.63(a)(4)(vi) and (x) of this chapter;

* * * * *

■ 14. In § 61.43, revise paragraph (a)(1) to read as follows:

§ 61.43 Practical tests: General procedures.

(a) * * *

(1) Performing the tasks specified in the areas of operation for the airman certificate or rating sought;

* * * * *

■ 15. Amend § 61.51 as follows:

■ a. Effective July 27, 2018, in paragraphs (b)(1)(iii) and (iv), (b)(2)(v), (b)(3)(iii) and (iv), (k)(1)(ii), and (k)(2)(ii), remove the words ''flight simulator'' and add in their place the words ''full flight simulator'';

■ b. Effective November 26, 2018, revise paragraph (e)(1)(i);

■ c. Effective November 26, 2018, add paragraph (e)(5);

■ d. Effective November 26, 2018, revise paragraphs (f)(1) and (2);

■ e. Effective November 26, 2018, add paragraph (f)(3);

■ f. Effective July 27, 2018, revise paragraph (g)(4);

■ g. Effective July 27, 2018, add paragraph (g)(5); and

■ h. Effective July 27, 2018, revise paragraph (h)(1).

The revisions and additions read as follows:

§ 61.51 Pilot logbooks.

* * * * *

(e) * * *

(1) * * *

(i) Except when logging flight time under § 61.159(c), when the pilot is the sole manipulator of the controls of an aircraft for which the pilot is rated, or has sport pilot privileges for that category and class of aircraft, if the aircraft class rating is appropriate;

* * * * *

(5) A commercial pilot or airline transport pilot may log all flight time while acting as pilot in command of an operation in accordance with § 135.99(c) of this chapter if the flight is conducted in accordance with an approved second-in-command professional development program that meets the requirements of § 135.99(c) of this chapter.

(f) * * *

(1) Is qualified in accordance with the second-in-command requirements of § 61.55, and occupies a crewmember station in an aircraft that requires more than one pilot by the aircraft's type certificate;

(2) Holds the appropriate category, class, and instrument rating (if an instrument rating is required for the flight) for the aircraft being flown, and more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is being conducted; or

(3) Serves as second in command in operations conducted in accordance with § 135.99(c) of this chapter when a second pilot is not required under the type certification of the aircraft or the regulations under which the flight is being conducted, provided the requirements in § 61.159(c) are satisfied.

(g) * * *

(4) A person may use time in a full flight simulator, flight training device, or aviation training device for acquiring instrument aeronautical experience for a pilot certificate or rating provided an authorized instructor is present to observe that time and signs the person's logbook or training record to verify the time and the content of the training session.

(5) A person may use time in a full flight simulator, flight training device, or aviation training device for satisfying instrument recency experience requirements provided a logbook or training record is maintained to specify the training device, time, and the content.

(h) *Logging training time.* (1) A person may log training time when that person receives training from an authorized instructor in an aircraft, full flight simulator, flight training device, or aviation training device.

* * * * *

■ 16. Amend § 61.57 as follows:

■ a. Effective July 27, 2018, in paragraphs (a)(3), (b)(2), (d)(1)(ii), (e)(4)(ii)(D), and (g) introductory text, remove the words ''flight simulator'' and add in their place the words ''full flight simulator'';

■ b. Effective July 27, 2018, in paragraph (e)(4)(ii)(D), remove the words ''flight simulator's'' and add in their place the words ''full flight simulator's'';

■ c. Effective November 26, 2018, revise paragraph (c)(2), remove paragraphs (c)(3) through (5), and redesignate paragraph (c)(6) as paragraph (c)(3);

■ d. Effective July 27, 2018, redesignate paragraphs (d)(1) and (2) as paragraphs (d)(2) and (3), redesignate the introductory text of paragraph (d) as paragraph (d)(1), and revise newly redesignated paragraph (d)(1).

The revisions read as follows:

§ 61.57 Recent flight experience: Pilot in command.

* * * * *

(c) * * *

(2) *Use of a full flight simulator, flight training device, or aviation training device for maintaining instrument experience.* A pilot may accomplish the requirements in paragraph (c)(1) of this section in a full flight simulator, flight training device, or aviation training device provided the device represents the category of aircraft for the instrument rating privileges to be maintained and the pilot performs the tasks and iterations in simulated instrument conditions. A person may complete the instrument experience in any combination of an aircraft, full flight simulator, flight training device, or aviation training device.

* * * * *

(d) *Instrument proficiency check.* (1) Except as provided in paragraph (e) of this section, a person who has failed to meet the instrument experience requirements of paragraph (c) of this section for more than six calendar months may reestablish instrument currency only by completing an instrument proficiency check. The instrument proficiency check must consist of at least the following areas of operation:

(i) Air traffic control clearances and procedures;

(ii) Flight by reference to instruments;

(iii) Navigation systems;

(iv) Instrument approach procedures;

(v) Emergency operations; and

(vi) Postflight procedures.

* * * * *

■ 17. Revise § 61.99 to read as follows:

§ 61.99 Aeronautical experience.

(a) A person who applies for a recreational pilot certificate must receive and log at least 30 hours of flight time that includes at least—

(1) 15 hours of flight training from an authorized instructor on the areas of operation listed in § 61.98 that consists of at least:

(i) Except as provided in § 61.100, 2 hours of flight training en route to an airport that is located more than 25 nautical miles from the airport where the applicant normally trains, which includes at least three takeoffs and three landings at the airport located more than 25 nautical miles from the airport where the applicant normally trains; and

(ii) Three hours of flight training with an authorized instructor in the aircraft for the rating sought in preparation for the practical test within the preceding 2 calendar months from the month of the test.

(2) Three hours of solo flying in the aircraft for the rating sought, on the areas of operation listed in § 61.98 that apply to the aircraft category and class rating sought.

(b) The holder of a sport pilot certificate may credit flight training received from a flight instructor with a sport pilot rating toward the aeronautical experience requirements of this section if the following conditions are met:

(1) The flight training was accomplished in the same category and

class of aircraft for which the rating is sought;

(2) The flight instructor with a sport pilot rating was authorized to provide the flight training; and

(3) The flight training included training on areas of operation that are required for both a sport pilot certificate and a recreational pilot certificate.

■ 18. In § 61.109, amend paragraph (k) by removing the words ''flight simulator'' and adding in their place the words ''full flight simulator'' and add paragraph (l) to read as follows:

§ 61.109 Aeronautical experience.

