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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0235; Product Identifier 2018–NE–08–AD; Amendment 39–19367; AD 2018–17–13]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Tay 620–15 Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Rolls-Royce Deutschland Ltd & Co KG (RRD) Tay 620–15 turbofan engines. This AD was prompted by reports of low-pressure compressor (LPC) fan blade retention lug failures. This AD requires reviewing the engine maintenance records and replacing the LPC fan blade with a part eligible for installation if the dry-film lubricant (DFL) treatment limit is exceeded. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 16, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 16, 2018.

ADDRESSES: For service information identified in this final rule, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; phone: +49 (0) 33–7086–1883; fax: +49 (0) 33–7086–3276. You may view this service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0235.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0235; or in person at the Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is Docket Operations, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Barbara Caufield, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7146; fax: 781–238–7199; email: *barbara.caufield@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain RRD Tay 620–15 turbofan engines. The NPRM published in the **Federal Register** on April 30, 2018 (83 FR 18758). The NPRM was prompted by reports of LPC fan blade retention lug failures. The NPRM proposed to require reviewing the engine maintenance records and replacing the LPC fan blade with a part eligible for installation if the DFL treatment limit is exceeded. We are issuing this AD to address the unsafe condition on these products.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2018–0013, dated January 17, 2018 (referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

> Fractures of low pressure compressor (LPC) fan blade retention lugs were reported on engines subjected to a high number of Dry Film Lubrication (DFL) treatments. Subsequent investigation determined that, as a consequence, the retention lugs of the affected LPC (fan) blades had been exposed to excessive high stress cycles.
>
> This condition, if not detected or corrected, could lead to failure of LPC fan blade retention lug(s), high vibration, reduced thrust, or in-flight shut down, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, Rolls Royce Deutschland (RRD) issued Alert Non-Modification Service Bulletin (NMSB) TAY–72–A1834 (hereafter referred to as 'the NMSB') to provide identification and replacement instructions.
>
> For the reasons described above, this [EASA] AD requires determination of number of DFL treatments applied to the LPC fan blades and, based on that determination, replacement. This [EASA] AD also introduces a maximum allowable number of DFL treatments applicable to the LPC fan blades.

You may obtain further information by examining the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0235.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

We reviewed RRD ALERT NMSB TAY–72–A1834, dated November 17, 2017. The Alert NMSB describes procedures for reviewing the maintenance records and replacing the LPC fan blade with a serviceable part. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

We reviewed RRD NMSB TAY–70–1050, Revision 9, dated July 14, 2010.

The NMSB defines a basic engine life management program suitable for RRD Tay engines in aircraft that are engaged in non-airline operations.

Costs of Compliance

We estimate that this AD affects 25 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Record search to establish number of LPC blade DFL applications.	1.5 work-hours × $85 per hour = $127.50	$0	$127.50	$3,187.50
Lost life for a LPC blade set and replacement of blades.	4.0 work-hours × $85 per hour = $340	16,550	16,890	422,250

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–17–13 Rolls-Royce Deutschland Ltd & Co KG: Amendment 39–19367; Docket No. FAA–2018–0235; Product Identifier 2018–NE–08–AD.

(a) Effective Date

This AD is effective October 16, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG (RRD) Tay 620–15 turbofan engines with low-pressure compressor (LPC) fan blades, having part numbers (P/Ns) JR30649, JR31702, JR31983, JR33863, or JR33864, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by reports of LPC fan blade retention lug failures. We are issuing this AD to prevent failure of the LPC fan blade retention lug. The unsafe condition, if not addressed, could result in loss of engine thrust control and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Within 30 days after the effective date of this AD, determine the number of dry-film lubricant (DFL) treatments that were applied to the LPC fan blade by reviewing the maintenance records or using an alternative method in steps C or N, as applicable, of the Accomplishment Instruction, paragraph 3, of RRD ALERT Non-Modification Service Bulletin (NMSB) TAY–72–A1834, dated November 17, 2017.

(2) Depending on the results of the records review, do the following, as applicable:

(i) If the number of DFL treatments is fewer than 13, mark the LPC fan blade dovetail root with a suffix code during the next scheduled LPC fan blade removal using steps H or R, as applicable, of the Accomplishment Instruction, paragraph 3, of RRD ALERT NMSB TAY–72–A1834, dated November 17, 2017.

(ii) If the number of DFL treatments is 13 or more, replace the affected LPC fan blade with a part eligible for installation within 500 flight hours after effective date of this AD.

(h) Installation Prohibition

After the effective date of this AD, do not install an affected LPC fan blade on any engine unless it has been determined that the LPC fan blade has had fewer than 13 DFL treatments and has been marked in accordance with the instructions of RRD ALERT NMSB TAY–72–A1834, dated November 17, 2017.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD,

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

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

(j) Related Information

(1) For more information about this AD, contact Barbara Caufield, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7146; fax: 781–238–7199; email: *barbara.caufield@faa.gov.*

(2) Refer to European Aviation Safety Agency (EASA) AD 2018–0013, dated January 17, 2018, for more information. You may examine the EASA AD in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0235.

(k) Material Incorporated by Reference

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

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

(i) Rolls-Royce Deutschland Ltd & Co KG ALERT Non-Modification Service Bulletin TAY–72–A1834, dated November 17, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; phone: +49 (0) 33–7086–1883; fax: +49 (0) 33–7086–3276.

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

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

Issued in Burlington, Massachusetts, on August 29, 2018.

Karen M. Grant,

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

[FR Doc. 2018–19565 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0475; Airspace Docket No. 18–ANE–4]

RIN 2120–AA66

Establishment of Class E Airspace; Chebeague Island, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Chebeague Island Heliport, Chebeague Island, ME, to accommodate new area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures serving the heliport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this heliport.

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

ADDRESSES: FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11B 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: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Chebeague Island Heliport, Chebeague Island, ME, to support IFR operations in standard instrument approach procedures at this heliport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (83 FR 29064, June 22, 2018) for Docket No. FAA–2018–0475 to establish Class E airspace extending upward from 700 feet above the surface at Chebeague Island Heliport, Chebeague Island, ME. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, 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

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 6-mile radius of Chebeague Island Heliport, Chebeague Island, ME, providing the controlled airspace

required to support the new RNAV (GPS) standard instrument approach procedures. These changes are necessary for continued safety and management of IFR operations at Chebeague Island Heliport.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ANE ME E5 Chebeague Island, ME [New]

Chebeague Island Heliport, ME
(Lat. 43°43′45″ N, long. 70°07′37″ W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Chebeague Island Heliport.

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

Ryan W. Almasy,

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

[FR Doc. 2018–19476 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1043; Airspace Docket No. 17–AEA–18]

RIN 2120–AA66

Amendment of Class E Airspace; Bloomsburg, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet or more above the surface at Bloomsburg Municipal Airport, Bloomsburg, PA, due to the decommissioning of the Milton VHF omni-directional range tactical air navigation aid (VORTAC). Airspace reconfiguration is necessary for the safety and management of instrument flight rules (IFR) operations at this airport. This action also updates the geographic coordinates of this airport.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking in the **Federal Register** for Docket No. FAA–2017–1043 (83 FR 29066, June 22, 2018) proposing to amend Class E airspace extending upward from 700 feet or more above the surface within an 11.8-mile radius at Bloomsburg Municipal Airport, Bloomsburg, PA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005, of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend 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

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class E airspace extending upward from 700 feet or more above the surface within an 11.8-mile radius (increased from a 6.3-mile radius) of Bloomsburg Municipal Airport, Bloomsburg, PA, due to the decommissioning of the Milton VORTAC, and cancellation of the VOR approach. These changes enhance the safety and management of IFR operations at the airport.

The geographic coordinates of the airport also are adjusted to coincide with the FAA's aeronautical database.

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. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO AL E5 Bloomsburg, PA [Amended]

Bloomsburg Municipal Airport, PA
(Lat. 40°59′52″ N, long. 76°26′07″ W)

That airspace extending upward from 700 feet above the surface within an 11.8-mile radius of Bloomsburg Municipal Airport.

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

Ryan W. Almasy,

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

[FR Doc. 2018–19489 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0006; Airspace Docket No. 18–AGL–1]

RIN 2120–AA66

Amendment of Class D Airspace; Appleton, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class D airspace at Appleton International Airport (formerly Outagamie County Airport), Appleton, WI. This action is required due to the decommissioning of the GAMIE locator outer marker (LOM) and collocated outer marker (OM) which provided navigation guidance to the airport. This action enhances the safety and management of instrument flight rules (IFR) operations at the airport. Also, the airport name and geographic coordinates are adjusted to coincide with the FAA's aeronautical database. Additionally, this action replaces the outdated term ''Airport/Facility Directory'' with the term ''Chart Supplement'' in the legal description, and removes the city associated with the airport name in the airspace designation.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with

prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it will amend Class D airspace, at Appleton International Airport, Appleton, WI, to support instrument flight rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** (83 FR 11445; March 15, 2018) for Docket No. FAA–2018–0006 to modify Class D airspace at Appleton International Airport, Appleton, WI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D airspace designations are published in paragraph 5000 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 Class D airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, 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

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class D airspace extending upward from the surface to and including 3,400 feet MSL within a 4.2-mile radius (decreased from a 4.4-mile radius) of Appleton International Airport (formerly Outagamie County Airport), Appleton, WI. Airspace reconfiguration is necessary due to the decommissioning of the GAMIE LOM/OM.

This action also updates the airport name and geographic coordinates of the airport to coincide with the FAA's aeronautical database.

Additionally, this action makes an editorial change to the Class D airspace legal description replacing ''Airport/Facility Directory'' with the term ''Chart Supplement''.

Finally, an editorial change would be made removing the name of the city associated with the airport name in the airspace designation to comply with a recent change to FAA Order 7400.2L, Procedures for Handling Airspace Actions, dated October 12, 2017.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AGL WI D Appleton, WI [Amended]

Appleton International Airport, WI
(Lat. 44°15′29″ N, long 88°31′09″ W)

That airspace extending upward from the surface to and including 3,400 feet MSL within a 4.2-mile radius of Appleton International Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Issued in Fort Worth, Texas, on August 31, 2018.

Anthony Schneider,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2018–19478 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0810; Airspace Docket No. 18–ASO–16]

RIN 2120–AA66

Amendment of Class D Airspace; Olive Branch, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action amends Class D airspace for Olive Branch Airport, Olive Branch, MS, by adding the Memphis Class B exclusionary language back into the legal description. The exclusionary language was inadvertently omitted from the final rule published July 30, 2018, amending Class D and Class E airspace at this airport.

DATES: Effective 0901 UTC, September 11, 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: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a final rule in the **Federal Register** (83 FR 36402; July 30, 2018) for Docket No. FAA–2017–0866 amending Class D airspace, removing Class E airspace, and establishing Class E airspace at Olive Branch Airport, Olive Branch, MS.

Subsequent to publication, the FAA discovered the Memphis Class B airspace exclusionary language was omitted from the Class D legal description of the airport. This rule adds the Class B exclusionary language back into the legal description.

Class D airspace designations are published in paragraph 5000, of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR part 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, 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

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by adding to the Class D legal description for Olive Branch Airport, Olive Branch, MS, the following text that reads ''excluding that airspace within the Memphis Class B airspace area.''

Accordingly, action is take herein to add this exclusion of Memphis Class B airspace to the legal description in the interest of flight safety. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest.

To avoid confusion on the part of pilots flying in the vicinity of Olive Branch Airport, Olive Branch, MS, the FAA finds good cause, pursuant to 5 U.S.C. 553(d), for making this rule effective in less than 30 days in order to promote the safe and efficient handling of air traffic in the area.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO MS D Olive Branch, MS [Amended]

Olive Branch Airport, MS
(Lat. 34°58′44″ N, long. 89°47′13″ W)

That airspace extending upward from the surface to and including 2,900 feet within a 4.1-mile radius of Olive Branch Airport, excluding that airspace within the Memphis Class B airspace area. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

Issued in College Park, Georgia, on August 28, 2018.

Ryan W. Almasy,

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

[FR Doc. 2018–19486 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0322; Airspace Docket No. 18–AEA–12]

RIN 2120–AA66

Amendment of Class E Airspace; Williamsport, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet or more above the surface at Williamsport Regional Airport, Williamsport, PA. Airspace reconfiguration is necessary due to the decommissioning of Picture Rocks non-directional radio beacon (NDB), and cancellation of the NDB approaches. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport. This action also recognizes the name change to Williamsport Hospital Medical Center Heliport (formerly Williamsport Hospital). The title of this rule is changed to only show that we are amending Class E airspace extending upward from 700 feet above the surface with this rule. The Class D and remaining Class E airspace areas have been amended in a separate rulemaking.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** (83 FR 25967, June 5, 2018) for Docket No. FAA–2018–0322 to amend Class D airspace, Class E surface airspace, Class E airspace designated as an extension to a Class D surface area, and Class E airspace extending upward from 700 feet or more above the surface at Williamsport Regional Airport, Williamsport, PA.

Subsequent to publication, the FAA found that the name of Williamsport Hospital has changed to Williamsport Hospital Medical Center Heliport, and is corrected in this rule.

Also, we are not retaining the proposal as stated, and only going forward with amending Class E airspace extending upward from 700 feet above the surface at Williamsport Regional Airport. The previous amendments proposed in the NPRM have been executed in a final rule published August 3, 2018 (83 FR 38016).

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in Paragraph 6005, of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, 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

This amendment to Title 14 Code of Federal Regulations (14 CFR) amends part 71 by amending Class E airspace extending upward from 700 feet or more above the surface at Williamsport Regional Airport to within a 12.6-mile radius of the airport due to the decommissioning of the Picture Rocks NDB, and cancellation of the NDB approach. The Williamsport Regional Airport ILS localizer is removed as it is no longer needed to define the boundary. Also, the name of Williamsport Hospital is changed to Williamsport Hospital Medical Center Heliport.

We have removed the amendments that were made for Williamsport Regional Airport noted in Class D airspace, Class E surface airspace, and Class E airspace designated as an extension to a Class D surface area, as they were addressed in a separate rulemaking (FR 83 38016).

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AEA PA E5 Williamsport, PA [Amended]

Williamsport Regional Airport, PA
(Lat. 41°14′30″ N, long. 76°55′19″ W)
Williamsport Hospital Medical Center Heliport, Point In Space Coordinates
(Lat. 41°14′51″ N, long. 77°00′55″ W)

That airspace extending upward from 700 feet above the surface within a 12.6-mile radius of Williamsport Regional Airport, and that airspace within a 6-mile radius of the point in space (lat. 41°14′51″ N, long. 77°00′55″ W) serving Williamsport Hospital Medical Center Heliport.

Is Issued in College Park, Georgia, on August 28, 2018.

Ryan W. Almasy,

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

[FR Doc. 2018–19487 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0727; Airspace Docket No. 18–AEA–15]

RIN 2120–AA66

Amendment of Class E Airspace; Lynchburg, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action amends the legal description of the Class E airspace at Lynchburg Regional Airport-Preston Glenn Field Airport, Lynchburg, VA. The NOTAM part-time status is removed from the Class E airspace area designated as an extension to a Class D surface area. This action does not affect the boundaries or operating requirements of the airspace.

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

ADDRESSES: FAA Order 7400.11.B Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/airtraffic/publications/.* For further information, you can contact the Airspace Policy and Regulations 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 this material at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it makes a clerical correction removing the NOTAM part-time status from the Class E airspace area designated as an extension at Lynchburg Regional Airport-Preston Glenn Field, Lynchburg, VA.

History

The FAA Aeronautical Information Services branch found the Class E airspace area designated as an extension to a Class D surface area at Lynchburg Regional Airport-Preston Glenn Field Airport, Lynchburg, VA, was incorrectly identified as part time. This action also changes the airport name to Lynchburg Regional Airport-Preston Glenn Field.

Class E airspace designations are published in paragraph 6004 of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, 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

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by removing the NOTAM part-time status from the Class E airspace area designated as an extension to a Class D airspace at Lynchburg Regional Airport-Preston Glenn Field Airport, Lynchburg, VA. The airport name also is changed from Lynchburg Regional-Preston Glenn Field to Lynchburg Regional Airport-Preston Glenn Field.

This is an administrative change and does not affect the boundaries, or

operating requirements of the airspace, 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. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6004 Class E Airspace Designated as an Extension to Class D or E Surface Area.

* * * * *

AEA VA E4 Lynchburg, VA [Amended]

Lynchburg Regional Airport-Preston Glenn Field, VA
(Lat. 37°19′31″ N, long. 79°12′04″ W)
Lynchburg VORTAC
(Lat. 37°15′16″ N, long. 79°14′11″ W)

That airspace extending upward from the surface within 2.7 miles each side of the Lynchburg VORTAC 020° and 200° radials extending from the 4.5-mile radius of Lynchburg Regional Airport-Preston Glenn Field to 1 mile south of the VORTAC and within 1.8 miles each side of the Lynchburg VORTAC 022° radial extending from the 4.5-mile radius of the airport to 11.3 miles northeast of the VORTAC.

Issued in College Park, Georgia, on August 28, 2018.

Ryan W. Almasy,

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

[FR Doc. 2018–19493 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

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

RIN 2120–AA66

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action amends Class D airspace and Class E surface airspace for Bowman Field Airport, Louisville, KY, by adding the Louisville International Airport Class C exclusionary language into the legal description. The exclusionary language was inadvertently omitted from the final rule published November 1, 2017. This action also makes a minor editorial change to the Louisville, KY, airspace designation and airport name.

DATES: Effective 0901 UTC, September 11, 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: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a final rule in the **Federal Register** (82 FR 50506; November 1, 2017) for Docket No. FAA–2016–9499 amending Class D airspace, and Class E surface airspace at Bowman Field Airport, Louisville, KY.

Subsequent to publication, the FAA discovered the Louisville Standiford Field Class C airspace exclusionary language was omitted from the Class D legal description of the airport. This rule adds the Class C exclusionary language into the legal descriptions, noting the airport name change to Louisville International Airport.

An editorial change is made that removes the airport name from the

Louisville, KY, airspace designation, and the city from the airport name.

Class D airspace and Class E surface airspace designations are published in paragraph 5000, and 6002 of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR part 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, 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

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by adding to the Class D and Class E surface area legal descriptions for Bowman Field Airport, Louisville, KY, the following text that reads ''excluding that portion within the Louisville International Airport Class C airspace area, and excluding that portion south of the 081° bearing from Louisville International Airport, and also excluding that portion north of the Louisville International Airport Class C airspace area and west of a line drawn from lat. 38°11′28″ N long. 85°42′01″ W direct thru the point where the 030° bearing from Louisville International Airport intersects the 5-mile radius from Louisville International Airport to the point of intersection with the 3.9-mile radius from Bowman Field Airport.'' This action makes an editorial change to the Louisville, KY, airspace designation by removing the airport name of Bowman Field. This action also removes the city name (Louisville) from the airport name of Bowman Field Airport, to comply with FAA Order 7400.2L, Procedures for Handling Airspace Matters.

Accordingly, action is take herein to add this exclusion of Louisville International Airport Class C airspace to the legal description for Bowman Field Airport, Louisville, KY, in the interest of flight safety. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest.

To avoid confusion on the part of pilots flying in the area of Bowman Field Airport, Louisville, KY, the FAA finds good cause, pursuant to 5 U.S.C. 553(d), for making this rule effective in less than 30 days in order to promote the safe and efficient handling of air traffic in the area.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO KY D Louisville, KY [Amended]

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

That airspace extending upward from the surface to but not including 2,200 feet MSL within a 3.9-mile radius of Bowman Field Airport, excluding that portion within the Louisville International Airport Class C airspace area, and excluding that portion south of the 081° bearing from Louisville International Airport, and also excluding that portion north of the Louisville International Airport Class C airspace area and west of a line drawn from lat. 38°11′28″ N, long. 85°42′01″ W. direct thru the point where the 030° bearing from Louisville International Airport intersects the 5-mile radius from Louisville International Airport to the point of intersection with the 3.9-mile radius from Bowman Field Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

ASO KY E2 Louisville, KY [Amended]

Bowman Field Airport, KY
(Lat. 38°13′41″ N, long. 85°39′49″ W)
Louisville International Airport, KY
(Lat. 38°10′27″ N, long. 85°44′11″ W) E–104

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

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

Ryan W. Almasy,

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

[FR Doc. 2018–19490 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31211; Amdt. No. 3815]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective September 11, 2018. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of September 11, 2018.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169, or

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK, 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on August 24, 2018.

Rick Domingo,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 11 October 2018

Litchfield, IL, Litchfield Muni, Takeoff Minimums and Obstacle DP, Amdt 3A
Winamac, IN, Arens Field, Takeoff Minimums and Obstacle DP, Orig-A
Beloit, KS, Moritz Memorial, RNAV (GPS) RWY 17, Amdt 1
Beloit, KS, Moritz Memorial, RNAV (GPS) RWY 35, Orig-A
Beloit, KS, Moritz Memorial, Takeoff Minimums and Obstacle DP, Amdt 1A
Beloit, KS, Moritz Memorial, VOR RWY 17, Amdt 5
Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 18, Amdt 2B
Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 36, Amdt 1B
Harbor Springs, MI, Harbor Springs, Takeoff Minimums and Obstacle DP, Amdt 3
St. Ignace, MI, Mackinac County, RNAV (GPS) RWY 25, Orig-B
Raleigh/Durham, NC, Raleigh-Durham Intl, ILS OR LOC RWY 5R, Amdt 29A
Raleigh/Durham, NC, Raleigh-Durham Intl, ILS OR LOC RWY 23L, Amdt 9A
Oklahoma City, OK, Sundance, VOR RWY 18, Amdt 1F
Johnstown, PA, John Murtha Johnstown-Cambria Co, Takeoff Minimums and Obstacle DP, Amdt 4A
Lampasas, TX, Lampasas, RNAV (GPS) RWY 34, Orig-A
Sulphur Springs, TX, Sulphur Springs Muni, RNAV (GPS) RWY 19, Orig-B
Hayward, WI, Sawyer County, ILS OR LOC RWY 21, Orig-A

Effective 8 November 2018

Brevig Mission, AK, Brevig Mission, BREVIG TWO, Graphic DP
Brevig Mission, AK, Brevig Mission, Takeoff Minimums and Obstacle DP, Orig-A
Kodiak, AK, Kodiak, RNAV (GPS) RWY 26, Amdt 3
Bay Minette, AL, Bay Minette Muni, RNAV (GPS) RWY 8, Amdt 1B
Oneonta, AL, Robbins Field, RNAV (GPS) RWY 6, Orig-C
Oneonta, AL, Robbins Field, RNAV (GPS) RWY 24, Orig-A
Oneonta, AL, Robbins Field, Takeoff Minimums and Obstacle DP, Orig-B
Nogales, AZ, Nogales Intl, Takeoff Minimums and Obstacle DP, Amdt 3
San Diego, CA, Montgomery—Gibbs Executive, Takeoff Minimums and Obstacle DP, Amdt 4A
San Francisco, CA, San Francisco Intl, RNAV (GPS) RWY 19L, Amdt 3A
Tracy, CA, Tracy Muni, RNAV (GPS) RWY 26, Amdt 1B
Canon City, CO, Fremont County, Takeoff Minimums and Obstacle DP, Amdt 3
Georgetown, DE, Delaware Coastal, VOR RWY 4, Orig
Boca Raton, FL, Boca Raton, RNAV (GPS) Y RWY 23, Amdt 1C
Atlanta, GA, Newnan Coweta County, RNAV (GPS) RWY 14, Amdt 1A
Atlanta, GA, Newnan Coweta County, RNAV (GPS) RWY 32, Amdt 2A
Atlanta, GA, Newnan Coweta County, VOR–A, Amdt 8A
Milledgeville, GA, Baldwin County Rgnl, NDB RWY 28, Amdt 4A
Milledgeville, GA, Baldwin County Rgnl, RNAV (GPS) RWY 10, Amdt 2A
Milledgeville, GA, Baldwin County Rgnl, RNAV (GPS) RWY 28, Amdt 2A
Milledgeville, GA, Baldwin County Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1A
Honolulu, HI, Daniel K Inouye Intl, HONOLULU TWO, Graphic DP
Honolulu, HI, Daniel K Inouye Intl, Takeoff Minimums and Obstacle DP, Amdt 8B
Chicago/West Chicago, IL, DuPage, RNAV (GPS) RWY 20R, Amdt 1F
Chicago/West Chicago, IL, DuPage, Takeoff Minimums and Obstacle DP, Amdt 1B
Indianapolis, IN, Hendricks County-Gordon Graham Fld, RNAV (GPS) RWY 18, Amdt 1C
Terre Haute, IN, Terre Haute Rgnl, ILS OR LOC RWY 5, Amdt 23C
Terre Haute, IN, Terre Haute Rgnl, LOC BC RWY 23, Amdt 19D
Terre Haute, IN, Terre Haute Rgnl, RADAR 1, Amdt 5B
Terre Haute, IN, Terre Haute Rgnl, RNAV (GPS) RWY 5, Orig-E
Terre Haute, IN, Terre Haute Rgnl, RNAV (GPS) RWY 14, Orig-D
Terre Haute, IN, Terre Haute Rgnl, RNAV (GPS) RWY 23, Amdt 1D
Terre Haute, IN, Terre Haute Rgnl, RNAV (GPS) RWY 32, Orig-D
Terre Haute, IN, Terre Haute Rgnl, VOR RWY 5, Amdt 18
Terre Haute, IN, Terre Haute Rgnl, VOR RWY 23, Amdt 21
Kingman, KS, Kingman Airport—Clyde Cessna Field, RNAV (GPS) RWY 18, Amdt 1
Kingman, KS, Kingman Airport—Clyde Cessna Field, RNAV (GPS) RWY 36, Amdt 1
Lyons, KS, Lyons-Rice County Muni, RNAV (GPS) RWY 17, Orig-A
Lyons, KS, Lyons-Rice County Muni, RNAV (GPS) RWY 35, Orig-A
Lyons, KS, Lyons-Rice County Muni, Takeoff Minimums and Obstacle DP, Orig-A
Lyons, KS, Lyons-Rice County Muni, VOR–A, Amdt 4B
Campbellsville, KY, Taylor County, Takeoff Minimums and Obstacle DP, Orig-A
Somerset, KY, Lake Cumberland Rgnl, RNAV (GPS) RWY 5, Orig
Somerset, KY, Lake Cumberland Rgnl, RNAV (GPS) RWY 23, Amdt 2
Somerset, KY, Lake Cumberland Rgnl, RNAV (GPS) Y RWY 5, Amdt 3A, CANCELED
Somerset, KY, Lake Cumberland Rgnl, RNAV (GPS) Z RWY 5, Amdt 1A, CANCELED
De Ridder, LA, Beauregard Rgnl, Takeoff Minimums and Obstacle DP, Amdt 5
Belfast, ME, Belfast Muni, NDB RWY 15, Amdt 4, CANCELED
Presque Isle, ME, Northern Maine Rgnl Arpt at Presque IS, Takeoff Minimums and Obstacle DP, Amdt 5
Charlevoix, MI, Charlevoix Muni, RNAV (GPS) RWY 27, Orig-B
Fremont, MI, Fremont Muni, RNAV (GPS) RWY 1, Amdt 1C
Fremont, MI, Fremont Muni, RNAV (GPS) RWY 19, Amdt 1D
Fremont, MI, Fremont Muni, Takeoff Minimums and Obstacle DP, Orig-A
Ironwood, MI, Gogebic-Iron County, ILS OR LOC RWY 27, Amdt 3B
Ironwood, MI, Gogebic-Iron County, VOR RWY 9, Amdt 13A
Ludington, MI, Mason County, RNAV (GPS) RWY 8, Orig-D
Ludington, MI, Mason County, RNAV (GPS) RWY 26, Orig-A
Traverse City, MI, Cherry Capital, RNAV (GPS) RWY 10, Amdt 3
Princeton, MN, Princeton Muni, RNAV (GPS) RWY 15, Orig-C
Princeton, MN, Princeton Muni, RNAV (GPS) RWY 33, Orig-B
Cabool, MO, Cabool Memorial, Takeoff Minimums and Obstacle DP, Amdt 3
Lamar, MO, Lamar Muni, RNAV (GPS) RWY 35, Orig-B
Holly Springs, MS, Holly Springs-Marshall County, RNAV (GPS) RWY 18, Orig-A
Fayetteville, NC, Fayetteville Rgnl/Grannis Field, LOC BC RWY 22, Amdt 8B
Fayetteville, NC, Fayetteville Rgnl/Grannis Field, RNAV (GPS) RWY 4, Amdt 3C
Fayetteville, NC, Fayetteville Rgnl/Grannis Field, RNAV (GPS) RWY 10, Orig-B
Fayetteville, NC, Fayetteville Rgnl/Grannis Field, RNAV (GPS) RWY 22, Amdt 6
Fayetteville, NC, Fayetteville Rgnl/Grannis Field, RNAV (GPS) RWY 28, Orig-A
Fayetteville, NC, Fayetteville Rgnl/Grannis Field, VOR RWY 4, Amdt 16B
Fayetteville, NC, Fayetteville Rgnl/Grannis Field, VOR RWY 22, Amdt 7B
Fayetteville, NC, Fayetteville Rgnl/Grannis Field, VOR RWY 28, Amdt 8B
Louisburg, NC, Triangle North Executive, VOR–A, Amdt 2D
Mount Airy, NC, Mount Airy/Surry County, Takeoff Minimums and Obstacle DP, Amdt 4
Raleigh/Durham, NC, Raleigh-Durham Intl, RNAV (GPS) Y RWY 5R, Amdt 3A
Casselton, ND, Casselton Robert Miller Rgnl, RNAV (GPS) RWY 13, Amdt 1A
Hettinger, ND, Hettinger Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Stanley, ND, Stanley Muni, RNAV (GPS) RWY 27, Amdt 1

Williston, ND, Sloulin Fld Intl, ILS OR LOC RWY 29, Amdt 4B
Scottsbluff, NE, Western Nebraska Rgnl/William B Heilig Field, ILS OR LOC RWY 30, Amdt 11
Manville, NJ, Central Jersey Rgnl, RNAV (GPS) RWY 25, Amdt 2
Battle Mountain, NV, Battle Mountain, RNAV (GPS) RWY 4, Amdt 1
Battle Mountain, NV, Battle Mountain, RNAV (GPS) RWY 22, Orig
Battle Mountain, NV, Battle Mountain, Takeoff Minimums and Obstacle DP, Amdt 4
Battle Mountain, NV, Battle Mountain, VOR RWY 4, Amdt 7
Penn Yan, NY, Penn Yan, Takeoff Minimums and Obstacle DP, Amdt 5
Stormville, NY, Stormville, Takeoff Minimums and Obstacle DP, Orig, CANCELED
Stormville, NY, Stormville, VOR OR GPS–A, Amdt 4A, CANCELED
Dayton, OH, Greene County-Lewis A. Jackson Rgnl, VOR RWY 7, Orig-A, CANCELED
Dayton, OH, Greene County-Lewis A. Jackson Rgnl, VOR RWY 25, Orig-A, CANCELED
Boise City, OK, Boise City, RNAV (GPS) RWY 4, Orig-A
Hobart, OK, Hobart Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1A
Barnwell, SC, Barnwell Rgnl, RNAV (GPS) RWY 17, Amdt 2A
Summerville, SC, Summerville, RNAV (GPS) RWY 6, Amdt 1A
Cleveland, TN, Cleveland Rgnl Jetport, RNAV (GPS) RWY 3, Amdt 2
Cleveland, TN, Cleveland Rgnl Jetport, RNAV (GPS) RWY 21, Amdt 2
Cleveland, TN, Cleveland Rgnl Jetport, Takeoff Minimums and Obstacle DP, Amdt 2
Winchester, TN, Winchester Muni, NDB RWY 18, Amdt 6B, CANCELED
Dallas-Fort Worth, TX, Dallas-Fort Worth Intl, ILS OR LOC RWY 31R, ILS RWY 31R (SA CAT I), ILS RWY 31R (SA CAT II), Amdt 15
Dallas-Fort Worth, TX, Dallas-Fort Worth Intl, RNAV (GPS) Y RWY 31R, Amdt 3
Dallas, TX, Dallas Executive, Takeoff Minimums and Obstacle DP, Amdt 8
Robstown, TX, Nueces County, RNAV (GPS) RWY 13, Amdt 1A
Manti, UT, Manti-Ephraim, RNAV (GPS) RWY 3, Orig-A
Salt Lake City, UT, Salt Lake City Intl, ILS OR LOC RWY 16R, ILS RWY 16R SA CAT I, ILS RWY 16R CAT II, ILS RWY 16R CAT III, Amdt 3E
Salt Lake City, UT, Salt Lake City Intl, ILS OR LOC RWY 34L, ILS RWY 34L SA CAT I, ILS RWY 34L CAT II, ILS RWY 34L CAT III, Amdt 3D
Beloit, WI, Beloit, VOR–A, Amdt 5C
Eagle River, WI, Eagle River Union, RNAV (GPS) RWY 22, Orig-B
Fort Atkinson, WI, Fort Atkinson Muni, RNAV (GPS) RWY 3, Amdt 1
Fort Atkinson, WI, Fort Atkinson Muni, RNAV (GPS) RWY 21, Amdt 1
La Pointe, WI, Major Gilbert Field, RNAV (GPS) RWY 4, Orig-B
La Pointe, WI, Major Gilbert Field, RNAV (GPS) RWY 22, Orig-C
Minocqua-Woodruff, WI, Lakeland/Noble F. Lee Memorial Field, LOC RWY 36, Amdt 1A, CANCELED
Rock Springs, WY, Southwest Wyoming Rgnl, ILS OR LOC RWY 27, Amdt 2A
Rock Springs, WY, Southwest Wyoming Rgnl, RNAV (GPS) RWY 9, Orig-B
Rock Springs, WY, Southwest Wyoming Rgnl, RNAV (GPS) RWY 27, Amdt 1C
Rock Springs, WY, Southwest Wyoming Rgnl, Takeoff Minimums and Obstacle DP, Amdt 6A
Rock Springs, WY, Southwest Wyoming Rgnl, VOR RWY 9, Amdt 3A

RESCINDED: On August 17, 2018 (83 FR 40971), the FAA published an Amendment in Docket No. 31206, Amdt No. 3811, to Part 97 of the Federal Aviation Regulations under section 97.33. The following entries for Idabel, OK, effective September 13, 2018, are hereby rescinded in their entirety:

Idabel, OK, Mc Curtain County Rgnl, RNAV (GPS) RWY 2, Amdt 1
Idabel, OK, Mc Curtain County Rgnl, RNAV (GPS) RWY 20, Amdt 1

[FR Doc. 2018–18879 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31208; Amdt. No. 3813]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective September 11, 2018. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of September 11, 2018.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169, or

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal**

Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on August 10, 2018.

Rick Domingo,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 13 September 2018

Berryville, AR, Carroll County, RNAV (GPS) RWY 7, Amdt 1
Berryville, AR, Carroll County, RNAV (GPS) RWY 25, Amdt 1
Mountain Home, AR, Baxter County, ILS OR LOC RWY 5, Amdt 1
Mountain Home, AR, Baxter County, Takeoff Minimums and Obstacle DP, Amdt 4
Mountain Home, AR, Baxter County, VOR–A, Amdt 10A, CANCELED
Casa Grande, AZ, Casa Grande Muni, ILS OR LOC RWY 5, Amdt 7
Casa Grande, AZ, Casa Grande Muni, RNAV (GPS) RWY 5, Amdt 1
Casa Grande, AZ, Casa Grande Muni, RNAV (GPS) RWY 23, Orig
Fort Huachuca Sierra Vista, AZ, Sierra Vista Muni-Libby AAF, Takeoff Minimums and Obstacle DP, Amdt 4
El Monte, CA, San Gabriel Valley, NDB OR GPS–C, Amdt 1A, CANCELED
El Monte, CA, San Gabriel Valley, Takeoff Minimums and Obstacle DP, Amdt 7
El Monte, CA, San Gabriel Valley, VOR–A, Orig
El Monte, CA, San Gabriel Valley, VOR OR GPS–A, Amdt 7A, CANCELED
Palm Springs, CA, Jacqueline Cochran Rgnl, RNAV (GPS) RWY 35, Amdt 1
San Francisco, CA, San Francisco Intl, ILS OR LOC RWY 28R, ILS RWY 28R (SA CAT I), ILS RWY 28R (CAT II), ILS RWY 28R (CAT III), Amdt 15
San Francisco, CA, San Francisco Intl, RNAV (GPS) RWY 28L, Amdt 7
San Francisco, CA, San Francisco Intl, RNAV (GPS) Z RWY 28R, Amdt 7
San Francisco, CA, San Francisco Intl, RNAV (RNP) Y RWY 28R, Amdt 5
South Lake Tahoe, CA, Lake Tahoe, Takeoff Minimums and Obstacle DP, Amdt 8
Ellijay, GA, Gilmer County, RNAV (GPS) RWY 3, Orig
Ellijay, GA, Gilmer County, RNAV (GPS) RWY 21, Orig
Ellijay, GA, Gilmer County, Takeoff Minimums and Obstacle DP, Orig
Rome, GA, Richard B Russell Regional—J H Towers Field, ILS OR LOC RWY 1, Amdt 1
Rome, GA, Richard B Russell Regional—J H Towers Field, RNAV (GPS) RWY 1, Amdt 1
Rome, GA, Richard B Russell Regional—J H Towers Field, RNAV (GPS) RWY 7, Amdt 1
Rome, GA, Richard B Russell Regional—J H Towers Field, RNAV (GPS) RWY 19, Amdt 1
Rome, GA, Richard B Russell Regional—J H Towers Field, RNAV (GPS) RWY 25, Amdt 1
Rome, GA, Richard B Russell Regional—J H Towers Field, Takeoff Minimums and Obstacle DP, Amdt 4
Rome, GA, Richard B Russell Regional—J H Towers Field, VOR/DME RWY 1, Amdt 9, CANCELED
Rome, GA, Richard B Russell Regional—J H Towers Field, VOR/DME RWY 19, Amdt 9, CANCELED
Albia, IA, Albia Muni, Takeoff Minimums and Obstacle DP, Amdt 4
Oelwein, IA, Oelwein Muni, RNAV (GPS) RWY 13, Orig-A
Oelwein, IA, Oelwein Muni, VOR OR GPS–A, Amdt 3B, CANCELED
Sibley, IA, Sibley Muni, NDB OR GPS RWY 35, Amdt 1B, CANCELED

Sibley, IA, Sibley Muni, RNAV (GPS)–A, Orig
Waterloo, IA, Waterloo Rgnl, ILS OR LOC RWY 12, Amdt 10
Waterloo, IA, Waterloo Rgnl, LOC BC RWY 30, Amdt 12
Waterloo, IA, Waterloo Rgnl, RNAV (GPS) RWY 6, Amdt 1
Waterloo, IA, Waterloo Rgnl, RNAV (GPS) RWY 12, Amdt 1
Waterloo, IA, Waterloo Rgnl, RNAV (GPS) RWY 18, Amdt 1
Waterloo, IA, Waterloo Rgnl, RNAV (GPS) RWY 24, Amdt 1
Waterloo, IA, Waterloo Rgnl, RNAV (GPS) RWY 30, Amdt 1
Waterloo, IA, Waterloo Rgnl, RNAV (GPS) RWY 36, Amdt 1
Waterloo, IA, Waterloo Rgnl, VOR RWY 6, Amdt 3B
Waterloo, IA, Waterloo Rgnl, VOR RWY 12, Amdt 10B
Waterloo, IA, Waterloo Rgnl, VOR RWY 18, Amdt 9
Waterloo, IA, Waterloo Rgnl, VOR RWY 24, Amdt 16C
Waverly, IA, Waverly Muni, VOR–A, Amdt 4
Chicago, IL, Chicago O'Hare Intl, RNAV (GPS) PRM Y RWY 28L (CLOSE PARALLEL), Orig-A
Chicago, IL, Chicago O'Hare Intl, RNAV (GPS) Y RWY 28L, Orig-A
Chicago, IL, Chicago O'Hare Intl, RNAV (GPS) Z RWY 28L, Orig-C
Harrisburg, IL, Harrisburg-Raleigh, RNAV (GPS) RWY 24, Amdt 2A
Evansville, IN, Evansville Rgnl, RADAR–1, Amdt 7A
Evansville, IN, Evansville Rgnl, VOR RWY 4, Amdt 7A
South Bend, IN, South Bend Intl, ILS OR LOC RWY 9R, Amdt 10
South Bend, IN, South Bend Intl, ILS OR LOC RWY 27L, ILS RWY 27L SA CAT I, ILS RWY 27L SA CAT II, Amdt 36
South Bend, IN, South Bend Intl, RNAV (GPS) RWY 9L, Amdt 1
South Bend, IN, South Bend Intl, RNAV (GPS) RWY 18, Amdt 1B
South Bend, IN, South Bend Intl, RNAV (GPS) RWY 27L, Orig-B
South Bend, IN, South Bend Intl, RNAV (GPS) RWY 27R, Amdt 1
South Bend, IN, South Bend Intl, VOR RWY 18, Amdt 7E
Kingman, KS, Kingman Airport—Clyde Cessna Field, RNAV (GPS) RWY 18, Amdt 1
Kingman, KS, Kingman Airport—Clyde Cessna Field, RNAV (GPS) RWY 36, Amdt 1
Indian Head, MD, Maryland, RNAV (GPS) RWY 2, Amdt 1B
Cheboygan, MI, Cheboygan County, Takeoff Minimums and Obstacle DP, Amdt 3A
New Hudson, MI, Oakland Southwest, Takeoff Minimums and Obstacle DP, Amdt 2A
Starkville, MS, George M Bryan, RNAV (GPS) RWY 18, Amdt 2B
Newark, NJ, Newark Liberty Intl, GLS RWY 4L, Amdt 1
Newark, NJ, Newark Liberty Intl, GLS RWY 4R, Amdt 1
Newark, NJ, Newark Liberty Intl, GLS RWY 22R, Amdt 1
Trenton, NJ, Trenton Mercer, ILS OR LOC RWY 6, Amdt 10D
Trenton, NJ, Trenton Mercer, RNAV (GPS) RWY 34, Orig-C
Belen, NM, Belen Rgnl, RNAV (GPS) RWY 21, Orig-A
Belen, NM, Belen Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1B
Belen, NM, Belen Rgnl, VOR–A, Amdt 1B
New York, NY, LaGuardia, LOC RWY 31, Amdt 3C
New York, NY, LaGuardia, VOR–H, Amdt 3C
New York, NY, Stewart Intl, RNAV (GPS) RWY 9, Amdt 1D
New York, NY, Stewart Intl, RNAV (GPS) RWY 16, Amdt 1C
Wellsville, NY, Wellsville Muni Arpt, Tarantine Fld, LOC/DME RWY 28, Amdt 4, CANCELED
Wellsville, NY, Wellsville Muni Arpt, Tarantine Fld, RNAV (GPS) RWY 10, Amdt 1
Wellsville, NY, Wellsville Muni Arpt, Tarantine Fld, RNAV (GPS) RWY 28, Amdt 1
Dayton, OH, Dayton-Wright Brothers, NDB–A, Amdt 3
Piqua, OH, Piqua Airport—Hartzell Field, RNAV (GPS) RWY 8, Orig-D
Piqua, OH, Piqua Airport—Hartzell Field, RNAV (GPS) RWY 26, Orig-C
Piqua, OH, Piqua Airport—Hartzell Field, VOR RWY 26, Amdt 6D
Piqua, OH, Piqua Airport—Hartzell Field, VOR–A, Amdt 13C
Eugene, OR, Mahlon Sweet Field, ILS OR LOC RWY 16L, Amdt 2A
Eugene, OR, Mahlon Sweet Field, ILS OR LOC RWY 16R, ILS RWY 16R SA CAT I, ILS RWY 16R CAT II, ILS RWY 16R CAT III, Amdt 38A
Eugene, OR, Mahlon Sweet Field, RNAV (GPS) Y RWY 16L, Amdt 4
Eugene, OR, Mahlon Sweet Field, RNAV (GPS) Y RWY 16R, Amdt 3
Eugene, OR, Mahlon Sweet Field, RNAV (GPS) Y RWY 34L, Amdt 4
Eugene, OR, Mahlon Sweet Field, RNAV (GPS) Y RWY 34R, Amdt 4
Eugene, OR, Mahlon Sweet Field, Takeoff Minimums and Obstacle DP, Amdt 7B
Eugene, OR, Mahlon Sweet Field, VOR–A, Amdt 7B
Eugene, OR, Mahlon Sweet Field, VOR OR TACAN RWY 16R, Amdt 5C
Eugene, OR, Mahlon Sweet Field, VOR OR TACAN RWY 34L, Amdt 6
Hermiston, OR, Hermiston Muni, RNAV (GPS)–B, Amdt 1
Hermiston, OR, Hermiston Muni, VOR–A, Amdt 4
Columbia, SC, Jim Hamilton L B Owens, GPS RWY 31, Orig-B, CANCELED
Columbia, SC, Jim Hamilton L B Owens, LOC RWY 31, Amdt 2
Columbia, SC, Jim Hamilton L B Owens, RNAV (GPS) RWY 13, Orig
Columbia, SC, Jim Hamilton L B Owens, RNAV (GPS) RWY 31, Orig
Pine Ridge, SD, Pine Ridge, RNAV (GPS) RWY 12, Orig
Pine Ridge, SD, Pine Ridge, RNAV (GPS) RWY 30, Orig-C
Dallas-Fort Worth, TX, Dallas-Fort Worth Intl, RNAV (GPS) Y RWY 13R, Amdt 3
Odessa, TX, Odessa-Schlemeyer Field, Takeoff Minimums and Obstacle DP, Amdt 3A
Antigo, WI, Langlade County, RNAV (GPS) RWY 27, Amdt 1
Stevens Point, WI, Stevens Point Muni, RNAV (GPS) RWY 3, Orig-B

[FR Doc. 2018–18881 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9836]

RIN 1545–BH62

Substantiation and Reporting Requirements for Cash and Noncash Charitable Contribution Deductions; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to final regulations (TD 9836) that were published in the **Federal Register** on Monday, July 30, 2018. The final regulations provide guidance concerning substantiation and reporting requirements for cash and noncash charitable contributions.