* * * * *

(l) *Permitted credit for flight training received from a flight instructor with a sport pilot rating.* The holder of a sport pilot certificate may credit flight training received from a flight instructor with a sport pilot rating toward the aeronautical experience requirements of this section if the following conditions are met:

(1) The flight training was accomplished in the same category and class of aircraft for which the rating is sought;

(2) The flight instructor with a sport pilot rating was authorized to provide the flight training; and

(3) The flight training included either—

(i) Training on areas of operation that are required for both a sport pilot certificate and a private pilot certificate; or

(ii) For airplanes with a V_H greater than 87 knots CAS, training on the control and maneuvering of an airplane solely by reference to the flight instruments, including straight and level flight, turns, descents, climbs, use of radio aids, and ATC directives, provided the training was received from a flight instructor with a sport pilot rating who holds an endorsement required by § 61.412(c).

■ 19. In § 61.129:

■ a. Effective August 27, 2018, revise paragraphs (a)(3)(ii) and (b)(3)(ii);

■ b. Effective July 27, 2018, in paragraphs (c)(3)(i), (d) introductory text, (d)(3)(i), and (i), remove the words ''flight simulator'' and add in their place the words ''full flight simulator''; and

■ c. Effective August 27, 2018, add paragraph (j).

The revisions and addition read as follows:

§ 61.129 Aeronautical experience.

(a) * * *

(3) * * *

(ii) 10 hours of training in a complex airplane, a turbine-powered airplane, or a technically advanced airplane (TAA) that meets the requirements of paragraph (j) of this section, or any combination thereof. The airplane must be appropriate to land or sea for the rating sought;

* * * * *

(b) * * *

(3) * * *

(ii) 10 hours of training in a multiengine complex or turbine-powered airplane; or for an applicant seeking a multiengine seaplane rating, 10 hours of training in a multiengine seaplane that has flaps and a controllable pitch propeller, including seaplanes equipped with an engine control system consisting of a digital computer and associated accessories for controlling the engine and propeller, such as a full authority digital engine control;

* * * * *

(j) *Technically advanced airplane.* Unless otherwise authorized by the Administrator, a technically advanced airplane must be equipped with an electronically advanced avionics system that includes the following installed components:

(1) An electronic Primary Flight Display (PFD) that includes, at a minimum, an airspeed indicator, turn coordinator, attitude indicator, heading indicator, altimeter, and vertical speed indicator;

(2) An electronic Multifunction Display (MFD) that includes, at a minimum, a moving map using Global Positioning System (GPS) navigation with the aircraft position displayed;

(3) A two axis autopilot integrated with the navigation and heading guidance system; and

(4) The display elements described in paragraphs (j)(1) and (2) of this section must be continuously visible.

■ 20. In § 61.159:

■ a. Effective July 27, 2018, amend paragraph (a)(4) by removing the words ''flight simulator'' and adding in their place the words ''full flight simulator''; and

■ b. Effective November 26, 2018, revise the introductory text of paragraphs (a) and (a)(5), revise paragraph (c), redesignate paragraphs (d) and (e) as paragraphs (e) and (f), add new paragraph (d), and revise newly redesignated paragraphs (e) and (f).

The revisions and addition read as follows:

§ 61.159 Aeronautical experience: Airplane category rating.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, a person who is applying for an airline transport pilot certificate with an airplane category and class rating must have at least 1,500 hours of total time as a pilot that includes at least:

* * * * *

(5) 250 hours of flight time in an airplane as a pilot in command, or when serving as a required second in command flightcrew member performing the duties of pilot in command while under the supervision of a pilot in command, or any combination thereof, which includes at least—

* * * * *

(c) A commercial pilot may log second-in-command pilot time toward the aeronautical experience requirements of paragraph (a) of this section and the aeronautical experience requirements in § 61.160, provided the pilot is employed by a part 119 certificate holder authorized to conduct operations under part 135 of this chapter and the second-in-command pilot time is obtained in operations conducted for the certificate holder under part 91 or 135 of this chapter when a second pilot is not required under the type certification of the aircraft or the regulations under which the flight is being conducted, and the following requirements are met—

(1) The experience must be accomplished as part of a second-in-command professional development program approved by the Administrator under § 135.99 of this chapter;

(2) The flight operation must be conducted in accordance with the certificate holder's operations specification for the second-in-command professional development program;

(3) The pilot in command of the operation must certify in the pilot's logbook that the second-in-command pilot time was accomplished under this section; and

(4) The pilot time may not be logged as pilot-in-command time even when the pilot is the sole manipulator of the controls and may not be used to meet the aeronautical experience requirements in paragraph (a)(5) of this section.

(d) A commercial pilot may log the following flight engineer flight time toward the 1,500 hours of total time as a pilot required by paragraph (a) of this section and the total time as a pilot required by § 61.160:

(1) Flight-engineer time, provided the time—

(i) Is acquired in an airplane required to have a flight engineer by the airplane's flight manual or type certificate;

(ii) Is acquired while engaged in operations under part 121 of this

chapter for which a flight engineer is required;

(iii) Is acquired while the person is participating in a pilot training program approved under part 121 of this chapter; and

(iv) Does not exceed more than 1 hour for each 3 hours of flight engineer flight time for a total credited time of no more than 500 hours.

(2) Flight-engineer time, provided the flight time—

(i) Is acquired as a U.S. Armed Forces' flight engineer crewmember in an airplane that requires a flight engineer crewmember by the flight manual;

(ii) Is acquired while the person is participating in a flight engineer crewmember training program for the U.S. Armed Forces; and

(iii) Does not exceed 1 hour for each 3 hours of flight engineer flight time for a total credited time of no more than 500 hours.

(e) An applicant who credits time under paragraphs (b), (c), and (d) of this section is issued an airline transport pilot certificate with the limitation, ''Holder does not meet the pilot in command aeronautical experience requirements of ICAO,'' as prescribed under Article 39 of the Convention on International Civil Aviation.

(f) An applicant is entitled to an airline transport pilot certificate without the ICAO limitation specified under paragraph (e) of this section when the applicant presents satisfactory evidence of having met the ICAO requirements under paragraph (e) of this section and otherwise meets the aeronautical experience requirements of this section.

■ 21. In § 61.161:

■ a. Effective July 27, 2018, amend paragraph (b) by removing the words ''flight simulator'' and adding in their place the words ''full flight simulator''; and

■ b. Effective November 26, 2018, add paragraphs (c), (d), and (e).

The additions read as follows:

§ 61.161 Aeronautical experience: Rotorcraft category and helicopter class rating.

* * * * *

(c) Flight time logged under § 61.159(c) may be counted toward the 1,200 hours of total time as a pilot required by paragraph (a) of this section and the flight time requirements of paragraphs (a)(1), (2), and (4) of this section, except for the specific helicopter flight time requirements.

(d) An applicant who credits time under paragraph (c) of this section is issued an airline transport pilot certificate with the limitation, ''Holder does not meet the pilot in command aeronautical experience requirements of ICAO,'' as prescribed under Article 39 of the Convention on International Civil Aviation.

(e) An applicant is entitled to an airline transport pilot certificate without the ICAO limitation specified under paragraph (d) of this section when the applicant presents satisfactory evidence of having met the ICAO requirements under paragraph (d) of this section and otherwise meets the aeronautical experience requirements of this section.

■ 22. In § 61.195, revise paragraphs (b), (c), and (e) and add paragraph (l) to read as follows:

§ 61.195 Flight instructor limitations and qualifications.

* * * * *

(b) *Aircraft ratings.* Except as provided in paragraph (c) of this section, a flight instructor may not conduct flight training in any aircraft unless the flight instructor:

(1) Holds a flight instructor certificate with the applicable category and class rating;

(2) Holds a pilot certificate with the applicable category and class rating; and

(3) Meets the requirements of paragraph (e) of this section, if applicable.

(c) *Instrument rating.* A flight instructor may conduct instrument training for the issuance of an instrument rating, a type rating not limited to VFR, or the instrument training required for commercial pilot and airline transport pilot certificates if the following requirements are met:

(1) Except as provided in paragraph (c)(2) of this section, the flight instructor must hold an instrument rating appropriate to the aircraft used for the instrument training on his or her flight instructor certificate, and—

(i) Meet the requirements of paragraph (b) of this section; or

(ii) Hold a commercial pilot certificate or airline transport pilot certificate with the appropriate category and class ratings for the aircraft in which the instrument training is conducted provided the pilot receiving instrument training holds a pilot certificate with category and class ratings appropriate to the aircraft in which the instrument training is being conducted.

(2) If the flight instructor is conducting the instrument training in a multiengine airplane, the flight instructor must hold an instrument rating appropriate to the aircraft used for the instrument training on his or her flight instructor certificate and meet the requirements of paragraph (b) of this section.

* * * * *

(e) *Training in an aircraft that requires a type rating.* A flight instructor may not give flight instruction, including instrument training, in an aircraft that requires the pilot in command to hold a type rating unless the flight instructor holds a type rating for that aircraft on his or her pilot certificate.

* * * * *

(l) *Training on control and maneuvering an aircraft solely by reference to the instruments.* A flight instructor may conduct flight training on control and maneuvering an airplane solely by reference to the flight instruments, provided the flight instructor—

(1) Holds a flight instructor certificate with the applicable category and class rating; or

(2) Holds an instrument rating appropriate to the aircraft used for the training on his or her flight instructor certificate, and holds a commercial pilot certificate or airline transport pilot certificate with the appropriate category and class ratings for the aircraft in which the training is conducted provided the pilot receiving the training holds a pilot certificate with category and class ratings appropriate to the aircraft in which the training is being conducted.

■ 23. Effective August 27, 2018, in § 61.197, revise paragraphs (a)(2)(iv) and (c) to read as follows:

§ 61.197 Renewal requirements for flight instructor certification.

(a) * * *

(2) * * *

(iv) A record showing that, within the preceding 24 months from the month of application, the flight instructor passed an official U.S. Armed Forces military instructor pilot or pilot examiner proficiency check in an aircraft for which the military instructor already holds a rating or in an aircraft for an additional rating.

* * * * *

(c) The practical test required by paragraph (a)(1) of this section may be accomplished in a full flight simulator or flight training device if the test is accomplished pursuant to an approved course conducted by a training center certificated under part 142 of this chapter.

■ 24. Effective August 27, 2018, in § 61.199, add paragraphs (a)(3), (c) and (d) to read as follows:

§ 61.199 Reinstatement requirements of an expired flight instructor certificate.

(a) * * *

(3) For military instructor pilots, provide a record showing that, within

the preceding 6 calendar months from the date of application for reinstatement, the person—

(i) Passed a U.S. Armed Forces instructor pilot or pilot examiner proficiency check; or

(ii) Completed a U.S. Armed Forces' instructor pilot or pilot examiner training course and received an additional aircraft rating qualification as a military instructor pilot or pilot examiner that is appropriate to the flight instructor rating sought.

* * * * *

(c) *Certain military instructors and examiners.* The holder of an expired flight instructor certificate issued prior to October 20, 2009, may apply for reinstatement of that certificate by presenting the following:

(1) A record showing that, since the date the flight instructor certificate was issued, the person passed a U.S. Armed Forces instructor pilot or pilot examiner proficiency check for an additional military rating; and

(2) A knowledge test report that shows the person passed a knowledge test on the aeronautical knowledge areas listed under § 61.185(a) appropriate to the flight instructor rating sought and the knowledge test was passed within the preceding 24 calendar months prior to the month of application.

(d) *Expiration date.* The requirements of paragraph (c) of this section will expire on August 26, 2019.

■ 25. Effective August 27, 2018, add § 61.412 to read as follows:

§ 61.412 Do I need additional training to provide instruction on control and maneuvering an airplane solely by reference to the instruments in a light-sport aircraft based on V_H?

To provide flight training under § 61.93(e)(12) on control and maneuvering an airplane solely by reference to the flight instruments for the purpose of issuing a solo cross-country endorsement under § 61.93(c)(1) to a student pilot seeking a sport pilot certificate, a flight instructor with a sport pilot rating must:

(a) Hold an endorsement required by § 61.327(b);

(b) Receive and log a minimum of 1 hour of ground training and 3 hours of flight training from an authorized instructor in an airplane with a V_H greater than 87 knots CAS or in a full flight simulator, flight training device, or aviation training device that replicates an airplane with a V_H greater than 87 knots CAS; and

(c) Receive a one-time endorsement in his or her logbook from an instructor authorized under subpart H of this part who certifies that the person is proficient in providing training on control and maneuvering solely by reference to the flight instruments in an airplane with a V_H greater than 87 knots CAS. This flight training must include straight and level flight, turns, descents, climbs, use of radio navigation aids, and ATC directives.