DATES: This correction is effective September 11, 2018 and applicable July 30, 2018.

FOR FURTHER INFORMATION CONTACT: Charles Gorham at (202) 317–5091 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9836) that are the subject of this correction are under section 170 of the Internal Revenue Code.

Need for Correction

As published July 30, 2018 (83 FR 36417), the final regulations (TD 9836) contain an error that needs to be corrected.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.170A–1 is amended by revising the third sentence of paragraph (a) to read as follows:

§ 1.170A–1 Charitable, etc., contributions and gifts; allowance of deduction.

(a) * * * For rules relating to record keeping and return requirements in support of deductions for charitable contributions (whether by an itemizing or nonitemizing taxpayer), see §§ 1.170A–13 (generally applicable to contributions on or before July 30, 2018), 1.170A–14, 1.170A–15, 1.170A–16, 1.170A–17, and 1.170A–18. * * * * * * * * *

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2018–19679 Filed 9–10–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0850]

Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Tower Drawbridge across the Sacramento River, mile 59.0, at Sacramento, CA. The deviation is necessary to allow the community to participate in the Sacramento Century Challenge bicycle race. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 7 a.m. through 10 a.m. on October 6, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0850, is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Carl T. Hausner, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *Carl.T.Hausner@uscg.mil.*

SUPPLEMENTARY INFORMATION: The California Department of Transportation has requested a temporary change to the operation of the Tower Drawbridge, mile 59.0, over Sacramento River, at Sacramento, CA. The drawbridge navigation span provides a vertical clearance of 30 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 7 a.m. to 10 a.m. on October 6, 2018, to allow the community to participate in the Sacramento Century Challenge bicycle race. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised. Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: September 5, 2018.

Carl T. Hausner,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2018–19597 Filed 9–10–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0501; FRL–9983–43-Region 4]

Air Plan Approval; North Carolina: New Source Review for Fine Particulate Matter ($PM_{2.5}$)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving changes to the North Carolina State Implementation Plan (SIP), submitted by the North Carolina Department of Environmental Quality (NC DEQ) through the Division of Air Quality, to EPA through a letter dated October 17, 2017. This SIP submittal modifies North Carolina's Prevention of Significant Deterioration (PSD) regulations and includes the adoption of specific federal provisions needed to meet the New Source Review (NSR) permitting program requirements for the fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS). In addition, North Carolina's October 17, 2017, SIP submittal addresses portions of the PSD requirements for the infrastructure SIPs for the following NAAQS: 1997 Annual and 24-hour $PM_{2.5}$; 2006 24-hour $PM_{2.5}$; 2008 lead; 2008 8-hour ozone; 2010 sulfur dioxide (SO_2); 2010 nitrogen dioxide (NO_2); and 2012 Annual $PM_{2.5}$. As a result of this approval of North Carolina's modified PSD regulations, EPA is also approving North Carolina's submittal with respect to the related PSD infrastructure SIP requirements for these NAAQS. In addition, these approvals remove EPA's obligation to promulgate a Federal Implementation Plan (FIP) to meet the relevant Clean Air Act (CAA or Act) requirements.

DATES: This rule is effective October 11, 2018.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2015–0501. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are

available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joel Huey of the Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Huey can be reached by telephone at (404) 562–9104 or via electronic mail at *huey.joel@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In an action published on June 21, 2018 (83 FR 28789), EPA proposed to approve changes to the North Carolina SIP, submitted by the NC DEQ to EPA through a letter dated October 17, 2017.[1] The details of North Carolina's submittal and the rationale for EPA's actions are explained in the proposal notice and briefly summarized below. EPA did not receive any adverse comments on the proposed action.

EPA is approving two actions with regard to North Carolina's SIP submittal updating the State's PSD regulations found at 15A North Carolina Administrative Code (NCAC) 02D .0530. First, EPA is approving North Carolina's October 17, 2017, SIP submittal with regard to changes to the State's regulation at 15A NCAC 02D .0530 because EPA has determined that the State's changes fully meet the requirements of EPA's rulemaking, ''Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC),'' Final Rule, 75 FR 64864 (October 20, 2010) (hereafter referred to as the ''2010 PSD $PM_{2.5}$ Rule''). Second, as a result of the approval of North Carolina's October 17, 2017, SIP submittal for these PSD requirements, EPA is approving this submittal for portions of the infrastructure SIP PSD elements for the following NAAQS: 1997 Annual and 24-hour $PM_{2.5}$; 2006 24-hour $PM_{2.5}$; 2008 lead; 2008 8-hour ozone; 2010 SO_2; 2010 NO_2; and 2012 Annual $PM_{2.5}$.[2] [3]

A. Requirements of the 2010 PSD $PM_{2.5}$ Rule for PSD SIP Programs

North Carolina's October 17, 2017, SIP submittal adopts changes in the State's PSD permitting program at 15A NCAC 02D .0530 by incorporating by reference EPA's PSD regulations as of July 1, 2014. This incorporation by reference includes the federally-required provisions of EPA's 2010 PSD $PM_{2.5}$ Rule needed to implement the PSD $PM_{2.5}$ program in North Carolina. Adopting the federal rule as of July 1, 2014, has the effect of adding to the North Carolina SIP the required definitions of ''major source baseline date,'' ''minor source baseline date,'' and ''baseline area'' that were lacking in the State's previous $PM_{2.5}$ submittals. This incorporation by reference as of July 1, 2014, also captures EPA's October 25, 2012 (77 FR 65107), amendment to the definition of ''regulated NSR pollutant'' concerning condensable particulate matter. North Carolina's incorporation by reference of EPA's PSD regulations as of July 1, 2014, is not only consistent with the current federal rule, but it also will not interfere with North Carolina's efforts to prevent significant deterioration of air quality and to attain and maintain compliance with the $PM_{2.5}$ NAAQS.

B. Requirements for Infrastructure SIPs

Because North Carolina's October 17, 2017, SIP submittal addresses certain NSR/PSD requirements, it thereby meets the related infrastructure SIP requirements of section 110(a)(2)(C), 110(a)(2)(D)(i)(II) and 110(a)(2)(J). As finalized, North Carolina's SIP includes a complete PSD program that addresses all structural PSD requirements due under the CAA and EPA regulations. Therefore, because EPA is approving North Carolina's SIP revisions for the PSD program, it is also approving the October 17, 2017, submittal for the PSD infrastructure SIP requirements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), and 110(a)(2)(J) for the 2008 lead NAAQS, 2008 ozone NAAQS, 2010 SO_2 NAAQS, 2010 NO_2 NAAQS, and 1997, 2006 and 2012 $PM_{2.5}$ NAAQS.[4]

II. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of North Carolina's regulations 15A NCAC 02D .0530, entitled ''Prevention of Significant Deterioration,'' which modify the NSR permitting regulations, effective September 1, 2017. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 Office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[5]

III. Final Actions

EPA is approving changes to the North Carolina SIP, provided by the NC DEQ, to EPA through a letter dated October 17, 2017. Specifically, EPA is approving changes to North Carolina's NSR permitting regulations codified at 15A 02D .0530—*Prevention of Significant Deterioration,* which relate to the requirements to comply with EPA's 2010 PSD $PM_{2.5}$ Rule. EPA also notes that North Carolina's incorporation by reference of EPA's PSD regulations as of July 1, 2014, includes EPA's amendment to the definition of ''regulated NSR pollutant'' concerning condensable PM promulgated on October 25, 2012. EPA is approving the version of 15A NCAC 02D .0530 (PSD) that became effective in the State on September 1, 2017, which will be incorporated into North Carolina's SIP. As a result of this approval, EPA is also approving portions of the PSD elements of North Carolina's infrastructure SIP submittals (*i.e.,* CAA sections

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

[2] North Carolina's October 17, 2017, SIP submittal requested approval of the PSD infrastructure SIPs for the 2008 lead, 2008 8-hour ozone, 2010 SO_2, 2010 NO_2 and the 2012 $PM_{2.5}$ NAAQS. On April 16, 2018, the State submitted a letter to EPA clarifying that the same submittal is intended to satisfy the PSD elements of the State's infrastructure SIP submittals for the 1997 and 2006 $PM_{2.5}$ NAAQS as well.

[3] The background for various NAAQS is provided in EPA's proposed and final rulemaking entitled ''Air Plan Approval and Disapproval; North Carolina: New Source Review for Fine Particulate Matter ($PM_{2.5}$).'' *See* 81 FR 28797 (May 10, 2016) and 81 FR 63107 (September 14, 2016).

[4] EPA has already approved or will consider in separate actions all other elements from North Carolina infrastructure SIP submissions related to the 2008 lead, 2008 8-hour ozone, 2010 NO_2, 2010 SO_2 NAAQS, and 1997, 2006 and 2012 $PM_{2.5}$ NAAQS.

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

110(a)(2)(C), 110(a)(2)(D)(i)(II), and 110(a)(2)(J)) for the 1997 Annual and 24-hour $PM_{2.5}$, 2006 24-hour $PM_{2.5}$, 2008 lead, 2008 8-hour ozone, 2010 SO_2, 2010 NO_2 and the 2012 Annual $PM_{2.5}$ NAAQS. This final action removes EPA's obligation under section 110(c) to promulgate a FIP to address the $PM_{2.5}$ increments requirements of EPA's 2010 PSD $PM_{2.5}$ Rule PSD and the related PSD elements for the above listed infrastructure SIPs.

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 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, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: August 28, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart II—North Carolina

■ 2. Section 52.1770(c) Table 1 is amended under Subchapter 2D, Section .0500 by revising the entry for ''Sect .0530'' to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Subchapter 2D Air Pollution Control Requirements				
*	*	*	*	*
Section .0500 Emission Control Standards				
*	*	*	*	*
Sect .0530	Prevention of Significant Deterioration	9/1/2017	9/11/2018, [Insert citation of publication in **Federal Register**].	
*	*	*	*	*

* * * * *

■ 3. Section 52.1770(e), is amended by adding entries for ''110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO_2 NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour SO_2 NAAQS'', and ''110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS'' at the end of the table to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	**Federal Register** citation	Explanation
* *	*	*	*	* *
110(a)(1) and (2) Infrastructure Requirements for 1997 Fine Particulate Matter NAAQS.	4/1/2008	9/11/2018	[Insert citation of publication in **Federal Register**].	Approved the PSD elements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J).
110(a)(1) and (2) Infrastructure Requirements for 2006 Fine Particulate Matter NAAQS.	9/21/2009	9/11/2018	[Insert citation of publication in **Federal Register**].	Approved the PSD elements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J).
110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead NAAQS.	6/15/2012	9/11/2018	[Insert citation of publication in **Federal Register**].	Approved the PSD elements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J).
110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone NAAQS.	11/2/2012	9/11/2018	[Insert citation of publication in **Federal Register**].	Approved the PSD elements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J).
110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO_2 NAAQS.	8/23/2013	9/11/2018	[Insert citation of publication in **Federal Register**].	Approved the PSD elements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J).
110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour SO_2 NAAQS.	3/18/2014	9/11/2018	[Insert citation of publication in **Federal Register**].	Approved the PSD elements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J).
110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS.	12/4/2015	9/11/2018	[Insert citation of publication in **Federal Register**].	Approved the PSD elements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J).

[FR Doc. 2018–19603 Filed 9–10–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R10–OAR–2017–0582; FRL–9983–53—Region 10]

Air Plan Approval; ID, Pinehurst PM_{10} Redesignation, Limited Maintenance Plan; West Silver Valley 2012 Annual $PM_{2.5}$ Emission Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving the redesignation request and limited maintenance plan for the PM_{10} National Ambient Air Quality Standard developed for the City of Pinehurst PM_{10} Nonattainment Area and the Pinehurst PM_{10} Expansion Nonattainment Area. This redesignation will change the status of both areas from nonattainment to attainment. The limited maintenance plan for these contiguous nonattainment areas addresses maintenance of the PM_{10} standard for a ten-year period beyond redesignation. Related to this action, the EPA is taking final agency action on the September 15, 2013, high wind exceptional event at the Pinehurst monitoring station. Additionally, the EPA is finalizing approval of the emissions inventory for the West Silver Valley 2012 annual $PM_{2.5}$ nonattainment area.

DATES: This action is effective on *October 11, 2018.*

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2017–0582. 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.,* Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and 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: Justin Spenillo at (206) 553–6125, or *spenillo.justin@epa.gov.*

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

Table of Contents

I. Background Information
II. Response to Comments
III. Final Action
IV. Statutory and Executive Orders Review

I. Background Information

On May 11, 2018, the EPA proposed to approve the redesignation request and limited maintenance plan (LMP) submitted by the Idaho Department of Environmental Quality (IDEQ) on September 29, 2017, for the City of Pinehurst PM_{10} Nonattainment Area and the Pinehurst PM_{10} Expansion Nonattainment Area, collectively referred to as the Pinehurst PM_{10} Nonattainment Area (Pinehurst PM_{10} NAA).

Related to this action, the EPA is taking final agency action on the EPA's concurrence with the IDEQ's request for

exclusion of data measured on September 15, 2013, as a high wind exceptional event at the Pinehurst monitoring station, as set forth in the March 2, 2017 letter to the IDEQ, included in the docket. The Clean Air Act (CAA) allows for the exclusion of air quality monitoring data from design value calculations when there are exceedances caused by events, such as wildfires or high wind events, that meet the criteria for an exceptional event identified in the EPA's implementing regulations, the Exceptional Events Rule at 40 CFR 50.1, 50.14 and 51.930. In 2013, emissions from a high wind event entrained dust and impacted PM_{10} concentrations recorded at the Pinehurst monitor. The EPA evaluated the IDEQ's exceptional event demonstration for the flagged values of the 24-hour PM_{10} NAAQS for September 15, 2013, at the monitor in Pinehurst, Idaho, with respect to the requirements of the EPA's Exceptional Events Rule and determined that IDEQ met the rule requirements.

Separately, the EPA also proposed approval of the base year emissions inventory for the West Silver Valley (WSV) $PM_{2.5}$ Nonattainment Area (NAA). Section 172(c)(3) of the CAA requires a state with an area designated as nonattainment to submit a ''comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant'' for the NAA. The IDEQ developed a 2013 base year emissions inventory for the WSV annual $PM_{2.5}$ NAA. The base year emissions inventory includes data from 2013 and 2014 and in large part was extracted from the 2014 periodic emissions inventory which is used to populate the EPA's National Emissions Inventory. The 2013 base year inventory is one of the three years used to designate the area as nonattainment. This base year inventory presents direct $PM_{2.5}$ emissions (condensable and filterable) and emissions of all $PM_{2.5}$ precursors (NO_X, VOCs, NH_3, and SO_2) to meet the emissions inventory requirements of CAA section 172(c)(3) and 40 CFR 51.1008(a)(1). The EPA has reviewed the results, procedures, and methodologies for the WSV Annual $PM_{2.5}$ NAA base year emissions inventory. The EPA determined that the 2013 base year emissions inventory for the WSV annual $PM_{2.5}$ NAA met the requirements of CAA section 172(c)(3) and 40 CFR 51.1008(a)(1).

An explanation of the CAA requirements, a detailed analysis of the submittal, and the EPA's reasons for proposing approval were provided in the notice of proposed rulemaking (83 FR 21976), and will not be restated here. The public comment period for this proposed rule ended on June 11, 2018. The EPA received adverse comments on the proposal.

II. Response to Comments

The Idaho Conservation League (ICL) submitted adverse comments on our proposed approval of the Pinehurst PM_{10} NAA redesignation request and LMP. Within this section, we have summarized the adverse comments and provided our responses. A full copy of comments received is available in the docket for this final action.

Comment—Permanent and Enforceable Emissions Reductions

Summary—The ICL comment letter asserts the ''EPA must reject Idaho DEQ's request for redesignation of the Pinehurst NAA'' because the state has not met the redesignation requirements in CAA section 107(d)(3)(E)(iii). The ICL cites the EPA's September 4, 1992, guidance, which, among other things, addresses emissions reductions based on permanent and enforceable measures (Memorandum from John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards, entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' (Calcagni Memo)). The ICL comment letter provides examples of nonattainment areas redesignated for PM_{10} and ozone in Ohio, Colorado, and Idaho, which use local rules, laws, and ordinances to provide for permanent and enforceable emissions reductions. The comment letter states that the IDEQ and City of Pinehurst were aware of the need for permanent and enforceable measures, citing discussion notes taken during a 2016 advisory committee session for the West Silver Valley $PM_{2.5}$ NAA, an overlapping area designated nonattainment for the 2012 annual $PM_{2.5}$ NAAQS. The ICL comment letter concludes that the control measures and associated emissions reductions are not permanent nor enforceable.

Response—We disagree with the commenter. Measures to attain the 24-hour PM_{10} NAAQS were submitted by IDEQ on April 14, 1992, and approved into the SIP on August 25, 1994 (59 FR 43745). In the August 25, 1994 action, the EPA evaluated the IDEQ's submittal with respect to the CAA section 172 requirements, including the Reasonably Available Control Measures and their enforceability. The EPA approved the control measures into the SIP at 40 CFR part 52, subpart N as meeting CAA requirements and making them, along with the attainment plan itself, federally enforceable (59 FR 43745). Once approved, the state is subject to CAA section 179(a)(4), which provides that a state can be subject to federal sanctions for not implementing any requirement of an approved plan or part of an approved plan, unless the deficiency is corrected within 18 months.

Reviewing the specific plan measures, the IDEQ has implemented woodstove replacements and home weatherization since the early 1990s in the Pinehurst PM_{10} NAA. As identified in Table 9 of the IDEQ submittal, the woodstove changeout program resulted in 76 uncertified woodstoves being replaced by 1994, with an additional 87 between 1995 and 2014 and 40 more between 2015 and 2017. These measures have been implemented through a variety of programs and agencies. Changeouts of uncertified woodstoves were completed through a combined Federal assistance grant and state and local loan program. This combined program was administered by the Northern Idaho Community Action Agency. The home weatherization program was run through the Idaho Economic Opportunity Office with loan and grant funding supplied by the Idaho Department of Water Resources, Farmers Home Administration, Washington Water Power, and North Idaho Community Action Agency. In terms of emissions reductions, when comparing the emissions inventories from residential wood combustion from 1988 to 2013, they dropped 80.25 lb/day (27.45%) during the winter season when particulate matter emissions are often the highest (Table 8 of the IDEQ submittal). These reductions are permanent in that both the woodstove replacement and the reduced energy needs from improved home energy efficiency via weatherization generally last and extend throughout the life of the home.[1] Any subsequent home modification would likely improve, if not maintain, emissions reductions, and benefits are expected to be net positive given that emissions of EPA-certified stoves are estimated to be on average three to four times lower than uncertified stoves.[2] The remaining measures, including the public awareness campaign focused on clean burning practices and the voluntary woodsmoke curtailment programs are all helpful in supporting the reduction of woodsmoke emissions in the area.