■ 26. Effective August 27, 2018, in § 61.415, redesignate paragraphs (h) and (i) as paragraphs (i) and (j) and add paragraph (h) to read as follows:

§ 61.415 What are the limits of a flight instructor certificate with a sport pilot rating?

* * * * *

(h) You may not provide training on the control and maneuvering of an aircraft solely by reference to the instruments in a light sport airplane with a V_h greater than 87 knots CAS unless you meet the requirements in § 61.412.

* * * * *

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

■ 27. The authority citation for part 63 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 28. Effective December 24, 2018, revise § 63.3 to read as follows:

§ 63.3 Certificates and ratings required.

(a) Except as provided in paragraph (c) of this section, no person may act as a flight engineer of a civil aircraft of U.S. registry unless that person has in his or her physical possession or readily accessible in the aircraft:

(1) A current flight engineer certificate with appropriate ratings issued to that person under this part;

(2) A document conveying temporary authority to exercise certificate privileges issued by the Airman Certification Branch under § 63.16(f); or

(3) When engaged in a flight operation within the United States for a part 119 certificate holder authorized to conduct operations under part 121 of this chapter, a temporary document provided by that certificate holder under an approved certificate verification plan.

(b) A person may act as a flight engineer of an aircraft only if that person holds a current second-class (or higher) medical certificate issued to that person under part 67 of this chapter, or other documentation acceptable to the FAA, that is in that person's physical possession or readily accessible in the aircraft.

(c) When the aircraft is operated within a foreign country, a current flight engineer certificate issued by the country in which the aircraft is operated, with evidence of current medical qualification for that certificate, may be used. Also, in the case of a flight engineer certificate issued under § 63.42, evidence of current medical qualification accepted for the issue of that certificate is used in place of a medical certificate.

(d) No person may act as a flight navigator of a civil aircraft of U.S. registry unless that person has in his or her physical possession a current flight navigator certificate issued to him or her under this part and a second-class (or higher) medical certificate issued to him or her under part 67 of this chapter within the preceding 12 months. However, when the aircraft is operated within a foreign country, a current flight navigator certificate issued by the country in which the aircraft is operated, with evidence of current medical qualification for that certificate, may be used.

(e) Each person who holds a flight engineer or flight navigator certificate, medical certificate, or temporary document in accordance with paragraph (a)(3) of this section shall present it for inspection upon the request of the Administrator or an authorized representative of the National Transportation Safety Board, or of any Federal, State, or local law enforcement officer.

■ 29. Effective December 24, 2018, revise § 63.16 to read as follows:

§ 63.16 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) A request for a replacement of a lost or destroyed airman certificate issued under this part must be made:

(1) By letter to the Department of Transportation, Federal Aviation Administration, Airman Certification Branch, Post Office Box 25082, Oklahoma City, OK 73125 and must be accompanied by a check or money order for the appropriate fee payable to the FAA; or

(2) In any other form and manner approved by the Administrator including a request to Airman Services at *http://www.faa.gov,* and must be accompanied by acceptable form of payment for the appropriate fee.

(c) A request for the replacement of a lost or destroyed medical certificate must be made:

(1) By letter to the Department of Transportation, FAA, Aerospace Medical Certification Division, P.O. Box 26200, Oklahoma City, OK 73125, and must be accompanied by a check or money order for the appropriate fee payable to the FAA; or

(2) In any other manner and form approved by the Administrator and must be accompanied by acceptable form of payment for the appropriate fee.

(d) A request for the replacement of a lost or destroyed knowledge test report must be made:

(1) By letter to the Department of Transportation, FAA, Airmen Certification Branch, P.O. Box 25082, Oklahoma City, OK 73125, and must be accompanied by a check or money order for the appropriate fee payable to the FAA; or

(2) In any other manner and form approved by the Administrator and must be accompanied by acceptable form of payment for the appropriate fee.

(e) The letter requesting replacement of a lost or destroyed airman certificate, medical certificate, or knowledge test report must state:

(1) The name of the person;

(2) The permanent mailing address (including ZIP code), or if the permanent mailing address includes a post office box number, then the person's current residential address;

(3) The certificate holder's date and place of birth; and

(4) Any information regarding the—

(i) Grade, number, and date of issuance of the airman certificate and ratings, if appropriate;

(ii) Class of medical certificate, the place and date of the medical exam, name of the Airman Medical Examiner (AME), and the circumstances concerning the loss of the original medical certificate, as appropriate; and

(iii) Date the knowledge test was taken, if appropriate.

(f) A person who has lost an airman certificate, medical certificate, or knowledge test report may obtain in a form or manner approved by the Administrator, a document conveying temporary authority to exercise certificate privileges from the FAA Aeromedical Certification Branch or the Airman Certification Branch, as appropriate, and the—

(1) Document may be carried as an airman certificate, medical certificate, or knowledge test report, as appropriate, for a period not to exceed 60 days pending the person's receiving a duplicate under paragraph (b), (c), or (d) of this section, unless the person has been notified that the certificate has been suspended or revoked.

(2) Request for such a document must include the date on which a duplicate certificate or knowledge test report was previously requested.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

■ 30. The authority citation for part 65 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 31. Revise § 65.59 to read as follows:

§ 65.59 Skill requirements.

An applicant for an aircraft dispatcher certificate must pass a practical test given by the Administrator, with respect to any one type of large aircraft used in air carrier operations. To pass the practical test for an aircraft dispatcher certificate, the applicant must demonstrate skill in applying the areas of knowledge and topics specified in appendix A of this part to preflight and all phases of flight, including abnormal and emergency procedures.

■ 32. Revise the introductory text of appendix A to read as follows:

Appendix A to Part 65—Aircraft Dispatcher Courses

Overview

This appendix sets forth the areas of knowledge necessary to perform dispatcher functions. The items listed below indicate the minimum set of topics that must be covered in a training course for aircraft dispatcher certification. The order of coverage is at the discretion of the approved school.

* * * * *

PART 91—GENERAL OPERATING AND FLIGHT RULES

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

Authority: 49 U.S.C. 106(f), 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).