Additionally, the EPA recently awarded IDEQ a 2015 Targeted Airshed

[1] *See* Department of Energy Weatherization Program, *https://www.energy.gov/sites/prod/files/2018/06/f52/EERE_WAP_Fact%20Sheet-v2.pdf.*

[2] *See* EPA Burnwise Program, *https://www.epa.gov/burnwise/burn-wise-energy-efficiency.*

Grant for the West Silver Valley $PM_{2.5}$ NAA. As a condition of the grant agreement with the EPA, the IDEQ committed to replace 183 uncertified wood heating devices and provide the associated emissions reductions. Each homeowner receiving a changeout must sign a certification document to ensure that they will remove an uncertified wood heating device from their home and agree to have two follow-up home inspections on the new certified device, commit to proper wood burning practices, and commit to not replacing the device with another solid fuel burning device. All removed stoves are rendered permanently and irreversibly inoperable and are properly disposed. We believe the grant terms and conditions and the homeowner certifications provide additional enforceability for purposes of maintaining the PM_{10} standard in the area.

While not specifically taken credit for in the original attainment plan nor the LMP, road dust control has played an important part in the area. It is the second largest source of pollution according to the emissions inventory, and the area has taken measures to reduce emissions through paving roads, maintenance of roads, and adjusting street sweeping to reduce particulate matter. With respect to permanence of road controls, once paved their associated emissions will be reduced and road maintenance will ensure lasting emissions reductions. We received clarification from the IDEQ that since 2016, the majority of roads (over 10 miles in a city roughly 1 square mile) in the Pinehurst area have been rebuilt or sealed.

We have reviewed monitoring data for the area with respect to the permanence of the emissions reductions. In Table 2 of the IDEQ submittal, monitoring data is provided from 1986 through 2015. From 1986 through 1993, the Pinehurst PM_{10} NAA was regularly recording values above 100 $\mu g/m^3$, and exceeded the 3-year expected exceedances design value of 1.0. From 1994 through 2015, Table 2 shows that the area has consistently met the 24-hour PM_{10} standard, and the EPA has reviewed and confirmed the data. As noted in the submittal, the area came into attainment in the same timeframe as the IDEQ's completion of the first batch of woodstove changeouts (76 by 1994). The area has continued to meet the 24-hour PM_{10} NAAQS design value since 1994, and it has also shown a continued decrease in maximum annual 24-hr PM_{10} concentrations. Additionally, the EPA has determined that the Pinehurst PM_{10} NAA meets the 5-year average design value for LMP qualification as identified in the proposal.

Since the proposal, the IDEQ has submitted and the EPA has reviewed and concurred on the IDEQ's demonstration that elevated PM_{10} concentrations on three days in September 2017 were attributable to wildfire exceptional events and qualify for exclusion under EPA's Exceptional Events Rule. The August 24, 2018 concurrence letter to the IDEQ is included in the docket. With the exceptional event days excluded, the area continues to meet the LMP average design value for the most recent 5-year period, through 2017. The EPA intends to propose final agency action on these 2017 exceptional events in a forthcoming action.

Based on the IDEQ PM_{10} LMP submission and the EPA's review of air quality monitoring data, it is reasonable to conclude that the measures to reduce PM_{10} in the Pinehurst PM_{10} NAA have contributed to permanent emissions reductions. Emissions reductions in the area have been maintained since 1994, and enforceable control measures remain in place as approved into the SIP. We therefore conclude that the area has met its obligations with regard to permanent and enforceable measures to maintain the 24-hour PM_{10} standard and that no further action is required.

Comment—Annual PM_{10} NAAQS

Summary—The ICL requests that the EPA explain why the LMP and the EPA's subsequent analysis only evaluated the 24-hour PM_{10} LMP design value and not the annual PM_{10} LMP design value. The commenter asserts that both are required.

Response—On August 9, 2001, the EPA issued guidance on streamlined maintenance plan provisions for certain moderate PM_{10} nonattainment areas seeking redesignation to attainment (Memorandum from Lydia Wegman, Director, Air Quality Standards and Strategies Division, entitled ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' (LMP Option Memo)). Section IV of the LMP Option Memo discusses LMP qualification and qualifying design values specifically. It states that ''[t]he area should be attaining the NAAQS and the average PM_{10} design value for the area, based on the most recent 5 years of air quality data at all monitors in the area, should be at or below 40 $\mu g/m^3$ for the annual PM_{10} NAAQS and 98 $\mu g/m^3$ for the 24-hr PM_{10} NAAQS with no violations at any monitor in the nonattainment area.''

To qualify for the LMP option, the area must meet the design value test with respect to the standard for which the area was designated nonattainment.[3] The Pinehurst PM_{10} NAA was designated nonattainment for the 24-hr PM_{10} NAAQS and therefore the appropriate statistical test is with respect to the 98 $\mu g/m^3$ 5-year average design value. The EPA has confirmed that the area meets the 5-year average design value of 98 $\mu g/m^3$. We believe that the IDEQ has met the requirements of the LMP with regards to the 24-hr PM_{10} standard and the IDEQ does not need to address the annual PM_{10} standard.

Comment—Federal Clean Air Deregulation

Summary—The ICL states that they are concerned about recent actions and statements by federal agencies that may affect vehicle emissions reductions in the future, and how that may affect the Pinehurst PM_{10} NAA ability to attain and its permanence. The ICL comment letter specifically points to the IDEQ's reference to Tier 3 vehicle standards and the EPA's proposal to reduce Corporate Average Fuel Economy (CAFE) standards. The comment then requests that the EPA ''identify any and all of its models and analyses that may be impacted by current and proposed deregulation of vehicle emissions. Furthermore, we request that any vehicle emission model or emission factor for PM_{10} be revised such that the models and factors are not based on any federal emission regulation currently under judicial or administrative review.''

Response—We do not agree with the commenter's assertion regarding the impact of current or proposed changes to motor vehicle emissions standards on the proposed action, because the Pinehurst PM_{10} NAA does not rely on motor vehicle emissions reductions for attainment or its continued maintenance of the NAAQS. Additionally, there are no proposed changes to Tier 3 vehicle standards and proposed CAFE standards have minimal effect on criteria pollutants, their focus instead being on greenhouse gas emissions reductions.

When reviewing the submitted Pinehurst PM_{10} 2013 Emissions Inventory in Table 7 of the IDEQ's submittal, the primary source of PM_{10} is residential wood combustion at 17.75 tons per year (TPY), which is 44.5% of the PM_{10} emissions in the area. Road dust, paved and unpaved, is the next largest contributor at a cumulative 8.91 TPY, or 22.3% of emissions. Cumulatively, residential wood combustion and road dust make up

[3] *See* LMP Option Memo.

66.8% of the emissions inventory. During winter days when particulate matter levels are often higher, residential wood combustion is 212.05 lb/day, which is 82.17% of the PM_{10} emissions in the area (Table 8). Paved road dust (unpaved is no longer part of the emissions inventory), is the next largest contributor at a 25.38 lb/day, or 9.83% of emissions. Residential wood combustion currently makes up the majority of the emissions inventory. Motor vehicle emissions by comparison make up a very small portion of the emissions inventory at 1.84 TPY(annual) and 11.09 lb/day(winter), or less than 5% of both the annual and winter emissions inventories. This is expected as motor vehicle emissions do not contribute large quantities of PM_{10}.

As described in section 3.4 Control Measures and section 3.2.2 Emissions Inventory Results and Adequacy Determination, the Pinehurst PM_{10} LMP focuses primarily on the reduction of PM_{10} emissions from residential woodsmoke and from road dust from paved and unpaved roads. The Pinehurst PM_{10} LMP itself does not take credit for emissions reductions from motor vehicle emissions reductions nor does it rely on it for continued attainment of the PM_{10} NAAQS.

As mentioned in the proposal, the Pinehurst area has met the PM_{10} 3-year design value of expected exceedance of 1.0 or less since 1994. Additionally, the Pinehurst area has only recorded one value (in 2010) above 98 $\mu g/m^3$ since 1999 that was not the result of an exceptional event. The area has demonstrated, and EPA has confirmed, that the 3-yr and 5-yr design values qualify for the LMP option. Additionally, the area has demonstrated that it meets the LMP motor vehicle regional analysis, which assesses increases in emissions based on the area's growth rate as applied to paved road dust emissions, unpaved road dust emissions, and mobile source emissions. It is this last category where the ICL comment questions if any changes in federal emissions requirements would affect the area's ability to attain. As explained above, motor vehicle emissions in the Pinehurst NAA are not expected to affect the areas ability to continue to attain as they are less than 5% and were not taken credit for in the attainment plan, nor the redesignation request and LMP.

While we do not believe that any changes to motor vehicle emissions are relevant to the area's ability to attain, we did a basic evaluation to determine if the area would continue to meet the LMP motor vehicle regional analysis. The only portion of the calculation that would change would be the on-road mobile source. Currently, that value is calculated using the formula in the LMP Option Memo: DV mobile * VMT paved, where the DV mobile provides a 3.6509 $\mu g/m^3$ contribution to the design value and VMT paved is the 0.0166 percent growth rate (3.6509 * 0.0166 = 0.06 $\mu g/m^3$ contribution). Given that the growth rate in Pinehurst is very small, any potential changes to the emissions standards would have a small effect on the design value. Taking a conservative assumption and doubling the DV mobile from 3.6509 $\mu g/m^3$ to 7.3018 $\mu g/m^3$, and applying the 0.0166 growth rate would only increase the mobile contribution from 0.06 $\mu g/m^3$ contribution to 0.12 $\mu g/m^3$ contribution and the Pinehurst area would still be able meet the motor vehicle regional analysis test. Given the small contribution of motor vehicle emissions and low growth rate in the Pinehurst area, we believe the Pinehurst PM_{10} NAA LMP is sufficient and no further action is required.

The ICL's request that the EPA identify and revise all of its models, analyses, and emissions factors that may be impacted by current or proposed changes to vehicle emissions standards is outside of the scope of this action.

Comment—Emission Factors

Summary—The ICL requested that the EPA confirm that all woodstoves replaced were ''Phase II,'' and to require that the IDEQ revise calculations in the case that any of the replacements were not Phase II. The ICL asserts that the IDEQ used incorrect emissions factors based on a comparison of AP–42 emissions factors to those used by IDEQ in the Pinehurst PM_{10} LMP, and requests an explanation for this or revision, whichever is more appropriate.

Response—We disagree that the IDEQ used incorrect emissions factors and do not believe that any further calculations are needed. In 1988, the EPA finalized the residential wood heaters new source performance standards (NSPS) that required performance standards for woodstoves. These performance standards were released in two phases; Phase I went into effect immediately in 1988, and Phase II went into effect in 1990. The Phase II performance standards required that catalytic stoves have an emission rate of 4.1g/hr or less and non-catalytic stoves have an emissions rate of 7.5 g/hr or less. All stoves that have been replaced in Pinehurst occurred after Phase II standards were in place. Additionally, we have received confirmation from IDEQ that these changeouts were completed and that they were Phase II EPA certified stoves.

With regard to the ICL's request for explanation of the emissions factors used, we reviewed the emissions factors (EFs) for residential wood combustion that IDEQ used and found them consistent with the EPA EFs and methodology used in the 2014 National Emissions Inventory. The IDEQ used EFs derived from EPA's Residential Wood Combustion Emissions Estimation Tool version 3.1 (October 2016) that are more up to date than the EFs in AP–42, which were last updated in 1996 for this source category. We have included in the docket the documentation for v3.1 and 3.2 of the Residential Wood Combustion Emissions Estimation Tool, which has the emissions factors used and the references for those EFs. Both versions of the tool use the same EFs.

In response to the comment, we have confirmed with the IDEQ that the changeouts were with phase II or better EPA certified stoves. We have also confirmed that the IDEQ emissions inventory assumptions and calculations are correct and that the appropriate EFs were used.

Comment—Contingency Plan

Summary—The ICL requested that the EPA further explain how the IDEQ's Contingency Plan is compliant with section 175A of the CAA. The comment provides a summary with references to CAA section 175A, the Calcagni Memo that provides guidance for maintenance plans, and the LMP Option Memo that provides guidance for LMPs.

Response—While the commenter correctly identifies that CAA section 175A provides the statutory requirements for maintenance plan requirements, and that the LMP Option Memo provides guidance for contingency provisions under the LMP option, the ICL's contention that contingency provisions [4] must be fully adopted and take effect within one year and without further legislative action is incorrect. These requirements do not appear in the CAA section 175A requirements nor the LMP Option Memo, and are contradicted by the Calcagni Memo, EPA's long-standing interpretation of redesignation and maintenance plan requirements. There, it states, ''For the purposes of section 175A, a State is not required to have fully adopted contingency measures that will take effect without further action by the State in order for the maintenance

[4] The IDEQ submittal and ICL comment letter use the terminology ''contingency measures,'' when referring to the CAA section 175A ''contingency provisions'' requirements. ''Contingency measures'' are associated with attainment planning and have different requirements.

plan to be approved.'' Calcagni Memo at 12; *see also Greenbaum* v. *EPA,* 370 F.3d 527, 541 (6th Cir. 2004) (upholding this portion of the Calcagni Memo).

CAA section 175A(d) and EPA's interpretation of that provision as set out in the Calcagni Memo and the LMP Option Memo provide the standards by which the EPA must evaluate contingency plans. Section 175A(d) states that ''[e]ach plan revision submitted under this section shall contain such contingency provisions as the Administrator deems necessary to assure that the State will promptly correct any violation of the standard which occurs after the redesignation of the area as an attainment area. Such provisions shall include a requirement that the State will implement all measures with respect to the control of the air pollutant concerned which were contained in the State implementation plan for the area before redesignation of the area as an attainment area.'' The Calcagni Memo and the LMP Option memo further elaborate that ''Section 175A of the Act states that a maintenance plan must include contingency provisions, as necessary, to promptly correct any violation of the NAAQS which may occur after redesignation of the area to attainment. These contingency measures do not have to be fully adopted at the time of redesignation. However, the contingency plan is considered to be an enforceable part of the SIP and the State should ensure that the contingency measures are adopted as soon as possible once they are triggered by a specific event. The contingency plan should identify the measures to be adopted, and provide a schedule and procedure for adoption and implementation of the measures if they are required. Normally, the implementation of contingency measures is triggered by a violation of the NAAQS but the State may wish to establish other triggers to prevent a violation of the NAAQS, such as an exceedance of the NAAQS.''

The EPA has determined that the IDEQ's contingency plan meets the requirements of Section 175A(d) and the EPA's guidance memos. Section 3.5 of the IDEQ's submittal confirms that all measures relied upon for attainment, including woodstove changeouts, voluntary curtailment program, home weatherization, and public awareness campaign continue to be in place and will be strengthened if the PM_{10} standard is exceeded. If the Pinehurst area exceeds the standard, Section 3.5.1 identifies the Annual Network Plan monitoring data as the triggering mechanism for contingency provisions. A violation cited in the Annual Network Plan would trigger a schedule and process for IDEQ to examine the data, assess the source of the problem, and identify which contingency provision to adopt and implement. The submitted plan lists potential provisions focused on control of woodsmoke and road dust, the two primary sources of PM_{10} in the nonattainment area. The submitted contingency provisions meet the CAA section 175A requirement to continue implementing measures relied upon for attainment. There is an automatic process on a set schedule by which the Pinehurst area's design value is evaluated annually (*i.e.,* the Annual Network Plan submittal-review-approval), and a violation would trigger the state to be required to evaluate, identify, adopt, and implement contingency provisions best suited towards bringing the area back into attainment. Therefore, the EPA is finalizing approval of the IDEQ's plan as meeting the requirements of section 175A.

III. Final Action

The EPA is approving the Pinehurst PM_{10} NAA LMP submitted by the IDEQ and concurrently redesignating the area to attainment for the PM_{10} NAAQS. Related to this action, the EPA is taking final agency action on the September 15, 2013, high wind exceptional event at the Pinehurst monitoring station. Additionally, the EPA is approving the West Silver Valley annual $PM_{2.5}$ base year emissions inventory as meeting CAA section 172(c)(3) requirements.

IV. Statutory and Executive Orders Review

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of 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).

The SIP is not approved to apply on any Indian reservation land or 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 and it will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 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

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

Dated: August 30, 2018.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR parts 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart N—Idaho

■ 2. In § 52.670, the table in paragraph (e) is amended by adding an entry at the end of the table for ''Pinehurst PM_{10} Limited Maintenance Plan'' to read as follows:

§ 52.670 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED IDAHO NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	*	*
Pinehurst PM_{10} Limited Maintenance Plan.	Shoshone County; Pinehurst Expansion Area and City of Pinehurst.	9/29/2017	9/11/2018, [Insert **Federal Register** citation] ..	

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. In § 81.313, the table entitled ''Idaho-PM–10'' is amended by revising the entry for ''Eastern Washington-Northern Idaho Interstate AQCR 62 (Idaho portion):'' to read as follows:

§ 81.313 Idaho.

* * * * *

IDAHO PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * *	*	*	*	*
Eastern Washington-Northern Idaho Interstate AQCR 62 (Idaho portion):				
Shoshone County: Pinehurst Expansion Area Northwest quarter of the Northwest quarter, Section 8, Township 48 North, Range 2 East; Southwest quarter of the Northwest quarter, Section 8, Township 48, North, Range 2 East; Northwest quarter of the Southwest quarter, Section 8, Township 48 North, Range 2 East; Southwest quarter, Section 8, Township 48 North, Range 2 East; Southwest quarter of the Southwest quarter, Section 48 North, Range 2 East, Boise Base (known as ''Pinehurst expansion area'').	*October 11, 2018*	Attainment	.....	
City of Pinehurst	*October 11, 2018*	Attainment	.....	
* * *	*	*	*	*

* * * * *

[FR Doc. 2018–19600 Filed 9–10–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R04–OAR–2018–0182; FRL–9983–44–Region 4]

Air Plan Approval and Air Quality Designation; Florida: Redesignation of the Hillsborough County Lead Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On March 26, 2018, the State of Florida, through the Florida Department of Environmental Protection, submitted a request for the Environmental Protection Agency (EPA) to redesignate the Hillsborough County lead Nonattainment Area (''Hillsborough Area'' or ''Area'') to attainment for the 2008 lead National Ambient Air Quality Standards (NAAQS) and to approve an accompanying State Implementation Plan (SIP) revision containing a maintenance plan for the Area. The Hillsborough Area is comprised of a 1.5 kilometer (km) radius in Tampa, Florida, surrounding the Envirofocus Technologies, LLC facility (Envirofocus). EPA is taking final action to determine that the Hillsborough Area is attaining the 2008 lead NAAQS; to approve the SIP revision containing the State's maintenance plan for maintaining attainment of the 2008 lead standard and to incorporate the maintenance plan into the SIP; and to redesignate the Hillsborough Area to attainment for the 2008 lead NAAQS.

DATES: This rule is effective October 11, 2018.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2018–0182. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Andres Febres, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Febres can be reached by phone at (404) 562–8966 or via electronic mail at *febres-martinez.andres@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 12, 2008 (73 FR 66964), EPA promulgated a revised primary and secondary lead NAAQS of 0.15 micrograms per cubic meter (μg/m^3). Under EPA's regulations at 40 CFR part 50, the 2008 lead NAAQS are met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with appendix R of 40 CFR part 50, is less than or equal to 0.15 μg/m^3. *See* 40 CFR 50.16. Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement.

EPA designated the Hillsborough Area as a nonattainment area for the 2008 lead NAAQS on November 22, 2010 (75 FR 71033), effective December 31, 2010, using 2007–2009 ambient air quality data. On March 26, 2018, Florida submitted a request for EPA to redesignate the Hillsborough Area to attainment for the 2008 lead NAAQS and submitted an associated SIP revision containing a maintenance plan for the Area. In a notice of proposed rulemaking (NPRM), published June 19, 2018 (83 FR 28402), EPA proposed to determine that the Hillsborough Area is attaining the 2008 lead NAAQS, based on complete, quality-assured, and certified ambient monitoring data for the 2014–2016 time period and continues to attain based on complete, quality-assured, and certified ambient monitoring data for the 2015–2017 time period; proposed to approve the SIP revision containing the State's maintenance plan for maintaining attainment of the 2008 lead standard; and proposed to redesignate the Hillsborough Area to attainment for the 2008 lead NAAQS.[1] The details of Florida's SIP revision and redesignation request, as well as the rationale for EPA's actions, are further explained in the NPRM. Comments on the proposed rulemaking were due on or before July 19, 2018. EPA did not receive any adverse comments on the proposed actions.

II. What are the effects of these actions?

Approval of Florida's redesignation request changes the legal designation of the portion of Hillsborough County, Florida, that is designated as nonattainment, found at 40 CFR 81.310, from nonattainment to attainment for the 2008 lead NAAQS. Approval of Florida's associated SIP revision also incorporates a plan into the SIP for maintaining the 2008 lead NAAQS in the Hillsborough Area through 2029.

III. Final Action

EPA is taking three separate but related final actions regarding Florida's March 26, 2018, redesignation request and associated SIP revision for the Hillsborough Area.

First, EPA is determining that the Area attained the 2008 lead NAAQS based on complete, quality-assured, and certified ambient monitoring data for the 2014–2016 period and that the Area continues to attain the standard based on complete, quality-assured, and certified ambient monitoring data for the 2015–2017 period.

Second, EPA is approving the maintenance plan for the Area and incorporating it into the Florida SIP. As described in the NPRM, the maintenance plan demonstrates that the Area will continue to maintain the 2008 lead NAAQS through 2029.

Third, EPA is approving Florida's request for redesignation of the Area from nonattainment to attainment for the 2008 lead NAAQS. This final rule approves the redesignation request for the Hillsborough Area and changes the official designation of the portion of Hillsborough County, Florida, bounded by a 1.5 km radius centered at UTM coordinates 364104 meters East, 3093830 meters North, Zone 17, which surrounds Envirofocus, as found at 40 CFR part 81, from nonattainment to attainment for the 2008 lead NAAQS.

IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the

[1] As mentioned in the NPRM, at the time of Florida's redesignation request, 2014–2016 data was the most recent quality-assured, complete, and certified data. When EPA took preliminary action to approve, 2015–2017 quality-assured, complete, and certified data was available, which continued to show that the Area is attaining the standard. In addition, preliminary 2018 data also indicates that the Area continues to attain the standard.

accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, these actions merely approve state law as meeting Federal requirements and do not impose additional requirements beyond those imposed by state law. For this reason, these actions:

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 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

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Air pollution control.

Dated: August 28, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

40 CFR parts 52 and 81 are 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 K—Florida

■ 2. Section 52.520(e), is amended by adding an entry for ''2008 Lead NAAQS Maintenance Plan for the Hillsborough Area'' at the end of the table to read as follows:

§ 52.520 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED FLORIDA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	**Federal Register** notice	Explanation
* * * *	*		*	*
2008 Lead NAAQS Maintenance Plan for the Hillsborough Area	3/26/2018	9/11/2018	[Insert **Federal Register** citation].	

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. In § 81.310, the table entitled ''Florida—2008 Lead NAAQS'' is amended under ''Tampa, FL'' by revising the entry for ''Hillsborough County (part)'' to read as follows:

§ 81.310 Florida.

* * * * *

FLORIDA—2008 LEAD NAAQS

Designated area	Designation for the 2008 NAAQS [a]	
	Date [1]	Type
Tampa, FL:		
Hillsborough County (part).		
Area is located within a 1.5 km radius centered at UTM coordinates 364104 meters E, 3093830 meters N, Zone 17, which surrounds the EnviroFocus Technologies facility.	9/11/2018	Attainment.
* * * * * * *		

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] December 31, 2011 unless otherwise noted.

[FR Doc. 2018–19596 Filed 9–10–18; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2018–0263; FRL–9982–72]

2-Propenoic Acid, 2-methyl-, 2-oxiranylmethyl ester, polymer With butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate; when used as an inert ingredient in a pesticide chemical formulation. Spring Trading Company on behalf of BASF Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate on food or feed commodities.

DATES: This regulation is effective September 11, 2018. Objections and requests for hearings must be received on or before November 13, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0263, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

C. Can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2018–0263 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before November 13, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential

pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2018–0263, by one of the following methods.

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

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

II. Background and Statutory Findings

In the **Federal Register** of June 14, 2018 (83 FR 27743) (FRL–9978–41), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a(d)(3), announcing the receipt of a pesticide petition (PP IN–11151) filed by Spring Trading Company on behalf of BASF Corporation, 100 Park Avenue, Florham Park, New Jersey 07932. The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate; CAS Reg. No. 58499–26–6. That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any comments.

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

III. Risk Assessment and Statutory Findings

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

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). 2-Propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition at least two of the atomic elements carbon, hydrogen, nitrogen, oxygen, silicon, and sulfur.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF_3- or longer chain length as listed in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

8. The polymer's number average MW of 3,600 is greater than 1,000 and less than 10,000 daltons. The polymer contains less than 10% oligomeric material below MW 500 and less than 25% oligomeric material below MW 1,000, and the polymer does not contain any reactive functional groups.

Thus, 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate.

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester,

polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate is 3,600 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate conform to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

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

EPA has not found 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate to share a common mechanism of toxicity with any other substances, and 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative.*

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate.

VIII. Other Considerations

A. Analytical Enforcement Methodology

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

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate.

IX. Conclusion

Accordingly, EPA finds that exempting residues of 2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

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

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

described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

XI. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: August 28, 2018.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.960, alphabetically add the following polymer ''2-Propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate, minimum number average molecular weight (in amu), 3,600'' to the table to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * * * * * *	
2-Propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene and 2-ethylhexyl 2-propenoate, minimum number average molecular weight (in amu), 3,600	58499–26–6
* * * * * * *	

[FR Doc. 2018–19758 Filed 9–10–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0591; FRL–9980–90]

Cloquintocet-mexyl; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of the inert ingredient cloquintocet-mexyl (CAS Reg. No. 99607–70–2) in or on teff commodities when used in formulations with the active ingredients florasulam and fluroxypyr 1-methylhelptyl ester. The Interregional Research Project Number 4 requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 11, 2018. Objections and requests for hearings must be received on or before November 13, 2018 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0591, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2017–0591 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before November 13, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2017–0591, by one of the following methods:

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

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

II. Summary of Petitioned-for Tolerance

In the **Federal Register** of March 21, 2018 (83 FR 12311) (FRL–9974–76), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP IN–11030) by the Interregional Research Project No. 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR 180.560 be amended by establishing tolerances for residues of the cloquintocet-mexyl (acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester) (CAS Reg. No. 99607–70–2) and its acid metabolite (5-chloro-8-quinlinoxyacetic acid), for use as an inert ingredient (safener) in combination with the active ingredients florasulam, fluroxypyr 1-methylhelptyl ester and pyroxsulam in or on teff, forage at 0.2 ppm; teff, grain at 0.1 ppm; teff, hay at 0.5 ppm; and teff, straw at 0.1 ppm parts per million (ppm). That document referenced a summary of the petition prepared by the Interregional Research Project No. 4 (IR–4), the petitioner, which is available in the docket, *http://www.regulations.gov.* There were no relevant comments received in response to the notice of filing.

Based upon the fact that tolerances for cloquintocet-mexyl when used with the active ingredient pyroxsulam have previously been established under 40 CFR 180.560, the Agency's evaluation of the subject tolerance petition is limited to the use of cloquintocet-mexyl with the active ingredients florasulam and fluroxypyr 1-methylhelptyl ester on teff only.

III. Aggregate Risk Assessment and Determination of Safety

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

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for cloquintocet-mexyl (acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester) and its acid metabolite (5-chloro-8-quinolinoxyacetic acid) in or on teff forage, grain, hay and straw, consistent with FFDCA section 408(b)(2).

In the **Federal Register** of August 2, 2016 (81 FR 50630) (FRL–9947–78), EPA established tolerances for residues of cloquintocet-mexyl and its acid metabolite (5-chloro-8-quinolinoxyacetic acid) when used in pesticide formulations containing the active ingredient halauxifen-methyl, in or on barley grain, barley hay, barley straw, and wheat forage, wheat grain, wheat hay, and wheat straw. EPA is relying upon the risk assessments that supported the findings made in the August 2, 2016, **Federal Register** document in support of this action. The toxicity profile of cloquintocet-mexyl has not changed, and the previous risk assessments that supported the establishment of those tolerances remain valid.

The Agency evaluated the request to establish tolerances in or on teff forage, grain, hay, and straw. Teff is prepared like other whole grains, such as rice and barley, and may also be used to make flour in a manner similar to wheat and other cereal grains. In considering likely residue levels on teff, EPA concludes that because of the similarity in application rates for pesticides containing cloquintocet-mexyl between teff and wheat, the likely decline in residue levels as teff moves through commerce, and the similarities to other small grains in terms of morphology, taxonomy and cultural practices, residue levels of cloquintocet-mexyl on teff will be similar to residue levels on wheat. The lack of teff consumption data being reported in the available food consumption data indicates a very low overall consumption of teff in the United States. When teff is consumed in the U.S., it is typically consumed in place of wheat. Using these assumptions regarding likely residue levels and consumption, EPA concludes that aggregate exposure and risk estimates resulting from cloquintocet-mexyl residues in/on teff would not be substantially different than those presented in the most recent human health risk assessment and published in the August 2, 2016 final rule. As those risk estimates were not of concern to the Agency, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to cloquintocet-mexyl residues. For a detailed discussion of the aggregate risk assessments and determination of safety for these tolerances, please refer to the August 2, 2016, **Federal Register** document and its supporting documents, available at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2012–0843. Further information about EPA's determination that an updated risk assessment was not necessary may be found in the document, ''Cloquintocet-mexyl-Human Health Risk Assessment of Tolerances without a U.S. Registration for Use on Teff'' in docket ID number EPA–HQ–OPP–2016–0299.

For specific information on the studies received and the nature of the adverse effects caused by cloquintocet-mexyl as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies, the reader is referred to the final rule published in the **Federal Register** of

December 16, 2005 (70 FR 74679) (FRL–7753–4); Docket ID number EPA–HQ–OPP–2005–0234.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology, chromatography with ultraviolet detection (HPLC–UV for cloquintocet-mexyl and its acid metabolite, are available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for cloquintocet-mexyl (acetic acid, [(5-chloro-8-quiniolinyl)oxy]-, 1-methylhexyl ester) and its acid metabolite (5-chloro-8-quinlinoxyacetic acid) on teff.

V. Conclusion

Therefore, tolerances are established for residues of cloquintocet-mexyl (acetic acid, [(5-chloro-8-quiniolinyl)oxy]-, 1-methylhexyl ester) and its acid metabolite (5-chloro-8-quinlinoxyacetic acid), for use as an inert ingredient (safener) when used in formulations with the active ingredients florasulam and fluroxypyr 1-methylhelptyl ester in or on teff, forage at 0.2 ppm; teff, grain at 0.1 ppm; teff, hay at 0.5 ppm; and teff, straw at 0.1 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' ((82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

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

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: August 28, 2018.

Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.560, revise the introductory text of paragraph (a) to read as follows:

§ 180.560 Cloquintocet-mexyl; tolerances for residues.

(a) *General.* Tolerances are established for residues of the inert ingredient cloquintocet-mexyl, including its metabolites and degradates, in or on the commodities in the following table when used as a safener in pesticide formulations containing the active ingredients clodinafop-propargyl (wheat only), dicamba (wheat only), flucarbazone-sodium (wheat only), halauxifen-methyl (wheat or barley), pinoxaden (wheat or barley), pyroxsulam (wheat or teff), florasulam (teff), or fluroxypyr 1-methylheptyl ester (teff). Compliance with the tolerance levels specified is to be determined by measuring the combined residues of cloquintocet-

mexyl, (acetic acid [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester; CAS Reg. No. 99607–70–2) and its acid metabolite (5-chloro-8-quinolinoxyacetic acid), expressed as cloquintocet-mexyl, in or on the following commodities:

* * * * *

[FR Doc. 2018–19757 Filed 9–10–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0505; FRL–9982–21]

Spiromesifen; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of spiromesifen in or on coffee. Bayer CropScience requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 11, 2018. Objections and requests for hearings must be received on or before November 13, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0505, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

Potentially affected entities may include:

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2017–0505 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before November 13, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2017–0505, by one of the following methods:

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

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of February 27, 2018 (83 FR 8408) (FRL–9972–17), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 7E8584) by Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of spiromesifen; 2-oxo-3-(2,4,6-trimethylphenyl)-1-oxaspiro[4.4]non-3-en-4-yl 3,3-dimethylbutanoate, and its enol metabolite (4-hydroxy-3-(2,4,6-trimethylphenyl)-1-oxaspiro[4.4]non-3-en-2-one calculated as the stoichiometric equivalent of spiromesifen in or on the raw agricultural commodities: Coffee bean, green at 0.20 parts per million (ppm); coffee, instant at 0.20 ppm; and coffee bean, roasted at 0.20 ppm. That document referenced a summary of the petition prepared by Bayer CropScience, the registrant, which is available in the docket, *http://www.regulations.gov.* Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA has modified the commodities for which tolerances are being established. The reason for these changes is explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA

defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

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

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Following oral administration of spiromesifen, the target organs included the thyroid gland for rats and dogs (increased thyroid-stimulating hormone (TSH), increased thyroxine binding capacity, decreased triiodothyronine (T_3) and thyroxine (T_4) levels, colloidal alteration, and thyroid follicular cell hypertrophy), the liver for rats and dogs (increased alkaline phosphatase, alanine transaminase (ALT), and decreased cholesterol and triglycerides), the spleen for rats (atrophy, decreased spleen cell count, and increased macrophages), and the adrenal gland for mice (discoloration, decrease in fine vesiculation, and the presence of cytoplasmic eosinophilia in zona fasciculata cells). For rats, additional effects included reduced body weights and clinical signs (piloerection, reduced motility, spastic gait, and increased reactivity when touched).

There were no adverse effects in rats following dermal exposure up to the limit dose (1,000 milligrams/kilograms/day (mg/kg/day)). Decreased spleen weights were also observed for rats in a 5-day inhalation toxicity study, along with gross pathological findings in the lung (dark red areas or foci) and clinical signs (*e.g.,* tremors, clonic-tonic convulsions, reduced activity, bradypnea, etc.).

While the clinical signs observed in rats following oral and inhalation exposures could indicate neurotoxicity, there was no evidence of neurotoxicity in the rest of the toxicological database, including the acute neurotoxicity study up to the limit dose (2,000 milligrams/kilograms (mg/kg)) and the subchronic neurotoxicity study; however, the doses tested in the subchronic neurotoxicity study were lower than the doses causing clinical signs in the 90-day dietary study in rats. There was no evidence of immunotoxicity in an antibody plaque-cell forming assay.

There was no evidence of increased pre- or post-natal susceptibility. In the developmental toxicity studies in rats and rabbits, maternal effects were observed in the absence of fetal effects. In the rat two-generation reproductive toxicity study, the reported parental effects, consisting of decreased spleen weights (relative and absolute) and a decreasing number of ovarian follicles, occurred at a dose level that also caused pup body weight decrements during lactation.

Spiromesifen is classified as ''Not likely to be Carcinogenic to Humans'' based on the absence of treatment-related tumors in two adequate rodent carcinogenicity studies. There was no concern for mutagenicity or genotoxicity.

Specific information on the studies received and the nature of the adverse effects caused by spiromesifen as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled, ''*Spiromesifen. Human Health Risk Assessment in Support of Proposed Tolerance for Residues of in/on Imported Coffee*'' in docket ID number EPA–HQ–OPP–2017–0505.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which the NOAEL and the LOAEL are identified. Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for spiromesifen used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR SPIROMESIFEN FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (All populations)	No appropriate toxicological effect attributable to a single dose was observed. Therefore, a dose and endpoint were not identified for this risk assessment.		

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR SPIROMESIFEN FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Chronic dietary (All populations)	NOAEL = 2.2 mg/kg/day UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.022 mg/kg/day. cPAD = 0.022 mg/kg/day	*Two-Generation Reproduction Study—Rats* Parental LOAEL = 8.8 mg/kg bw/day based on significantly decreased spleen weight (absolute and relative in parental females and F_1 males) and significantly decreased growing ovarian follicles in females.
Oral short-term (1 to 30 days) and intermediate-term (1–6 months).	NOAEL = 2.2 mg/kg/day UF_A = 10x UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	*Two-Generation Reproduction Study—Rats* Parental LOAEL = 8.8 mg/kg bw/day based on significantly decreased spleen weight (absolute and relative in parental females and F_1 males) and significantly decreased growing ovarian follicles in females.
Inhalation short-term (1 to 30 days) and intermediate-term (1–6 months).	Inhalation study NOAEC = 0.0794 mg/L/day. UF_A = 3x UF_H = 10x FQPA SF = 1x	LOC for MOE = 30	*5-Day Inhalation Toxicity Study—Rats* LOAEC = 0.5143 mg/L/day based on clinical signs (tremors, clonic-tonic convulsions, reduced activity, bradypnea, labored breathing, vocalization, avoidance reaction, giddiness, piloerection, limp, emaciation, cyanosis, squatted posture, apathy and salivation), gross pathology (dark red areas or foci in the lungs and bloated stomachs and pale livers), and decreased spleen weights.
Cancer (Oral, dermal, inhalation)	Classification: ''Not likely to be Carcinogenic to Humans'' based on the absence of treatment-related tumors in two adequate rodent carcinogenicity studies.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). NOAEC = non-observed adverse-effect concentration. LOAEC = lowest-observed adverse-effect concentration.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to spiromesifen, EPA considered exposure under the petitioned-for tolerances as well as all existing spiromesifen tolerances in 40 CFR 180.607. EPA assessed dietary exposures from spiromesifen in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for spiromesifen; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the United States Department of Agriculture (USDA) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA; 2003–2008). As to residue levels in food, the chronic (food and water) analysis assumed 100 percent crop treated (PCT) and tolerance-level residues or tolerance-level residues adjusted to account for the residue of concern.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that spiromesifen does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue or PCT information in the dietary assessment for spiromesifen. Tolerance level residues or tolerance-level residues adjusted to account for the residue of concern and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for spiromesifen in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of spiromesifen. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the Provisional Cranberry model and Pesticide Water Calculator—Groundwater (PWC–GW) model, the estimated drinking water concentrations (EDWCs) of spiromesifen for chronic exposures are estimated to be 188 parts per billion (ppb) for surface water and 116 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For the chronic dietary risk assessment, the water concentration of value 188 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Spiromesifen is currently registered for the following uses that could result in residential exposures: Ornamentals. EPA assessed residential exposure using the following assumptions: Short-term inhalation exposure to residential handlers is expected. A dermal assessment (handler and post-

application) was not conducted since no hazard was identified via the dermal route. Post-application inhalation exposures were not assessed due to the low vapor pressure and the expected dilution in outdoor sites. Post-application incidental oral exposure is considered unlikely since the use is restricted to ornamental plants (turf treatment is not permitted). Therefore, only short-term inhalation exposure to handlers was assessed. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

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

EPA has not found spiromesifen to share a common mechanism of toxicity with any other substances, and spiromesifen does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that spiromesifen does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* There was no evidence of increased pre- or post-natal susceptibility. In the developmental toxicity studies in rats and rabbits, maternal effects were observed in the absence of fetal effects. In the rat two-generation reproductive toxicity study, the reported parental effects, consisting of decreased spleen weights (relative and absolute) and a decreasing number of ovarian follicles, occurred at a dose level that also caused pup body weight decrements during lactation.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. That decision is based on the following findings:

i. The toxicity database for spiromesifen is complete.

ii. There is no indication that spiromesifen is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional uncertainty factors (UFs) to account for neurotoxicity.

iii. There is no evidence that spiromesifen results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to spiromesifen in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by spiromesifen.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, spiromesifen is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to spiromesifen from food and water will utilize 68% of the cPAD for children 1 to 2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of spiromesifen is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Spiromesifen is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to spiromesifen.

Because the level of concern (LOC) for inhalation (LOC for MOEs <30) and oral (LOC for MOEs <100) exposure differ, the aggregate assessment was calculated using the aggregate risk index (ARI) approach. The ARI was devised as a way to aggregate MOEs that have dissimilar uncertainty factors. The ARI is an extension of the MOE concept and as with the MOE, risk increases as the ARI decreases. An ARI that is greater than or equal to 1 is not of concern.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in an aggregate ARI of 1.87. Because EPA's level of concern for spiromesifen is an ARI of 1 or below, this ARI is not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

An intermediate-term adverse effect was identified; however, spiromesifen is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no

intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for spiromesifen.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, spiromesifen is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to spiromesifen residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (liquid chromatography/mass spectrometry/mass spectrometry (LC/MS/MS)) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

Codex has a MRL for residues of only spiromesifen in/on coffee beans of 0.05 ppm. Since the residue expression for the U.S. and Codex tolerances differ and since the maximum combined residues of spiromesifen and BSN 2060-enol in/on coffee green bean from the field trials was greater than 0.1 ppm, harmonization with the Codex expression/value is not possible. Note that BSN 2060-enol is included in the tolerance expression due to the demonstrated degradation of parent to BSN 2060-enol during storage.

C. Response to Comments

Three comments were submitted to the docket for this action. Two comments, one about ''China's ongoing economic war against the United States'' and another about air and water pollution in China relative to that of the United States, are not relevant to this action. The third comment stated in part that ''the people drinking coffee should not have this toxic chemical as part of its drink.''

The Agency recognizes that some individuals believe that pesticides should be banned on agricultural crops; however, the existing legal framework provided by section 408 of the FFDCA states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. This citizen's comment appears to be directed at the underlying statute and not EPA's implementation of it; the citizen has made no contention that EPA has acted in violation of the statutory framework nor have they provided any specific information or allegation that would support a finding that these tolerances are unsafe.

D. Revisions to Petitioned-For Tolerances

The green coffee bean tolerance being established is identical to that proposed by the petitioner. EPA has determined that separate tolerances for the processed commodities of roasted coffee bean and instant coffee are unnecessary because the processing data indicates that combined residues of spiromesifen and BSN 2060-enol do not concentrate in roasted or instant coffee.

V. Conclusion

Therefore, a tolerance is established for residues of spiromesifen, including its metabolites and degradates, in or on coffee, green bean at 0.20 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

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

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: August 28, 2018.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.607, add alphabetically the commodity ''coffee, green bean'' and footnote 1 to the table in paragraph (a)(1) to read as follows:

§ 180.607 Spiromesifen; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Coffee, green bean [1]	0.20
* * * * *	

[1] This use has not been registered in the United States as of August 28, 2018.

* * * * *

[FR Doc. 2018–19760 Filed 9–10–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 180209155–8589–02]

RIN 0648–XG458

International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Closure of Purse Seine Fishery on the High Seas in 2018

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

ACTION: Temporary rule; fishery closure.

SUMMARY: NMFS announces that the U.S. purse seine fishery on the high seas in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention) between the latitudes of 20° N and 20° S will close as a result of reaching the 2018 limit on purse seine fishing effort in that area. This action is necessary for the United States to implement provisions of a conservation and management measure adopted by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC or Commission) and to satisfy the obligations of the United States under the Convention, to which it is a Contracting Party.