■ 34. Effective August 27, 2018, in § 91.109, revise paragraph (c)(1) to read as follows:

§ 91.109 Flight instruction; Simulated instrument flight and certain flight tests.

* * * * *

(c) * * *

(1) The other control seat is occupied by a safety pilot who possesses at least:

(i) A private pilot certificate with category and class ratings appropriate to the aircraft being flown; or

(ii) For purposes of providing training for a solo cross-country endorsement under § 61.93 of this chapter, a flight instructor certificate with an appropriate sport pilot rating and meets the requirements of § 61.412 of this chapter.

* * * * *

■ 35. Effective December 24, 2018, in § 91.313, revise paragraphs (b), (c), and (d)(3) and (4) and add paragraphs (d)(5) and (h) to read as follows:

§ 91.313 Restricted category civil aircraft: Operating limitations.

* * * * *

(b) For the purpose of paragraph (a) of this section, the following operations are considered necessary to accomplish the work activity directly associated with a special purpose operation:

(1) Flights conducted for flight crewmember training in a special purpose operation for which the aircraft is certificated.

(2) Flights conducted to satisfy proficiency check and recent flight experience requirements under part 61 of this chapter provided the flight crewmember holds the appropriate category, class, and type ratings and is employed by the operator to perform the appropriate special purpose operation.

(3) Flights conducted to relocate the aircraft for delivery, repositioning, or maintenance.

(c) No person may operate a restricted category civil aircraft carrying persons or property for compensation or hire. For the purposes of this paragraph (c), a special purpose operation involving the carriage of persons or material necessary to accomplish that operation, such as crop dusting, seeding, spraying, and banner towing (including the carrying of required persons or material to the location of that operation), an operation for the purpose of providing flight crewmember training in a special purpose operation, and an operation conducted under the authority provided in paragraph (h) of this section are not considered to be the carriage of persons or property for compensation or hire.

(d) * * *

(3) Performs an essential function in connection with a special purpose operation for which the aircraft is certificated;

(4) Is necessary to accomplish the work activity directly associated with that special purpose; or

(5) Is necessary to accomplish an operation under paragraph (h) of this section.

* * * * *

(h)(1) An operator may apply for deviation authority from the provisions of paragraph (a) of this section to conduct operations for the following purposes:

(i) Flight training and the practical test for issuance of a type rating provided—

(A) The pilot being trained and tested holds at least a commercial pilot certificate with the appropriate category and class ratings for the aircraft type;

(B) The pilot receiving flight training is employed by the operator to perform a special purpose operation; and

(C) The flight training is conducted by the operator who employs the pilot to perform a special purpose operation.

(ii) Flights to designate an examiner or qualify an FAA inspector in the aircraft type and flights necessary to provide continuing oversight and evaluation of an examiner.

(2) The FAA will issue this deviation authority as a letter of deviation authority.

(3) The FAA may cancel or amend a letter of deviation authority at any time.

(4) An applicant must submit a request for deviation authority in a form and manner acceptable to the Administrator at least 60 days before the date of intended operations. A request for deviation authority must contain a complete description of the proposed operation and justification that establishes a level of safety equivalent to that provided under the regulations for the deviation requested.

■ 36. Revise § 91.531 to read as follows:

§ 91.531 Second in command requirements.

(a) Except as provided in paragraph (b) of this section, no person may operate the following airplanes without a pilot designated as second in command:

(1) Any airplane that is type certificated for more than one required pilot.

(2) Any large airplane.

(3) Any commuter category airplane.

(b) A person may operate the following airplanes without a pilot designated as second in command:

(1) Any airplane certificated for operation with one pilot.

(2) A large airplane or turbojet-powered multiengine airplane that holds a special airworthiness certificate, if:

(i) The airplane was originally designed with only one pilot station; or

(ii) The airplane was originally designed with more than one pilot station, but single pilot operations were permitted by the airplane flight manual or were otherwise permitted by a branch of the United States Armed Forces or the armed forces of a foreign contracting State to the Convention on International Civil Aviation.

(c) No person may designate a pilot to serve as second in command, nor may any pilot serve as second in command, of an airplane required under this section to have two pilots unless that pilot meets the qualifications for second in command prescribed in § 61.55 of this chapter.

■ 37. Effective December 24, 2018, in § 91.1015, add paragraph (h) to read as follows:

§ 91.1015 Management specifications.

* * * * *

(h) A program manager may obtain approval to provide a temporary document verifying a flightcrew member's airman certificate and medical certificate privileges under an approved certificate verification plan set forth in the program manager's management specifications. A document provided by the program manager may be carried as an airman certificate or medical certificate on flights within the United States for up to 72 hours.

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

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

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40119, 41706, 42301 preceding note added by Pub. L. 112–95, sec. 412, 126 Stat. 89, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44729, 44732; 46105; Pub. L. 111–216, 124 Stat. 2348 (49 U.S.C. 44701 note); Pub. L. 112–95, 126 Stat. 62 (49 U.S.C. 44732 note).

■ 39. Effective December 24, 2018, in § 121.383, revise paragraphs (a)(2) and (b) and add paragraph (c) to read as follows:

§ 121.383 Airman: Limitations on use of services.

(a) * * *

(2) Has in his or her possession while engaged in operations under this part—

(i) Any required appropriate current airman and medical certificates; or

(ii) A temporary document issued in accordance with paragraph (c) of this section; and

* * * * *

(b) Each airman covered by paragraph (a)(2) of this section shall present his or her certificates or temporary document for inspection upon request of the Administrator.

(c) A certificate holder may obtain approval to provide a temporary document verifying a flightcrew member's airman certificate and medical certificate privileges under an approved certificate verification plan set forth in the certificate holder's operations specifications. A document provided by the certificate holder may be carried as an airman certificate or medical certificate on flights within the United States for up to 72 hours.

* * * * *

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 40. The authority citation for part 135 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 41706, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722, 44730, 45101–45105; Pub. L. 112–95, 126 Stat. 58 (49 U.S.C. 44730).

■ 41. Effective December 24, 2018, revise § 135.95 to read as follows:

§ 135.95 Airmen: Limitations on use of services.

(a) No certificate holder may use the services of any person as an airman unless the person performing those services—

(1) Holds an appropriate and current airman certificate; and

(2) Is qualified, under this chapter, for the operation for which the person is to be used.