DATES: Effective 00:00 on September 18, 2018 coordinated universal time (UTC), until 24:00 on December 31, 2018 UTC.

FOR FURTHER INFORMATION CONTACT: Rini Ghosh, NMFS Pacific Islands Regional Office, 808–725–5033.

SUPPLEMENTARY INFORMATION:

U.S. purse seine fishing in the area of application of the Convention, or Convention Area, is managed, in part, under the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*). Regulations implementing the Act are at 50 CFR part 300, subpart O. On behalf of the Secretary of Commerce, NMFS promulgates regulations under the Act as may be necessary to carry out the obligations of the United States under the Convention, including implementation of the decisions of the Commission.

Pursuant to WCPFC Conservation and Management Measure 2017–01, NMFS issued regulations that established a limit of 1,370 fishing days that may be used by U.S. purse seine fishing vessels on the high seas between the latitudes of 20° N and 20° S in the Convention Area in calendar year 2018 (see final rule at 83 FR 33851, published July 18, 2018, codified at 50 CFR 300.223). A fishing day means any day in which a fishing vessel of the United States equipped with purse seine gear searches for fish, deploys a fish aggregating device (FAD), services a FAD, or sets a purse seine, with the exception of setting a purse seine solely for the purpose of testing or cleaning the gear and resulting in no catch (see definition at 50 CFR 300.211).

Based on data submitted in logbooks and other available information, NMFS expects that the 2018 limit of 1,370 fishing days will be reached, and in accordance with the procedures established at 50 CFR 300.223(a), announces that the purse seine fishery on the high seas between the latitudes of 20° N and 20° S in the Convention Area will be closed starting at 00:00 on September 18, 2018 UTC, and will remain closed until 24:00 on December 31, 2018 UTC. Accordingly, it shall be prohibited for any fishing vessel of the United States equipped with purse seine gear to be used for fishing on the high seas between the latitudes of 20° N and 20° S in the Convention Area from 00:00 on September 18, 2018 UTC until 24:00 December 31, 2018 UTC, except that such vessels will not be prohibited from bunkering in that area during that period (50 CFR 300.223(a)). Fishing means using any vessel, vehicle, aircraft or hovercraft for any of the following activities, or attempting to do so: (1) Searching for, catching, taking, or harvesting fish; (2) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fish for any purpose; (3) placing, searching for, or recovering fish aggregating devices or associated electronic equipment such as radio beacons; (4) engaging in any operations at sea directly in support of, or in preparation for, any of the activities previously described in elements (1) through (3) of this definition, including, but not limited to, bunkering; or (5) engaging in transshipment at sea, either unloading or loading fish (see definition at 50 CFR 300.211). As noted above, bunkering will not be prohibited in the closure area during the closure period. This rule does not prohibit lawful fishing with purse seine gear within the U.S. Exclusive Economic Zone within the Convention Area.

Classification

There is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and

opportunity for public comment on this action. Compliance with the notice and comment requirement would be impracticable and contrary to the public interest, since NMFS would be unable to ensure that the 2018 limit on purse seine fishing effort on the high seas between the latitudes of 20° N and 20° S in the Convention Area is not exceeded. This action is based on the best available information on U.S. purse seine fishing effort in the limit area. The action is necessary for the United States to comply with its obligations under the Convention and is important for the conservation and management of bigeye tuna, yellowfin tuna, and skipjack tuna in the western and central Pacific Ocean. For the same reasons, there is good cause under 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after the date of publication of this notice.

This action is required by 50 CFR 300.223(a) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 6901 *et seq.*

Dated: September 6, 2018.

Margo Schulze-Haugen,

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

[FR Doc. 2018–19710 Filed 9–10–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 176
Tuesday, September 11, 2018

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

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2017–BT–STD–0048]

Energy Conservation Program: Energy Conservation Standards for Dedicated-Purpose Pool Pump Motors, Notice of Request for Direct Final Rule

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice of joint stakeholder proposal for direct final rule, and request for comments.

SUMMARY: On August 14, 2018, the Department of Energy (DOE) received a petition submitted by a variety of entities (collectively, the Joint Stakeholders or the Petitioners) asking DOE to issue a direct final rule for energy conservation standards for dedicated-purpose pool pump (DPPP) motors. Through this notification, DOE seeks comment on whether to proceed with the proposal, as well as any data or information that could be used in DOE's determination whether to issue a direct final rule.

DATES: Written comments and information are requested on or before October 26, 2018.

ADDRESSES: Interested persons are encouraged to submit comments, identified by ''Dedicated-Purpose Pool Pump Proposal'' and Docket number ''EERE–2017–BT–STD–0048'', by any of the following methods:

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

Email: DPPMotors2017STD0048@ee.doe.gov. Include the docket number ''EERE–2017–BT–STD–0048'' in the subject line of the message.

Mail: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

Hand Delivery/Courier: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Docket: For access to the docket to read background documents, or comments received, go to the Federal eRulemaking Portal at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov index.* However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available. The docket web page can be found *https://www.regulations.gov/docket?D=EERE-2017-BT-STD-0048.* The docket web page will contain simple instruction on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT: Jeremy Dommu, U.S. Department of Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC, 20585, (202) 586–9870. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mary Greene, U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue SW, Washington, DC 20585, Email: *mary.greene@hq.doe.gov;* (202) 586–1817

SUPPLEMENTARY INFORMATION: As amended by the Energy Efficiency Improvement Act of 2015, Public Law 114–11 (April 30, 2015), the Energy Policy and Conservation Act (EPCA or, in context, the Act), Public Law 94–163 (42 U.S.C. 6291–6309, as codified), authorizes DOE to issue a direct final rule establishing an energy conservation standard for a product on receipt of a statement submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates) as determined by the Secretary of Energy (Secretary). That statement must contain recommendations with respect to an energy or water conservation standard that are in accordance with the provisions of 42 U.S.C. 6295(o) or 42 U.S.C. 6316, as applicable. In publishing the petition in its entirety for public comment, DOE is seeking views on whether to proceed with the petition as suggested by the Joint Stakeholders.[1] DOE is also interested in the views of parties that were not part of the Joint Stakeholder group to aid in determining if the Joint Stakeholders constitute a group of interested persons that are fairly representative of relevant points of view.

If DOE determines to issue the direct final rule for DPPPs, the agency must simultaneously publish a notice of proposed rulemaking (NOPR) that proposes an identical energy conservation standard and provides for a public comment period of at least 110 days. 42 U.S.C. 6295(p)(4). Not later than 120 days after issuance of the direct final rule, if DOE receives one or more adverse comments or an alternative joint recommendation relating to the direct final rule, the Secretary must determine whether the comments or alternative recommendation may provide a reasonable basis for withdrawal under 42 U.S.C. 6295(o) or other applicable law. If the Secretary makes such a determination, DOE must withdraw the direct final rule and proceed with the simultaneously published NOPR. DOE must publish in the **Federal Register** the reasons why the direct final rule was withdrawn.

By seeking comment on whether to issue a direct final rule in accordance with the Joint Stakeholders' petition, DOE takes no position at this time regarding whether the submitted petition satisfies EPCA's requirement that such a statement must be submitted by interested persons that are fairly representative of relevant points of view and that the proposal must be in compliance with the provisions of 42

[1] The Joint Stakeholders include: Association of Pool & Spa Professionals, Alliance to Save Energy, American Council for an Energy Efficient Economy, Appliance Standards Awareness Project, Arizona Public Service, California Energy Commission, California Investor Owned Utilities, Consumer Federation of America, Florida Consumer Action Network, Hayward Industries, National Electrical Manufacturers Association, Natural Resources Defense Council, Nidec Motor Corporation, Northwest Power and Conservation Council, Pentair Water Pool and Spa, Regal Beloit Corporation, Speck Pumps, Texas ROSE (Ratepayers' Organization to Save Energy), Waterway Plastics, WEG, Zodiac Pool Systems.

U.S.C. 6295(o) or 42 U.S.C. 6316, as applicable. Further, DOE takes no position at this time regarding the merits of the petition itself.

DOE notes that the Administrative Procedure Act (APA), 5 U.S.C. 551 et seq., provides among other things, that '[e]ach agency shall give an interested person the right to petition for the issuance, amendment or repeal of a rule.'' (5 U.S.C. 553(e)). DOE requests comment on whether it should consider the petition from the Joint Stakeholders under this authority should it determine it cannot proceed with consideration of the proposal under the direct final rule authority. Again, while seeking comment on this issue, DOE takes no position at this time regarding the merits of the petition itself.

Submission of Comments

DOE invites all interested parties to submit in writing by *October 26, 2018* comments and information regarding this proposal.

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

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

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

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

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

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

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

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

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

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

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

DOE considers public participation to be a very important part of its process for considering rulemaking petitions. DOE actively encourages the participation and interaction of the public during the comment period. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in determining how to proceed with a petition. Anyone who wishes to be added to DOE mailing list to receive future notifications and information about this petition should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notification of petition for rulemaking.

Signed in Washington, DC on August 31, 2018.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

Joint Statement of Joint Stakeholder Proposal for Energy Conservation Standards for Dedicated-Purpose Pool Pump Motors

Docket No. EERE–2017–BT–STD–0048

August 14, 2018

Association of Pool & Spa Professionals

Alliance to Save Energy American Council for an Energy-Efficient Economy

Appliance Standards Awareness Project

Arizona Public Service

California Energy Commission

California Investor Owned Utilities

Consumer Federation of America

Florida Consumer Action Network

Hayward Industries

National Electrical Manufacturers Association

Natural Resources Defense Council

Nidec Motor Corporation

Northwest Power and Conservation Council

Pentair Water Pool and Spa

Regal Beloit Corporation

Speck Pumps

Texas ROSE (Ratepayers' Organization to Save Energy)

Waterway Plastics

WEG

Zodiac Pool Systems

I. Introduction and Overview

In January 2017, the U.S. Department of Energy (''DOE'') established the first national energy-efficiency standards for dedicated-purpose pool pumps (''DPPPs'') through the adoption of a direct final rule (''DFR''). DOE confirmed the adoption of the standards and the effective date and compliance date in a notice published in May 2017. The compliance date of the new standards is July 19, 2021. The DPPP standards were negotiated by an Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) working group consisting of representatives of pool pump and motor manufacturers, state government, utilities, and efficiency advocates. For most in-ground pools, the standard levels reflect variable-speed technology. Pumps for small in-ground pools, pumps for above-ground pools, and pressure cleaner booster pumps can continue to be single-speed.

For a small number of hours a day, pool pumps need to operate at a high speed to provide a high flow rate for mixing/cleaning, but most of the time they just need to circulate the pool water through the filtration system at a low flow rate. Variable-speed pumps can reduce energy use by about 70% relative to single-speed pumps by being able to operate at a lower speed for the hours during which the pump is circulating water for filtration. In addition to saving energy, operating the pump at a lower speed reduces noise levels, improves filtration effectiveness, and can extend the life of other pool equipment.

The DPPP standards will provide very large savings for consumers. There are more than 8 million pools in the U.S.[1] DOE estimated average life-cycle cost savings for owners of in-ground pools of $2,140 with a simple payback of less than 1 year.[2] The average annual operating cost savings are about $550.[3] However, the DPPP standards do not address replacement motors, which presents a significant loophole that seriously threatens both the consumer savings from the standards and the investments that manufacturers are making to comply with the standards. If the replacement motor loophole is not addressed, there will be a disruption in the market between regulated pump/motor combinations (DPPPs) and unregulated replacement motors. This would result in significant negative impacts for both consumers and domestic manufacturers.

The motor on a pool pump will often fail before the pump itself needs to be replaced, and motor-only replacements are common. Without a complementary standard for DPPP motors, when replacing a pool pump motor, consumers will continue to be sold inefficient, wasteful products. Today, even though variable-speed motors provide substantial savings to consumers as well as other benefits, significant market barriers prevent most consumers from realizing these benefits. When a motor on a pool pump fails, the consumer's priority must be to get the motor (or pump and motor) replaced as soon as possible in order to maintain sanitary and safe pool conditions. This means that when faced with a purchase decision, consumers have very little time to research their options. In many cases, service installers may install a replacement motor without providing any options to the consumer. Despite significant educational efforts on the part of pool pump manufacturers, service installers are often uninformed about variable-speed technology. In addition, the priority of service installers is generally to make a sale, not to provide the best option for the consumer. This is the case today even though service installers could make additional profit by selling variable-speed pumps and motors.

The consequences of a lack of understanding of variable-speed technology will become particularly significant once the DPPP standards take effect in 2021. Most consumers do not understand that the substantial savings from a variable-speed pump come from the motor. Consumers will likely assume that replacing the motor on a variable-speed pump will have no effect on the performance of their pump. But in fact, if an existing variable-speed motor is replaced with a single-speed motor, the consumer will lose all the energy savings and other benefits (including the quieter operation) of their variable-speed pump. When looking to replace a pool pump motor, a consumer with a variable-speed pool pump that meets the DPPP standards may therefore unknowingly end up with a single-speed replacement motor that would immediately increase their electricity bills by hundreds of dollars each year and not provide the additional benefits of variable-speed technology.

For manufacturers, a disruption in the market would lead to lower sales of regulated DPPPs and increased sales of unregulated, inefficient replacement motors. While most pool pumps are manufactured domestically, most of the motors for pool pumps are manufactured in China. Two of the major pool pump manufacturers have more than 1,400 pool equipment manufacturing jobs in North Carolina alone. Increased sales of inefficient, imported replacement motors would seriously undercut domestic manufacturers' investments in meeting the DPPP standards, putting American manufacturing jobs at risk.

Furthermore, if DOE does not address the replacement motor loophole, individual states may step in with their own standards. Currently, there are multiple state standards for pool pumps and motors. State standards are significantly more burdensome for manufacturers than a single national standard because they may and do result in different requirements in different states and require manufacturers to set up specific distribution channels to ensure that they do not sell noncompliant products in those states. As of July 19, 2021, the current state standards for pool pumps will be replaced with a single national standard. But if DOE does not establish complementary standards for DPPP motors, manufacturers will continue to be faced with a patchwork of state standards. A single national standard for DPPP motors is strongly preferred to reduce burdens on manufacturers, ensure a level playing field across state lines, and ensure that all consumers are protected from inefficient, wasteful products, regardless of where they live.

In comments on the 2017 DFR, multiple stakeholders urged DOE to consider complementary standards for pool pump motors. In the confirmation of effective date and compliance date for the DFR, DOE stated: ''DOE plans to hold a public meeting in the near future with the interested parties to gather data and information that could lead to the consideration of energy conservation standards for replacement pool pump motors.'' [4] DOE subsequently held a public meeting on August 10, 2017, where DOE presented potential scope, definitions, and metrics for DPPP motors. DOE also noted in the presentation materials from the meeting that if DOE were to ''receive a consensus agreement there could be

[1] *http://www.apsp.org/Portals/0/2016%20Website%20Changes/2015%20Industry%20Stats/2015%20Industry%20Stats.pdf.*

[2] 82 Fed. Reg. 5652 (January 18, 2017). Results for standard-size self-priming pool filter pumps.

[3] 82 Fed. Reg. 5715.

[4] 82 Fed. Reg. 24220 (May 26, 2017).

deviations from the typical process to expedite'' the rulemaking.[5]

After the August 2017 public meeting, representatives from pool pump and motor manufacturers, state government, utilities, and efficiency advocates (the ''Joint Stakeholders'') formed a technical working group to negotiate recommended standards for DPPP motors. Appendix A to this Joint Statement includes the Joint Stakeholders' recommendations.

The Joint Stakeholders request that DOE adopt our recommendations with a DFR rule using the Department's authority over ''electric motors'' and to align the compliance date for DPPP motors with the DPPP compliance date of July 19, 2021. In order to protect consumers, ensure that the significant investments that domestic manufacturers are making to comply with the DPPP standards are not undercut, and avoid a continuation of state standards, there must be no delay in the July 19, 2021 DPPP compliance date.

II. Identity of the Joint Stakeholders

The *Association of Pool & Spa Professionals* (APSP) represents over 3100 company members. APSP is the world's oldest and largest association representing swimming pool, hot tub, and spa manufacturers, distributors, manufacturers' agents, designers, builders, installers, suppliers, retailers, and service professionals. Dedicated to the growth and development of its members' businesses and to promoting the enjoyment and safety of pools and spas, APSP offers a range of services, from professional development to advancing key legislation and regulation at the federal and local levels, to consumer outreach and public safety. APSP is the only industry organization recognized by the American National Standards Institute to develop and promote national standards for pools, hot tubs, and spas.

The *Alliance to Save Energy* is a non-profit, bipartisan coalition of business, government, environmental, and consumer-interest leaders that advocates for enhanced U.S. energy productivity to achieve economic growth; a cleaner environment; and greater energy security, affordability, and reliability.

The *American Council for an Energy-Efficient Economy* (ACEEE) acts as a catalyst to advance energy efficiency policies, programs, technologies, investments, and behaviors. We believe that the United States can harness the full potential of energy efficiency to achieve greater economic prosperity, energy security, and environmental protection for all its people.

The *Appliance Standards Awareness Project* (ASAP) is a coalition that includes representatives of efficiency, consumer and environmental groups, utility companies, state government agencies, and others. Working together, the ASAP coalition seeks to advance cost-effective efficiency standards at the national and state levels through technical and policy advocacy and through outreach and education.

Arizona Public Service is Arizona's largest and longest-serving electric company, serving more than 1.2 million customers across the state.

The *California Energy Commission* (CEC) is the primary energy policy and planning agency of the State of California. The CEC regularly participates in coalition efforts and federal efficiency rulemakings to seek more stringent energy conservation regulations from DOE that will apply to California's regulated appliances, where DOE's authority to adopt new efficiency standards preempts states from issuing their own without prior DOE approval or waiver. The CEC currently has efficiency standards for pool pump and motor combinations, and has proposed to establish efficiency standards for replacement pool pump motors should national standards not be forthcoming.

The *California Investor Owned Utilities* (CA IOUs), consisting of Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric (SDG&E), and Southern California Edison (SCE), represent some of the largest utility companies in the Western United States, serving over 32 million customers. The CA IOUs have been involved with pool energy efficiency for over 15 years. During that time, the CA IOUs have developed and implemented various pool efficiency rebate programs, and in 2004, proposed and supported the adoption of the first in the nation appliance standards for pool pump motors in California. These standards included a test and list requirement for pool pumps to enable the reporting of Energy Factor, a metric developed by the CA IOUs that is now used by the ENERGY STAR program.

The *Consumer Federation of America* (CFA) is an association of more than 250 nonprofit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education. For decades, CFA has advocated for cost-effective energy efficiency standards that benefit consumers through lower energy bills.

The *Florida Consumer Action Network* (FCAN) is a non-profit that advocates on issues including energy efficiency, utilities, environment, health care, and insurance. FCAN is affiliated with the Consumer Federation of America and Fair Share. FCAN stands for an America where everyone gets their fair share, does their fair share, and pays their fair share; and where everyone plays by the same rules.

Hayward Industries, Inc. is a leading global manufacturer of residential and commercial pool equipment and industrial flow control products. Headquartered in Elizabeth, New Jersey with over 1,500 US-based employees, Hayward designs, manufactures, distributes, and markets a complete line of residential pool equipment including pumps, filters, heaters, automatic cleaners, sanitizers, automation, and lights. Hayward is a strong advocate of energy saving products as witnessed by its growing portfolio of energy efficient equipment, including a broad range of ENERGY STAR® approved variable speed pumps.

The *National Electrical Manufacturers Association* (NEMA) represents nearly 350 electrical equipment and medical imaging manufacturers that make safe, reliable, and efficient products and systems. Our combined industries account for 360,000 American jobs in more than 7,000 facilities covering every state. Our industry produces $106 billion shipments of electrical equipment and medical imaging technologies per year with $36 billion exports.

The *Natural Resources Defense Council* (NRDC) is a national environmental advocacy organization with over 1.3 million members and online activists. NRDC has spent decades working to build and improve DOE's federal appliance standards programs because of the important energy, environmental, consumer, and reliability benefits of appliance efficiency standards. NRDC participated in the enactment of the first federal legislation establishing efficiency standards, and has been active in all significant rulemakings since then.

Nidec Motor Corporation is a leading manufacturer of commercial, industrial, and appliance motors and controls. The NMC product line features a full line of high efficiency motors, large and small, which serve industrial, residential, and commercial markets in applications ranging from agriculture, water treatment, mining, oil and gas, and power generation to pool and spa motors, air conditioning condensers, rooftop cooling towers, and commercial refrigeration. It also makes motors, controls, and switches for automotive and commercial markets.

The *Northwest Power and Conservation Council* is an interstate compact authorized by Congress in the Northwest Power Act of 1980 (P.L.96–501) to ensure that the region has an adequate, efficient, economical, and reliable power supply system. The members of the Council are appointed by the Governors of the four Northwest states of Idaho, Montana, Oregon and Washington.

Pentair is a leading manufacturer of smart, sustainable water solutions for homes, business and industry around the world. Our industry leading and proven portfolio of solutions enables people, business and industry to access clean, safe water, reduce water consumption, and recover and reuse it. Whether it's improving, moving or helping people enjoy water, we help manage the world's most precious resource. A strategic business of Pentair, Pentair Aquatics Systems is based in Cary, N.C., and is one of the world's leading providers of premium pumps, filters, heaters, controls, cleaners, lighting systems, water features, and maintenance products for swimming pools and spas.

Regal is a manufacturing company with over 5,770 employees in the USA. Regal is a leading manufacturer of electric motors, electrical motion controls, power generation and transmission products with sales of over $3.4B in 2017. Regal is a technology leader in high-efficiency products.

Speck Pumps is a leading international manufacturer of high-quality pumps for commercial and industrial applications.