(b) A certificate holder may obtain approval to provide a temporary document verifying a flightcrew member's airman certificate and medical certificate privileges under an approved certificate verification plan set forth in the certificate holder's operations specifications. A document provided by the certificate holder may be carried as an airman certificate or medical certificate on flights within the United States for up to 72 hours.

■ 42. Effective November 26, 2018, in § 135.99, add paragraphs (c) and (d) to read as follows:

§ 135.99 Composition of flight crew.

* * * * *

(c) Except as provided in paragraph (d) of this section, a certificate holder authorized to conduct operations under instrument flight rules may receive authorization from the Administrator through its operations specifications to establish a second-in-command professional development program. As part of that program, a pilot employed by the certificate holder may log time as

second in command in operations conducted under this part and part 91 of this chapter that do not require a second pilot by type certification of the aircraft or the regulation under which the flight is being conducted, provided the flight operation is conducted in accordance with the certificate holder's operations specifications for second-in-command professional development program; and—

(1) The certificate holder:

(i) Maintains records for each assigned second in command consistent with the requirements in § 135.63;

(ii) Provides a copy of the records required by § 135.63(a)(4)(vi) and (x) to the assigned second in command upon request and within a reasonable time; and

(iii) Establishes and maintains a data collection and analysis process that will enable the certificate holder and the FAA to determine whether the second-in-command professional development program is accomplishing its objectives.

(2) The aircraft is a multiengine airplane or a single-engine turbine-powered airplane. The aircraft must have an independent set of controls for a second pilot flightcrew member, which may not include a throwover control wheel. The aircraft must also have the following equipment and independent instrumentation for a second pilot:

(i) An airspeed indicator;

(ii) Sensitive altimeter adjustable for barometric pressure;

(iii) Gyroscopic bank and pitch indicator;

(iv) Gyroscopic rate-of-turn indicator combined with an integral slip-skid indicator;

(v) Gyroscopic direction indicator;

(vi) For IFR operations, a vertical speed indicator;

(vii) For IFR operations, course guidance for en route navigation and instrument approaches; and

(viii) A microphone, transmit switch, and headphone or speaker.

(3) The pilot assigned to serve as second in command satisfies the following requirements:

(i) The second in command qualifications in § 135.245;

(ii) The flight time and duty period limitations and rest requirements in subpart F of this part;

(iii) The crewmember testing requirements for second in command in subpart G of this part; and

(iv) The crewmember training requirements for second in command in subpart H of this part.

(4) The pilot assigned to serve as pilot in command satisfies the following requirements:

(i) Has been fully qualified to serve as a pilot in command for the certificate holder for at least the previous 6 calendar months; and

(ii) Has completed mentoring training, including techniques for reinforcing the highest standards of technical performance, airmanship and professionalism within the preceding 36 calendar months.

(d) The following certificate holders are not eligible to receive authorization for a second-in-command professional development program under paragraph (c) of this section:

(1) A certificate holder that uses only one pilot in its operations; and

(2) A certificate holder that has been approved to deviate from the requirements in § 135.21(a), § 135.341(a), or § 119.69(a) of this chapter.

■ 43. In § 135.245, revise paragraph (a) and add paragraphs (c) and (d) to read as follows.

§ 135.245 Second in command qualifications.

(a) Except as provided in paragraph (b) of this section, no certificate holder may use any person, nor may any person serve, as second in command of an aircraft unless that person holds at least a commercial pilot certificate with appropriate category and class ratings and an instrument rating.

* * * * *

(c) No certificate holder may use any person, nor may any person serve, as second in command under IFR unless that person meets the following instrument experience requirements:

(1) *Use of an airplane or helicopter for maintaining instrument experience.* Within the 6 calendar months preceding the month of the flight, that person performed and logged at least the following tasks and iterations in-flight in an airplane or helicopter, as appropriate, in actual weather conditions, or under simulated instrument conditions using a view-limiting device:

(i) Six instrument approaches;

(ii) Holding procedures and tasks; and

(iii) Intercepting and tracking courses through the use of navigational electronic systems.

(2) *Use of an FSTD for maintaining instrument experience.* A person may accomplish the requirements in paragraph (c)(1) of this section in an approved FSTD, or a combination of aircraft and FSTD, provided:

(i) The FSTD represents the category of aircraft for the instrument rating privileges to be maintained;

(ii) The person performs the tasks and iterations in simulated instrument conditions; and

(iii) A flight instructor qualified under § 135.338 or a check pilot qualified under § 135.337 observes the tasks and iterations and signs the person's logbook or training record to verify the time and content of the session.

(d) A second in command who has failed to meet the instrument experience requirements of paragraph (c) of this section for more than six calendar months must reestablish instrument recency under the supervision of a flight instructor qualified under § 135.338 or a check pilot qualified under § 135.337. To reestablish instrument recency, a second in command must complete at least the following areas of operation required for the instrument rating practical test in an aircraft or FSTD that represents the category of aircraft for the instrument experience requirements to be reestablished:

(1) Air traffic control clearances and procedures;

(2) Flight by reference to instruments;

(3) Navigation systems;

(4) Instrument approach procedures;

(5) Emergency operations; and

(6) Postflight procedures.

PART 141—PILOT SCHOOLS

■ 44. The authority citation for part 141 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709, 44711, 45102–45103, 45301–45302.

■ 45. Effective November 26, 2018, in § 141.5, revise paragraph (d) to read as follows:

§ 141.5 Requirements for a pilot school certificate.

* * * * *

(d) Has established a pass rate of 80 percent or higher on the first attempt for all:

(1) Knowledge tests leading to a certificate or rating;

(2) Practical tests leading to a certificate or rating;

(3) End-of-course tests for an approved training course specified in appendix K of this part; and

(4) End-of-course tests for special curricula courses approved under § 141.57.

* * * * *

■ 46. Effective August 27, 2018, in appendix D to part 141, section 4:

■ a. Revise paragraphs (b)(1)(ii) and (b)(2)(ii); and

■ b. Amend paragraphs (b)(3)(i) and (b)(4)(i) by removing the words ''flight simulator'' and adding in their place the words ''full flight simulator''.

The revisions read as follows:

Appendix D to Part 141—Commercial Pilot Certification Course

* * * * *

4. * * *

(b) * * *

(1) * * *

(ii) Ten hours of training in a complex airplane, a turbine-powered airplane, or a technically advanced airplane that meets the requirements of § 61.129(j) of this chapter, or any combination thereof. The airplane must be appropriate to land or sea for the rating sought;

* * * * *

(2) * * *

(ii) 10 hours of training in a multiengine complex or turbine-powered airplane, or any combination thereof;

* * * * *

Appendix I to Part 141—[Amended]

■ 47. In appendix I to part 141, section 4, redesignate the second paragraph (k)(2)(iv) as paragraph (k)(2)(v).

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f), 44701(a)(5), and 44703(a), on June 6, 2018.

Daniel K. Elwell,

Acting Administrator.

[FR Doc. 2018–12800 Filed 6–26–18; 8:45 am]

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Federal Register

Vol. 83, No. 124

Wednesday, June 27, 2018

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FEDERAL REGISTER PAGES AND DATE, JUNE

25327–25544 1
25545–25848 4
25849–26202 5
26203–26346 6
26347–26546 7
26547–26832 8
26833–27286 11
27287–27504 12
27505–27680 13
27681–27888 14
27889–28150 15
28151–28350 18
28351–28520 19
28521–28760 20
28761–28976 21
28977–29434 22
29435–29664 25
29665–30030 26
30031–30284 27

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9704 (Amended by Proc. 9758) 25849
9705 (Amended by Proc. 9759) 25857
9710 (Amended by Proc. 9758) 25849
9711 (Amended by Proc. 9759) 25857
9739 (Amended by Proc. 9758) 25849
9740 (Amended by Proc. 9759) 25857
9756 25327
9757 25545
9758 25849
9759 25857
9760 25879
9761 26197
9762 26199
9763 26201
9764 27887
9765 28967

Executive Orders:
13547 (Revoked by 13840) 29431
13836 25329
13837 25335
13838 25341
13839 25343
13840 29431
13841 29435

Administrative Orders:
Memorandums:
Memorandum of May 16, 2018 28761
Space Policy Directive 3 of June 18, 2018 28969
Notices:
Notice of June 8, 2018 27287
Notice of June 22, 2018 29661
Notice of June 22, 2018 29663
Presidential Determinations:
No. 2018–08 of May 14, 2018 26345

6 CFR

Ch. I 30031
46 28497

7 CFR

1c 28497
51 27289
52 27289
210 25349
225 25349
319 25547
400 25361
900 27681
932 28521
981 28523
1051 26547
1200 27681
1216 27683

Proposed Rules:
Subtitle A 28550
Subtitle B 28550
1 26865
66 28547
301 29465
319 27918
3555 28547

8 CFR

Proposed Rules:
103 25951

9 CFR

1 25549
2 25549
3 25549
145 28351
146 28351
147 28351

Proposed Rules:
Ch. I 28550
Ch. II 28550
Ch. III 28550

10 CFR

Ch. I 29437
170 29622
171 29622
745 28497

Proposed Rules:
Ch. I 26611
431 29048

11 CFR

Proposed Rules:
100 29056
110 29056

12 CFR

12 26347
151 26347
201 28526
204 28527
344 26347
611 27486
615 27486
702 25881
723 25881

Proposed Rules:
612 27922
701 25583

13 CFR

Proposed Rules:
107.....26874, 26875

14 CFR

1.....30232
11.....28528
25.....25361
39 .....25363, 25556, 25882, 25885, 25891, 25894, 25898, 26349, 26352, 26556, 26559, 26564, 26833, 26836, 27889, 27891, 28151, 28528, 28763, 29665
60.....30232
61.....30232
63.....30232
65.....30232
71 .....25558, 25901, 25902, 25904, 25905, 26203, 26566, 26568, 26838, 26839, 28356, 28977, 28978, 28980, 30031, 30032
73 .....28981, 30033, 30034
91.....30232
95.....29667
97 .....25907, 25909, 27686, 27688
121.....30232
135.....30232
141.....30232
404.....28528
405.....28528
420.....28528
431.....28528
435.....28528
437.....28528
460.....28528
1230.....28497

Proposed Rules:
29.....26225, 26226
31.....29472
39 .....25405, 25408, 25410, 25412, 25415, 25417, 25419, 25587, 25590, 25595, 26381, 26383, 26387, 26389, 26877, 26880, 26882, 26884, 26887, 27718, 27721, 27724, 28171, 28551, 28553, 28558, 29056, 29059, 29061, 29474, 29476, 29479
71 .....25967, 25969, 25971, 25973, 26612, 26889, 29064, 29065, 29066

15 CFR

27.....28497
744.....26204
748.....25559

16 CFR

1028.....28497
1112.....28358, 29672
1220.....26206
1231.....28358
1235.....29672
1252.....28983

Proposed Rules:
Ch. II.....26228
1112.....28390
1238.....28390

17 CFR

49.....27410
200.....25365, 29158
201.....25365
230.....29158
239.....29158
240.....29158
249.....29158
270.....29158
274.....29158

Proposed Rules:
1.....27444
210.....26891
229.....26891
230.....26788, 26891
232.....26891
240.....26891
242.....26788
270.....26788, 26891
274.....26891

18 CFR

40.....27505
401.....26354
420.....26354

19 CFR

12.....27380
113.....27380
122.....27380
141.....27380
178.....27380
192.....27380

20 CFR

404.....28992
416.....28992
431.....28497
725.....27690

Proposed Rules:
401.....27728

21 CFR

74.....26356
101.....27894
862.....25910
866 .....25910, 27699, 28994
876 .....25910, 27702, 27895
878.....26575
880.....25910
884.....25910
888.....26577

Proposed Rules:
3.....26392
892.....25598
1100.....26617, 26618
1130.....26619
1140.....26617, 26618
1143.....26617, 26618
1308.....27520

22 CFR

225.....28497

23 CFR

Proposed Rules:
635.....29713

24 CFR

1.....26359
8.....26359
16.....26359
40.....26359
60.....28497

Proposed Rules:
100.....28560

25 CFR

Proposed Rules:
543.....26620

26 CFR

1.....26580

Proposed Rules:
1.....27302, 28397
301.....29716

29 CFR

21.....28497
825.....30035
1614.....30035
1910.....30035
2510.....28912
4022.....27898
4044.....27898

Proposed Rules:
1910.....25536
1926.....28562

30 CFR

901.....28996

Proposed Rules:
56.....29716
75.....29716

31 CFR

592.....28370

Proposed Rules:
34.....28563

32 CFR

65.....26840
149.....27704
206.....30036
219.....28497
287.....27290
290.....26840
538.....26841
706.....26210, 28375
736.....29001
806.....26361