Texas ROSE (Texas Ratepayers' Organization to Save Energy) is a non-profit organization dedicated to helping Texans' get affordable electricity and a healthy environment. We provide straightforward information to consumers and advocate for customer protections for consumers, energy

[5] *https://www.regulations.gov/document?D=EERE-2017-BT-STD-0048-0003.* Slide 10.

efficiency programs, and customer education by providing information to the Public Utility Commission (PUC), Austin City Council and the Texas Legislature. Texas ROSE has been involved in helping to create utility programs to provide lower rates for low-income consumers and weatherization programs to permanently lower energy use and utility bills.

Waterway Plastics is proud to design, engineer and manufacture pool and spa pumps, filters, white goods and accessories and other pool and spa products in Oxnard, CA, USA.

WEG is a manufacturer of industrial and commercial components and systems solutions for customers across multiple markets around the world. WEG is 30,000 employees strong across 12 manufacturing locations and 28 commercial sites, holding the distinction of having largest manufacturing site in the world at its headquarters in Jarugua Du Sol, Brazil. This campus is 3.57M square feet and occupied by nearly 13,000 employees. WEG has over 3,000 employees in the US between the US Headquarters in Atlanta, an industrial motor manufacturing location in Minneapolis, a transformer manufacturer in Missouri, and the Global Center of Commercial Motors Excellence in Bluffton, IN. The US is served out of these locations, with manufactured product support out of Mexico and Brazil. Over half of the product produced in the US is applied into pumping applications, whether it be clean water or dirty, or even hydroelectric power generation. WEG has traditionally focused it sales from its genesis in 1942 up to around 1985 in the local Brazilian market, though through a combination of acquisition and organic development, export sales has increased by an amazing 36 times, with infrastructure and skills to continue a strong growth pattern well into the future.

Zodiac Pool Systems, LLC is a global leader in swimming pool and spa products and services. Zodiac is recognized as a leading, global provider of premium, innovative pool and spa products, equipment and solutions for in-ground residential swimming pools and spas. Zodiac is committed to designing and producing energy efficient, earth-friendly pool products and systems.

III. Development of the Recommendations

The Joint Stakeholders' recommendations were developed during a series of meetings between December 2017 and June 2018 of a technical working group consisting of pool pump and motor manufacturers, state government, utilities, and efficiency advocates. The goal of the working group was to develop a set of consensus recommendations for standards for DPPP motors to align with the standards for DPPPs and to take effect concurrently with the DPPP standards on July 19, 2021.

IV. The Joint Stakeholders' Proposal

The Joint Stakeholders' proposal (included as Appendix A) includes recommendations for definitions, scope of coverage, prescriptive requirements, labeling, reporting, compliance date, and verification. Importantly, our proposal would not result in any change to the current DPPP standards and instead is complementary. There are also no new costs associated with our proposal because the analysis for the DPPP rulemaking already accounted for the costs of motor replacements.

A. Definitions

Our proposed definitions include a definition for ''dedicated-purpose pool pump motor,'' which covers any motor that is certified to UL 1004–10 [6] and/or designed and/or marketed for use in DPPP applications. Our proposed definitions also define motors that meet the definition for ''dedicated- purpose pool pump motor'' but that would be exempt from the standards that we are proposing. These definitions for exempted motors were crafted such as to minimize the risk of any potential loopholes.

B. Scope of Coverage

DPPP motors are electric motors. Our proposed scope of coverage includes DPPP motors with total horsepower (THP) less than or equal to 5 THP. The 5 THP upper bound aligns with the upper bound for hydraulic horsepower (HHP) in the standards for DPPPs for self-priming and non-self-priming pool filter pumps. (5 THP is roughly equivalent to 2.5 HHP.) Our proposed scope of coverage would exempt six types of pool pump motors from our proposed standards: polyphase motors capable of operating without a drive (and distributed in commerce without a drive), waterfall pump motors, rigid electric spa pump motors, storable electric spa pump motors, integral cartridge-filter pool pump motors, and integral sand-filter pool pump motors. These exemptions align with the DPPP standards.[7] The exemption for polyphase motors is designed to exclude three-phase motors that are intended for use in commercial applications (where there is three-phase power available), but to include three-phase motors that operate with a drive that converts single-phase power to three-phase power and are intended for use in residential applications.

Our proposed standards (described below) would apply to DPPP motors that are sold as replacements as well as motors that are part of DPPPs. All pool pump motors would thus be treated equally and subject to the same requirements. Importantly, our proposed scope of coverage includes DPPP motors in DPPPs regardless of whether the DPPP is manufactured domestically or imported. If motors in imported DPPPs were not covered, manufacturers that manufacture DPPPs domestically would be put at a disadvantage. Our proposed scope of coverage will thus provide a level playing field and protect U.S. manufacturing.

C. Prescriptive Requirements

Our proposal for standards for DPPP motors is a prescriptive approach. We believe that a prescriptive approach is the quickest and simplest way to address the replacement motor loophole. We originally considered a performance-based approach. However, a performance approach for DPPP motors would require an entirely new metric and test procedure, which would significantly delay implementation of our proposal, thereby increasing manufacturer burden. Our proposed prescriptive requirements align with the DPPP standards while avoiding the need for a test procedure rulemaking. Importantly, our prescriptive approach still gives manufacturers significant flexibility to provide a wide range of efficient motor options to consumers including different speed options and user interfaces.

Our proposed standards include three prescriptive requirements that align with the DPPP standards. First, DPPP motors would be prohibited from operating with a capacitor start induction run (CSIR) or split phase (SP) configuration at maximum operating speed. This requirement aligns the motor types for DPPP motors with the DPPP standards. This requirement is also consistent with existing state standards in Arizona, California, Connecticut, and Washington. Prohibiting these inefficient motor configurations will help prevent low-quality foreign imports from undercutting U.S. manufacturers and ensure that consumers are not stuck with very inefficient motors that would increase their electricity bills.

Second, DPPP motors with THP greater than or equal to 1.15 THP would be required to meet the definition of ''variable-speed control dedicated-purpose pool pump motor,'' which we have defined. The 1.15 THP threshold aligns with the 0.711 HHP threshold in the DPPP standards for self-priming pool filter pumps. (1.15 THP is roughly equivalent to 0.711 HHP.) Almost all motors used in non-self-priming pool filter pumps and pressure cleaner booster pumps have THPs less than 1.15 THP. Therefore, DPPP motors that must meet the definition of ''variable-speed control dedicated-purpose pool pump motor'' will almost exclusively be motors for self-priming pool filter pumps, aligning with the DPPP standards.

Our proposed definition for ''variable-speed control dedicated-purpose pool pump motor'' would include motors that provide at least four speed options. Providing the choice of a variety of speeds would align with the DPPP standards, which, for most in-ground pumps, are based on the performance of pumps with variable-speed motors. At the same time, our proposed definition would provide manufacturers flexibility in developing new products. In particular, our proposed definition would allow manufacturers to introduce lower-cost motors that are not ''true'' variable-speed products, but that still provide very substantial energy savings and performance consistent with the DPPP standards. Our proposed definition for ''variable-speed control dedicated-purpose pool pump motor'' also includes specifications for how these motors must be distributed in commerce to ensure that they have the ability to operate at a variety of speeds in the field (e.g., be distributed with a variable speed drive), which align with the DPPP standards. Since variable-speed replacement motors may be sold without a

[6] Note: UL 1004–10 is in the process of being developed. We will provide an update to DOE once the UL standard has been published.

[7] Note: Integral cartridge filter and integral sand filter pool pumps are subject to the DPPP standards, but they do not have to meet an energy performance requirement.

drive (e.g., if the existing installed drive is still functioning), we have also provided the option for a variable-speed motor to be sold without a drive as long as it cannot operate without a drive. Our proposed definition for ''variable-speed control dedicated-purpose pool pump motor'' also includes specifications regarding high speed override capability and default settings to help ensure that motors meeting this definition deliver the expected savings for consumers.

Finally, DPPP motors with freeze protection controls would be subject to the same requirements as DPPPs with freeze protection controls. These requirements are designed to ensure that motors with freeze protection controls do not end up running for more hours than are required to provide adequate freeze protection, resulting in significant wasted energy and unnecessary additional electricity costs for consumers.

D. Labeling

Our preference is for labeling requirements to be included as part of the rule for DPPP motors. Our proposed labeling requirements include the dedicated-purpose pool pump motor total horsepower and whether the motor is single-speed, two-speed, multi-speed, or variable-speed control. These labeling requirements would provide additional information to both consumers and installers and help standardize the use of total horsepower throughout the industry.

E. Reporting

We are proposing that reporting requirements for DPPP motors include, but not be limited to, information about the settings of the controls for motors with freeze protection controls. These reporting requirements align with the reporting requirements for DPPPs.

F. Compliance Date

The compliance date for DPPP motors must be July 19, 2021 to align with the compliance date for DPPPs. Aligning the compliance dates is essential in order to prevent a loophole for replacement motors and to avoid the need for manufacturers to convert their product lines twice, which would significantly increase their costs and, in turn, costs for consumers.

Further, the compliance date for DPPPs must remain July 19, 2021. U.S. manufacturers of both pool pumps and motors are already making significant investments to comply with the DPPP standards. If enforcement of the DPPP standards were to be delayed beyond the current compliance date, the beneficiaries of such a delay would be foreign manufacturers who have not yet made investments in upgrading their technology and who would see an opportunity to sell inefficient pumps to the U.S. market. This outcome would inflict serious harm on domestic manufacturers by undercutting their investments, which would threaten American manufacturing jobs. Manufacturers would also face market confusion in the event that the standards continued to be enforced through state building codes, despite a federal delay on enforcement. Finally, a delay would seriously harm consumers who would continue to be sold inefficient, wasteful products, costing them hundreds of dollars in electricity bill savings each year.

G. Verification of Total Horsepower

We are proposing that for purposes of verifying THP, DOE should use the test procedure for DPPPs, which includes methods for determining dedicated-purpose pool pump motor total horsepower.

V. Benefits of the Joint Stakeholder Proposal

Our proposal for DPPP motors will provide significant benefits to consumers, manufacturers, and the electric grid. By closing the replacement motor loophole, consumers will be assured that when replacing the motor on a variable-speed pump, the new motor will continue to provide the $550 in average annual operating cost savings and the additional benefits of variable-speed technology. Pool pump manufacturers will be protected against a market shift to unregulated, foreign-made replacement motors, which would threaten American manufacturing jobs. Finally, because pool pumps often operate the most in the summer and during times of peak demand, protecting the significant electricity savings from the DPPP standards will also protect the corresponding reductions in peak demand, which bolster electric grid resilience. Reductions in peak demand also help lower electricity rates, which benefits all consumers. However, in order for these significant benefits to consumers, manufacturers, and the electric grid to be realized, the compliance date for DPPP motor standards must be July 19, 2021, and there must be no delay in the DPPP compliance date.

VI. Electric Motors Authority

DOE should adopt our proposal for standards for DPPP motors using the Department's authority over ''electric motors.'' ''Electric motor'' is defined as ''a machine that converts electrical power into rotational mechanical power'' (10 CFR 431.12). DPPP motors are electric motors, and electric motors are already covered equipment.

VII. Use of a DFR

DOE should adopt our proposal for standards for DPPP motors using a DFR. Importantly, a DFR will ensure that the compliance date for DPPP motors can be aligned with that for DPPPs. As described above, alignment of the compliance dates is essential in order to close the replacement motor loophole and to avoid manufacturers having to convert their product lines twice. Further, it is essential that the compliance dates for both DPPPs and DPPP motors be July 19, 2021 as any delay in the compliance date for DPPPs would have serious negative consequences for both consumers and domestic manufacturers.

DOE has the authority to issue a DFR ''on receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates)'' (42 U.S.C. 6295(p)(4)). The signatories to this Joint Statement include all relevant stakeholders including manufacturers of both pool pumps and motors; a trade association that represents pool pump and pool pump motor manufacturers and installers; a trade association that represents motor manufacturers; states; consumer advocate organizations; efficiency and environmental organizations; and electric utilities.

While we believe that all relevant stakeholders are represented by the signatories to this Joint Statement, to the extent that there is any concern regarding the ability for any other party to provide input on our recommended standards before they are issued as part of a DFR, DOE could publish our Joint Statement and provide a limited (e.g., 30-day) comment period.

VIII. Executive Order Compliance

Importantly, there are no new costs associated with our proposal. The analysis for the DPPP rulemaking already accounted for the costs of motor replacements for the portion of consumers that will replace the motor during the life of their pump. Specifically, the DPPP rulemaking assumed like-for-like motor replacements (e.g., that a variable-speed motor would be replaced with a new variable-speed motor). The assumption of like-for-like motor replacements does not reflect the real-world situation and the high likelihood of many variable-speed motors on compliant pumps being replaced not with variable-speed motors, but with inefficient single-speed motors. Nevertheless, because the costs of variable-speed replacement motors were already accounted for in the DPPP rulemaking, DOE would be double counting the costs if the Department were to include costs associated with motor replacements in a DPPP motors rulemaking.

Since there are no costs associated with our proposal relative to the costs assumed in the DPPP rule, we believe that our proposal would not be subject to Executive Orders 12866 and 13771.

IX. Conclusion

The Joint Stakeholders strongly urge DOE to adopt our proposal for standards for DPPP motors contained in Appendix A in order to protect consumers and the investments being made by domestic manufacturers. We encourage DOE to act expeditiously in order to ensure alignment of the compliance date for DPPP motors with the compliance date for DPPPs (July 19, 2021).

Sincerely,

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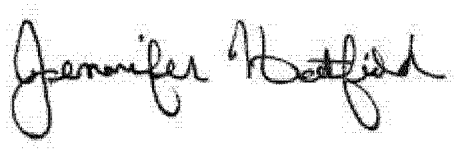

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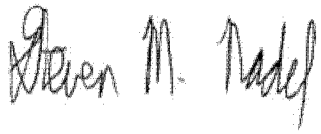

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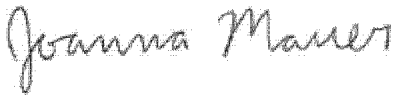

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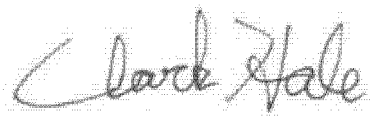

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President & CEO
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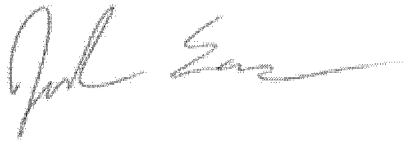

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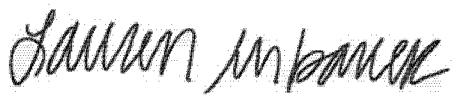

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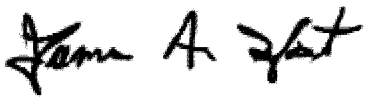

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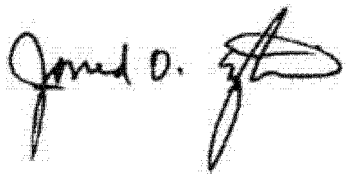
Vice President of Technology
Waterway Plastics



Jared D. Zumstein
Director, Global Commercial Technology and Compliance
WEG

Shajee Siddiqui
Director, Product Safety & Compliance Zodiac Pool Systems, LLC

BILLING CODE 6450–01–C

APPENDIX A

Dedicated-Purpose Pool Pump (DPPP) Motors Joint Stakeholder Proposal

Definitions

Capacitor-start, induction-run means a single-phase induction motor configuration with a main winding arranged for direct connection to a source of power and an auxiliary winding connected in series with a capacitor. The motor configuration has a capacitor phase, which is in the circuit only during the starting period.

Dedicated-purpose pool pump motor means an electric motor that is single-phase or polyphase which complies with and is certified to UL 1004–10 and/or is designed and/or marketed for use in dedicated-purpose pool pump applications.

Designed and marketed means that the equipment is designed to fulfill the intended application and, when distributed in commerce, is designated and marketed solely for that application, with the designation on all the packaging and all publicly available documents (e.g., product literature, catalogs, and packaging labels).

Designed and/or marketed means that the equipment is designed to fulfill the intended application and/or, when distributed in commerce, is designated and marketed for that application, with the designation on the packaging and/or any publicly available documents (e.g., product literature, catalogs, and packaging labels).

Drive means a power converter (such as a variable speed drive or phase-converter).

Integral cartridge-filter pool pump motor means a dedicated-purpose pool pump motor that is distributed in commerce as a component of an integral cartridge-filter pool pump as defined at 10 CFR 431.462.

Integral sand-filter pool pump motor means a dedicated-purpose pool pump motor that is distributed in commerce as a component of an integral sand-filter pool pump as defined at 10 CFR 431.462.

Maximum operating speed means the rated full-load speed of a motor powered by a 60 Hz alternating current (AC) source.

Rigid electric spa pump motor means a dedicated-purpose pool pump motor that does not have a C-flange or square flange mounting and that is:

(1) labeled,

(2) designed, and

(3) marketed for use only in rigid electric spas as defined at 10 CFR 431.462.

Split phase means a single-phase induction motor configuration with an auxiliary winding displaced in magnetic position from, and connected in parallel with the main winding. The auxiliary circuit is open when the motor has attained a predetermined speed.

Storable electric spa pump motor means a dedicated-purpose pool pump motor that is distributed in commerce as a component of a storable electric spa pump as defined at 10 CFR 431.462.

Waterfall pump motor means a dedicated-purpose pool pump motor with a maximum speed less than or equal to 1,800 rpm that is designed and marketed for waterfall pump applications and labeled for use only with waterfall pumps.

Scope of coverage

DPPP motors meet the definition of electric motor at 10 CFR 431.12. The standards will apply to dedicated-purpose pool pump (DPPP) motors, including DPPP motors incorporated in DPPPs produced domestically and imported, with dedicated-purpose pool pump motor total horsepower (THP) as defined at 10 CFR 431.462 less than or equal to 5 THP, with the following exemptions:

Exempted DPPP motors:

- Polyphase motors capable of operating without a drive and distributed in commerce without a drive that converts single-phase power to polyphase power
- Waterfall pump motors
- Rigid electric spa pump motors
- Storable electric spa pump motors
- Integral cartridge-filter pool pump motors
- Integral sand-filter pool pump motors

Prescriptive requirements

There will be prescriptive requirements for all DPPP motors, for DPPP motors with a THP greater than or equal to 1.15 THP, and for DPPP motors with freeze protection controls. DPPP motors include motors manufactured domestically, motors imported alone, and motors imported as a component of a DPPP assembly.

DPPP motors

DPPP motors must not operate with a capacitor start induction run (CSIR) or split phase (SP) configuration at maximum operating speed.

DPPP motors with THP greater than or equal to 1.15 THP

DPPP motors with THP greater than or equal to 1.15 THP will have a prescriptive speed control requirement.

Prescriptive Requirement: Variable Speed Control

Each dedicated-purpose pool pump motor with a dedicated-purpose pool pump motor total horsepower greater than or equal to 1.15 THP shall meet the definition of a variable-speed control dedicated- purpose pool pump motor.

A *variable-speed control dedicated-purpose pool pump motor* means:

A dedicated-purpose pool pump motor that is capable of operating at four or more discrete, user- or pre-determined operating speeds, where one of the operating speeds is the maximum operating speed and at least:

- One of the operating speeds is 75% to 85% of the maximum operating speed;

• One of the operating speeds is 45% to 55% of the maximum operating speed;

• One of the operating speeds is less than or equal to 40% of the maximum operating speed and greater than zero.

And that must be distributed in commerce either:

(1) With a variable speed drive and with a user interface that changes the speed in response to pre- programmed user preferences and allows the user to select the duration of each speed and/or the on/off times;

(2) With a variable speed drive and without a user interface that changes the speed in response to pre-programmed user preferences and allows the user to select the duration of each speed and/or the on/off times, but is unable to operate without the presence of a user interface; or

(3) Without a variable speed drive and with or without a user interface, but is unable to operate without the presence of a variable speed drive.

And:

(1) Any high speed override capability shall be for a temporary period not to exceed one 24-hour cycle without resetting to default settings or resuming normal operation according to pre- programmed user preferences; and

(2) Any factory default setting for daily run time schedule may not include more hours at an operating speed above 55% of maximum operating speed than the hours at or below 55% of maximum operating speed; or if a motor is distributed in commerce without a default setting for daily run time schedule, the default operating speed after any priming cycle (if applicable) must be no greater than 55% of the maximum operating speed.

DPPP motors with freeze protection controls

For all dedicated-purpose pool pump motors distributed in commerce with freeze protection controls, the motor must be shipped with freeze protection disabled or with the following default, user- adjustable settings:

(1) The default dry-bulb air temperature setting is no greater than 40 °F;

(2) The default run time setting shall be no greater than 1 hour (before the temperature is rechecked); and

(3) The default motor speed shall not be more than ½ of the maximum speed.

Labeling

If DOE is able to implement labeling requirements, the permanent nameplate must be marked clearly with the following information:

(A) The dedicated-purpose pool pump motor total horsepower; and

(B) Either: single-speed, two-speed, multi-speed, or variable-speed control.

Reporting

Certification reporting requirements should include, but not be limited to,:

(A) For dedicated-purpose pool pump motors distributed in commerce with freeze protection controls, a statement regarding whether freeze protection is shipped enabled or disabled, and for dedicated-purpose pool pump motors distributed in commerce with freeze protection controls enabled, the default dry-bulb air temperature setting (in °F), default run time setting (in minutes), and default motor speed (in rpm).

Compliance date

The compliance date should be July 19, 2021 to align with the compliance date of the DPPP standards.

Verification of THP

For purposes of verifying THP, DOE should use the DPPP test procedure at 10 CFR 431 Appendix C to Subpart Y.