33 CFR

100 .....25366, 25561, 25563, 26361, 29438
117 .....25369, 25370, 25566, 26364, 26365, 26593, 26841, 27704, 28153, 28154, 29001, 29438, 29440, 30036
155.....26212
165 .....25370, 25371, 25373, 25566, 25568, 25570, 25575, 25577, 25579, 26365, 26367, 26842, 26844, 27290, 27511, 27513, 27704, 27706, 27707, 27709, 27899, 28154, 28155, 28376, 28378, 28379, 28538, 28539, 28541, 28766, 28770, 28771, 29002, 29003, 29005, 29007, 29011, 29440, 29442, 29444, 29446, 29682, 29684, 29686, 29687, 29689, 30039, 30041, 30044, 30046

Proposed Rules:
100.....28173, 30089
105.....29067
110.....27932, 29081
117.....27730, 28785
165 .....28175, 28787, 29719, 29721

34 CFR

97.....28497
668.....28543

Proposed Rules:
Ch. III.....28566
668.....28177

36 CFR

1.....26594
4.....26594

37 CFR

202.....25375

Proposed Rules:
201 .....26229, 28178, 28789
202.....28178, 28179

38 CFR

16.....28497
17.....25915, 29447

39 CFR

Proposed Rules:
265.....27933
266.....27933
3050.....26392, 27523

40 CFR

26.....28497
35.....29691
52 .....25375, 25378, 25920, 25922, 26221, 26222, 26596, 26597, 26598, 26599, 27901, 27910, 28157, 28382, 28543, 29449, 29451, 29455, 29694, 29696, 29698, 30048
55.....30050
60.....25382, 25936
61.....25382, 25936
62.....26599, 29458
63.....25382, 25936
70.....26599
81 .....25390, 25776, 28543
170.....29013
180 .....25936, 25944, 26369, 27711, 29014, 29017, 29023, 29028, 29033, 29702
228.....29706
372.....27291
713.....30054

Proposed Rules:
Ch. 1.....27524
26.....28401
50.....26752
52 .....25604, 25608, 25615, 25617, 25975, 25977, 25979, 25981, 26912, 27732, 27734, 27738, 27936, 27937, 27938, 28179, 28402, 28568, 28577, 28582, 28789, 29483, 29486, 29723, 29727
55.....28795
60.....28068
62.....25633, 25983
63.....29085
80.....27740
81 .....25422, 28402, 29486
151.....29499
180.....27743, 27744
271 .....25986, 26917, 29520
272.....25986
300 .....25635, 28586, 29731
721.....26922
1500.....28591
1501.....28591
1502.....28591
1503.....28591
1504.....28591
1505.....28591
1506.....28591
1507.....28591

1508.....28591

41 CFR

300–3.....30077
301–11.....30077
Ch. 301 App. B.....30077
Ch. 301 App. D.....30077
302–9.....30077
302–11.....30077

Proposed Rules:

105.....28592
106.....28592
107.....28592
108.....28592
109.....28592
110.....28592
111.....28592
112.....28592
113.....28592
114.....28592
115.....28592
116.....28592
117.....28592
118.....28592
119.....28592
120.....28592
121.....28592
122.....28592
123.....28592
124.....28592
125.....28592
126.....28592
127.....28592
128.....28592
129.....28592
130.....28592
131.....28592
132.....28592
133.....28592
134.....28592
135.....28592
136.....28592
137.....28592
138.....28592
139.....28592
140.....28592
141.....28592
142.....28592
143.....28592
144.....28592
145.....28592
146.....28592
147.....28592
148.....28592
149.....28592
150.....28592
151.....28592
152.....28592
153.....28592
154.....28592
155.....28592
156.....28592
157.....28592
158.....28592
159.....28592
160.....28592

42 CFR

5a.....30079
10.....25943
23.....30080
130.....30081
405.....27912
414.....25947
417.....27912
422.....27912
423.....27912
460.....27912
498.....27912
510.....26604

Proposed Rules:

2.....29736
10.....29736
12.....29736
13.....29736
18.....29736
26.....29736
59.....25502
411.....29524
412.....28603
413.....28603
424.....28603
495.....28603

44 CFR

64.....27915

Proposed Rules:

67.....27745, 27746

45 CFR

46.....28497
690.....28497

46 CFR

401.....26162
404.....26162

Proposed Rules:

10.....26933
11.....26933
15.....26933

47 CFR

2.....29710
54.....27515
64.....30082
73.....25949
90.....29710
300.....28161

Proposed Rules:

1.....26396, 27846
27.....26396
54 .....27528, 27746, 30091
64.....27746, 30091
73.....27537
74.....26229

48 CFR

Ch. 1.....28140, 28149
1.....28141, 28145
4.....28141
9.....28145
12.....28145
13.....28141, 28145
39.....28141
52.....28141, 28145
222.....26846
237.....26846
252.....26846
1519.....28772
1552.....28772
1801.....28386
1802.....29038
1803.....28386
1804.....28386
1815.....28386
1827.....29039
1843.....29040
1852 .....28386, 29039, 29040

Proposed Rules:

15.....27303
3019.....25638
3052.....25638

49 CFR

11.....28497
172.....28162
173.....28162
180.....28162
373.....26374
383.....28774
384.....28774
390.....26846
391.....26846, 28774
395.....26374, 26377

Proposed Rules:

Ch. III.....26942

50 CFR

17.....25392
20.....25738
216.....29460
622 .....27297, 27300, 28169, 28387, 29041, 29044
648 .....27713, 28388, 28545
655.....27716
660 .....25581, 28783, 29461
679 .....27518, 28169, 29463

Proposed Rules:

17.....26623, 30091
20.....27836
217.....29212
218.....29872
300.....27305
622.....28797
660.....26640
679.....26237, 28604
697.....27747

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*.

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S. 1869/P.L. 115–192
Whistleblower Protection Coordination Act (June 25, 2018; 132 Stat. 1502)

S. 2246/P.L. 115–193
To designate the health care center of the Department of Veterans Affairs in Tallahassee, Florida, as the Sergeant Ernest I. ''Boots'' Thomas VA Clinic, and for other purposes. (June 25, 2018; 132 Stat. 1505)

Last List June 26, 2018

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