[FR Doc. 2018–19577 Filed 9–10–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TREASURY

Office of the Comptroller of the Currency

12 CFR Part 44

[Docket No. OCC–2018–0010]

RIN 1557–AE27

FEDERAL RESERVE SYSTEM

12 CFR Part 248

[Docket No. R–1608]

RIN 7100–AF 06

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 351

RIN 3064–AE67

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 75

RIN 3038–AE72

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 255

[Release no. BHCA–3; File no. S7–14–18]

RIN 3235–AM10

Extension of Comment Period for Proposed Revisions to Prohibitions and Restrictions on Proprietary Trading and Certain Interests in, and Relationships With, Hedge Funds and Private Equity Funds

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC); Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); Securities and Exchange Commission (SEC); and Commodity Futures Trading Commission (CFTC) (collectively, the ''Agencies'').

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

SUMMARY: On July 17, 2018, the Agencies published in the **Federal Register** a notice of proposed rulemaking (proposal) that would amend the regulations implementing section 13 of the Bank Holding Company Act. Section 13 contains certain restrictions on the ability of a banking entity and nonbank financial company supervised by the Board to engage in proprietary trading and have certain interests in, or relationships with, a hedge fund or private equity fund. The proposed amendments are intended to provide banking entities with clarity about what activities are prohibited and to improve supervision and implementation of section 13.

In response to requests from commenters regarding issues addressed in the proposal, the public comment period has been extended for 30 days until October 17, 2018. This action will allow interested persons additional time to analyze the proposal and prepare their comments.

DATES: The comment period for the notice of proposed rulemaking published on July 17, 2018 (83 FR 33432), regarding proposed revisions to prohibitions and restrictions on proprietary trading and certain interests in, and relationships with, hedge funds and private equity funds, is extended from September 17, 2018, to October 17, 2018.

ADDRESSES: You may submit comments by any of the methods identified in the proposal.[1] Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT:

OCC: Tabitha Edgens, Senior Attorney; Mark O'Horo, Attorney, Chief Counsel's Office, (202) 649–5510; for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

Board: Kevin Tran, Supervisory Financial Analyst, (202) 452–2309, Amy Lorenc, Financial Analyst, (202) 452–5293, David Lynch, Deputy Associate Director, (202) 452–2081, David McArthur, Senior Economist, (202) 452–2985, Division of Supervision and Regulation; Flora Ahn, Senior Counsel, (202) 452–2317, Gregory Frischmann, Counsel, (202) 452–2803, or Kirin Walsh, Attorney, (202) 452–3058, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. For the hearing impaired only,

[1] *See* 83 FR 33432, 33432–33 (July 17, 2018).

Telecommunication Device for the Deaf (TDD), (202) 263–4869.

FDIC: Bobby R. Bean, Associate Director, *bbean@fdic.gov,* Michael Spencer, Chief, Capital Markets Strategies Section, *michspencer@fdic.gov,* or Brian Cox, Capital Markets Policy Analyst, *brcox@fdic.gov,* Capital Markets Branch, (202) 898–6888; Michael B. Phillips, Counsel, *mphillips@fdic.gov,* Benjamin J. Klein, Counsel, *bklein@fdic.gov,* or Annmarie H. Boyd, Counsel, *aboyd@fdic.gov,* Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SEC: Andrew R. Bernstein (Senior Special Counsel), Sophia Colas (Attorney-Adviser), Sam Litz (Attorney-Adviser), Aaron Washington (Special Counsel), Elizabeth Sandoe (Senior Special Counsel), Carol McGee (Assistant Director), or Josephine J. Tao (Assistant Director), at (202) 551–5777, Division of Trading and Markets, and Nicholas Cordell, Matthew Cook, Elizabeth Blase, Aaron Gilbride (Branch Chief), Brian McLaughlin Johnson (Assistant Director), and Sara Cortes (Assistant Director), at (202) 551–6787 or *IArules@sec.gov,* Division of Investment Management, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

CFTC: Erik Remmler, Deputy Director, (202) 418–7630, *eremmler@cftc.gov;* Cantrell Dumas, Special Counsel, (202) 418–5043, *cdumas@cftc.gov;* Jeffrey Hasterok, Data and Risk Analyst, (646) 746–9736, *jhasterok@cftc.gov,* Division of Swap Dealer and Intermediary Oversight; Mark Fajfar, Assistant General Counsel, (202) 418–6636, *mfajfar@cftc.gov,* Office of the General Counsel; Stephen Kane, Research Economist, (202) 418–5911, *skane@cftc.gov,* Office of the Chief Economist; Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION: On July 17, 2018, the Agencies published in the **Federal Register** a notice of proposed rulemaking that would amend the regulations implementing section 13 of the Bank Holding Company Act.[2] Section 13 contains certain restrictions on the ability of a banking entity and nonbank financial company supervised by the Board to engage in proprietary trading and have certain interests in, or relationships with, a hedge fund or private equity fund. The proposed amendments are intended to provide banking entities with clarity about what activities are prohibited and to improve supervision and implementation of section 13. The proposal stated that the public comment period would close on September 17, 2018.[3]

The Agencies have received requests from the public asking the Agencies to extend the comment period for the proposal.[4] These requests suggested that an extension of the comment period would help commenters provide feedback on the proposed changes and detailed requests for comment in the proposal. This extension of the comment period will allow interested persons additional time to analyze the proposal and prepare their comments. Accordingly, the comment period for the proposal is extended from September 17, 2018, to October 17, 2018.

Dated: August 31, 2018.

Joseph M. Otting,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, August 29, 2018.

Ann E. Misback,

Secretary of the Board.

Dated at Washington, DC on August 28, 2018. Federal Deposit Insurance Corporation.

Valerie Jean Best,

Assistant Executive Secretary.

By the Securities and Exchange Commission.

Dated: September 4, 2018.

Brent J. Fields,

Secretary.

Issued in Washington, DC, on August 30, 2018, by the Commodity Futures Trading Commission.

Christopher J. Kirkpatrick,

Secretary of the Commodity Futures Trading Commission.

[FR Doc. 2018–19649 Filed 9–10–18; 8:45 am]

BILLING CODE 6210–01–P; 4810–33–P; 6714–01–P; 8011–01–P; 6351–01–P

[2] 83 FR 33432–33605.

[3] 83 FR 33432–33605.

[4] *See* joint comment letter to the Agencies from Better Markets, Americans for Financial Reform, Public Citizen and the Center for American Progress (July 10, 2018); comment letter to the Agencies from U.S. Senators Sherrod Brown and Jeffrey A. Merkley (August 6, 2018); comment letter to the Agencies from the National Association of Federally-Insured Credit Unions (July 25, 2018).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0741; Airspace Docket No. 18–ASO–13]

RIN 2120–AA66

Proposed Amendment of Class D Airspace and Establishment of Class E Airspace; Tyndall AFB, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E surface airspace at Tyndall Air Force Base, (AFB), FL, for the safety of aircraft landing and departing the airport when the air traffic control tower is closed. Also, this action proposes to amend Class D airspace by updating the geographic coordinates of this airport, as well as replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement''. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Comments must be received on or before October 26, 2018.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Bldg. Ground Floor, Rm. W12–140, Washington, DC 20590; Telephone: 1–800–647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2018–0741; Airspace Docket No. 18–ASO–13, at the beginning of your comments. You may also submit and review received comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA

Order 7400.11B 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: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2018–0741 and Airspace Docket No. 18–ASO–13) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number.) You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2018–0741; Airspace Docket No. 18–ASO–13.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11B, 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 Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E surface airspace within a 5.4-mile radius of Tyndall AFB, FL, for the safety of aircraft landing and departing the airport when the air traffic control tower is closed.

In addition, the geographic coordinates of the airport in Class D airspace would be updated to coincide with the FAA's database.

Finally, the outdated term 'Airport/Facility Directory' would be replaced with 'Chart Supplement' under the Class D description.

Class E airspace designations are published in Paragraphs 5000 and 6002, respectively, 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 Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal would be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO FL D Tyndall AFB, FL [Amended]

Tyndall AFB, FL
(Lat. 30°04′09″ N, long. 85°34′30″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 5.4-mile radius of Tyndall AFB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

ASO FL E2 Tyndall AFB, FL [New]

Tyndall AFB, FL
(Lat. 30°04′09″ N, long. 85°34′30″ W)

That airspace extending upward from the surface within a 5.4-mile radius of Tyndall AFB. This Class E airspace is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

Ryan W. Almasy,

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

[FR Doc. 2018–19488 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0486; Airspace Docket No. 18–ASO–11]

RIN 2120–AA66

Proposed Establishment of Class E Airspace; Hardinsburg, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Breckinridge County Airport, Hardinsburg, KY, to accommodate new area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures serving the airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Comments must be received on or before October 26, 2018.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Bldg. Ground Floor, Rm. W12–140, Washington, DC 20590; Telephone: 1–800–647–5527, or (202)-366–9826. You must identify the Docket No. FAA–2018–0486; Airspace Docket No. 18–ASO–11, at the beginning of your comments. You may also submit and review received comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11B 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: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2018–0486 and Airspace Docket No. 18–ASO–11) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number.) You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2018–0486; Airspace Docket No. 18–ASO–11.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. All communications received on

or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11B, 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 Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace extending upward from 700 feet above the surface within a 7-mile radius of Breckinridge County Airport, Hardinsburg, KY, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for IFR operations at this airport.

Class E airspace designations are published in Paragraph 6005 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 Class D and E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal would be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO KY E5 Hardinsburg, KY [New]

Breckinridge County Airport, KY
(Lat. 37°47′05″ N, long. 86°26′29″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Breckinridge County Airport.

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

Ryan W. Almasy,

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

[FR Doc. 2018–19492 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0845]

Safety Zone; Spaceport Camden, Woodbine, GA

AGENCY: Coast Guard, DHS.

ACTION: Request for comments.

SUMMARY: The Coast Guard is seeking comments from interested persons regarding a proposal to establish safety zones on the navigable waterways in the vicinity of the proposed Spaceport Camden, near Woodbine, Georgia during rocket tests, launches, and landing operations. The proposed safety zones would be necessary to protect personnel, vessels, and the marine environment from potential hazards created by rocket launches and landings, and by various rocket tests.

DATES: Your comments and related material must reach the Coast Guard on or before October 11, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0845 using the Federal 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 notice of inquiry, call or email LT Joseph Palmquist, Marine Safety Unit Savannah, U.S. Coast Guard; telephone 912–652–4353 x221, email *joseph.b.palmquist@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register

II. Background and Purpose

The Board of County Commissioners of Camden County, Georgia proposes to develop and operate a commercial space launch site, called Spaceport Camden, in an unincorporated area of Camden County, Georgia, approximately 11.5 miles due east of the town of Woodbine, Georgia. The site, near Floyd Creek, is on the coast, surrounded by salt marshes to the east and south, and the Satilla River to the north. In support of Spaceport Camden, the Board of County Commissioners of Camden County, Georgia requested that the Coast Guard establish safety zones which would be enforced during launch, landing, and rocket test activities at the site.

The Coast Guard establishes safety zones over areas of water and/or shore for safety or environmental purposes pursuant to the authority contained in 33 CFR part 165. A safety zone is a ''. . . water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels.''

The applicants for Spaceport Camden propose up to 12 annual launches and landings during daylight hours, with one possible nighttime launch per year, of liquid-fueled, small to medium-large lift-class, orbital and suborbital vertical launch vehicles. In support of the proposed launches, the applicants for Spaceport Camden propose up to 12 static fire engine tests per year. Launch trajectories would vary from 83 to 115 degrees for vehicles up to and including medium-large lift class. Because the trajectory of these launches would take the rockets over various navigable waterways, creeks and tributaries, sections of land, and areas offshore, applicants are required to limit or restrict access to certain areas surrounding a rocket test/launch site based on specific hazard analysis. The applicant's request to establish safety zones during rocket launches, landings, and various tests is one element in meeting these safety requirements.

The range of potential safety zones for launch and landing activities encompasses an area which accounts for safety concerns associated with all potential launch trajectories. Individual launch safety zones could be smaller and depend on several factors unique to each event, such as actual trajectory, lift class, and payload. The range of potential safety zones for rocket tests encompasses a smaller area directly around the commercial space launch site. In all instances, the proposed safety zones would be necessary to safeguard persons, property, and the marine environment during rocket launches, landings, and rocket test activities.

Proposed Launch/Landing Safety Zone

The geographic area which encompasses all potential launch trajectories and accounts for the largest possible launch vehicle is defined by nine total corner points, identified below. Individual launch safety zones could be smaller dependent upon aspects unique to each launch activity, such as specific launch trajectories and the size of each launch vehicle:

1. In vicinity of the western portion of Shellbine Creek, south of Union Carbide Rd, Latitude: 30°54′17.0″ N, Longitude: 81°30′45.0″ W
2. In vicinity of Cabin Bluff, at the end of Union Carbide Rd, Latitude: 30°53′6.75″ N, Longitude: 81°30′56.5″ W
3. Cumberland River, just west of Cumberland Island, approximately 2 nautical miles (2.3 miles) north of Stafford Island, Latitude: 30°50′56.15″ N, Longitude: 81°28′39.4″ W
4. Plum Orchard—West side of Cumberland Island, approximately 1.5 nautical miles (1.7 miles) south of Table Point, Latitude: 30°51′22.12″ N, Longitude: 81°27′55.3″ W
5. Kings Bottom Trail Head—West side of Cumberland Island, approximately 1 nautical mile (1.15 miles) south of Table Point, Latitude: 30°51′58.53″ N, Longitude: 81°27′44.8″ W
6. Offshore—Approximately 13 nautical miles (15 miles) east of the southern portion of Cumberland Island; approximately 5 nautical miles (5.75 miles) northeast of St. Mary's entrance buoy, Latitude: 30°46′1.80″ N, Longitude: 81°10′15.5″ W
7. Offshore—Approximately 10 nautical miles (11.5 miles) east of Jekyll Point; approximately 3.5 nautical miles (4 miles) southeast of St. Simons Sound entrance buoy, Latitude: 31°01′33.65″ N, Longitude: 81°10′15.5″ W
8. St. Andrew Sound—600 yards south of Jekyll Point, Latitude: 31°00′23.6″ N, Longitude: 81°26′4.75″ W
9. In vicinity of Todd Creek, approximately 1 nautical mile (1.15 miles) west of Floyd Basin, Latitude: 30°57′38.0″ N, Longitude: 81°32′25.5″ W

Proposed Test Activity Safety Zone

The proposed safety zone for test activities encompasses an area within a one nautical mile (1.15 miles) radius in each direction from the location of the launch site pad. The location of the launch site: Latitude: 30°56′50.67″ N, Longitude: 81°30′23.34″ W.

III. Information Requested

In support of the applicant's request and to provide for the public safety in connection with potential operations at Spaceport Camden, the COTP Savannah is seeking comments from interested persons on the establishment of two proposed safety zones on the navigable waters surrounding Spaceport Camden, in the vicinity of Woodbine, Georgia. These safety zones would be enforced during rocket launches, landings, and various rocket tests. Launch/landing safety zones would support launch/landing activities while test site safety zones would support rocket test activities. Vessels, both commercial and recreational, would be prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless specifically authorized by the COTP Savannah or a designated representative.

For launch activities, the safety zone is anticipated to be in effect for approximately four to six hours for medium-large launchers, but not longer than 12 hours. For small launches, the safety zone is anticipated to be in effect for two to three hours. A safety zone for rocket test activity is anticipated to be in effect for approximately 60 minutes or less. The COTP Savannah or a designated representative would inform the public through broadcast notice to mariners of the enforcement periods of the safety zone.

IV. Public Participation and Request for Comments

We encourage you to submit comments through the Federal 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. In your submission, please include the docket number for this notice of inquiry and provide a reason for each suggestion or recommendation.

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 notice of inquiry 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.

We plan to hold a public meeting to receive oral comments on this notice of inquiry and will announce the date, time, and location in a separate document published in the **Federal Register**. If you signed up for docket email alerts mentioned in the paragraph above, you will receive an email notice when the public meeting notice is published and placed in the docket.

Dated: September 4, 2018.

N.C. Witt,

Commander, U.S. Coast Guard, Captain of the Port Savannah.

[FR Doc. 2018–19661 Filed 9–10–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 180517486–8772–01]

RIN 0648–XG263

Atlantic Highly Migratory Species; 2019 Atlantic Shark Commercial Fishing Year

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would establish quotas, opening dates, and retention limits for the 2019 fishing year for the Atlantic commercial shark fisheries. Quotas would be adjusted as required or allowable based on any over- and/or underharvests experienced during the 2018 fishing year. In addition, NMFS proposes opening dates and commercial retention limits based on adaptive management measures to provide, to the extent practicable, fishing opportunities for commercial shark fishermen in all regions and areas. The proposed measures could affect fishing opportunities for commercial shark fishermen in the northwestern Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea.

DATES: Written comments must be received by October 11, 2018.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2018–0097, by any of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0097,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Brad McHale, NMFS/SF1, 1315 East-West Highway, National Marine Fisheries Service, SSMC3, Silver Spring, MD 20910.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of this proposed rule and supporting documents are available from the HMS Management Division website at *https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species* or by contacting Lauren Latchford or Chanté Davis by phone at (301) 427–8503.

FOR FURTHER INFORMATION CONTACT: Karyl Brewster-Geisz, Lauren Latchford, or Chanté Davis at (301) 427–8503.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic commercial shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. For the Atlantic commercial shark fisheries, the 2006 Consolidated HMS FMP and its amendments established commercial shark retention limits, commercial quotas for species and management groups, and accounting measures for under- and overharvests for the shark fisheries. The FMP also includes adaptive management measures, such as flexible opening dates for the fishing year and inseason adjustments to shark trip limits, which provide management flexibility in furtherance of equitable fishing opportunities, to the extent practicable, for commercial shark fishermen in all regions and areas.

2019 Proposed Quotas

This proposed rule would adjust the quota levels for the different shark stocks and management groups for the 2019 Atlantic commercial shark fishing year based on over- and underharvests that occurred during the 2018 fishing year, consistent with existing regulations at 50 CFR 635.27(b). Over- and underharvests are accounted for in the same region, sub-region, and/or fishery in which they occurred the following year, except that large overharvests may be spread over a number of subsequent fishing years up to a maximum of five years. Shark stocks that are overfished, have overfishing occurring, or have an unknown status, as well as management groups that contain one or more stocks that are overfished, have overfishing occurring, or have an unknown stock status, will not have underharvest carried over in the following year. Stocks or management groups that are not overfished and have no overfishing occurring may have any underharvest carried over in the following year, up to 50 percent of the base quota.

Based on harvests to date, and after considering catch rates and landings from previous years, NMFS proposes to adjust the 2019 quotas for some management groups as shown in Table 1. In the final rule, NMFS will adjust the quotas as needed based on dealer reports received by mid-October 2018. Thus, all of the 2019 proposed quotas for the respective stocks and management groups will be subject to further adjustment after NMFS considers the dealer reports through mid-October. All dealer reports that are received after the October date will be used to adjust 2020 quotas, as appropriate.

While the sub-quota for the western Gulf of Mexico aggregated large coastal shark (LCS) was exceeded this year, based on current landings in the eastern Gulf of Mexico for that management group and based on catch rates from previous years from the eastern Gulf of Mexico, NMFS does not believe the overall regional Gulf of Mexico aggregated LCS quota will be exceeded. Thus, NMFS proposes the base line quotas for the eastern and western Gulf of Mexico sub-regions. If catch rates in the eastern Gulf of Mexico increase, it is possible that in the final rule NMFS would need to reduce the western Gulf of Mexico sub-regional aggregated LCS quota to account for that sub-region's overharvest.

Because the Gulf of Mexico blacktip shark management group and smoothhound shark management groups

in the Gulf of Mexico and Atlantic regions have been determined not to be overfished, and to have no overfishing occurring, available underharvest (up to 50 percent of the base quota) from the 2018 fishing year for these management groups may be applied to the respective 2019 quotas. NMFS proposes to account for any underharvest of Gulf of Mexico blacktip sharks by dividing underharvest between the eastern and western Gulf of Mexico sub-regional quotas based on the sub-regional quota split percentage implemented in Amendment 6 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP).

For the sandbar shark, aggregated large coastal shark (LCS), hammerhead shark, non-blacknose small coastal shark (SCS), blacknose shark, blue shark, porbeagle shark, and pelagic shark (other than porbeagle or blue sharks) management groups, the 2018 underharvests cannot be carried over to the 2019 fishing year because those stocks or management groups have been determined to be overfished, overfished with overfishing occurring, or have an unknown status. Furthermore, with the exception of the sub-regional western Gulf of Mexico overharvest of the aggregated LCS quota described above, there were no overharvests to account for in these management groups. Thus, NMFS proposes that quotas for these management groups be equal to the annual base quota without adjustment.

The proposed 2019 quotas by species and management group are summarized in Table 1; the description of the calculations for each stock and management group can be found below.

TABLE 1—2019 PROPOSED QUOTAS AND OPENING DATES FOR THE ATLANTIC SHARK MANAGEMENT GROUPS

[All quotas and landings are dressed weight (dw), in metric tons (mt), unless specified otherwise. Table includes landings data as of July 13, 2018; final quotas are subject to change based on landings as of October 2018. 1 mt = 2,204.6 lb.]

Region or sub-region	Management group	2018 Annual quota (A)	Preliminary 2018 landings (B)[1]	Adjustments[2] (C)	2019 base Annual quota (D)	2019 proposed annual quota (D + C)
Western Gulf of Mexico.	Blacktip Sharks	347.2 mt dw	330.2 mt dw	34.6 mt dw[3]	231.0 mt dw	265.6 mt dw.
		765,392 lb dw	727,992 lb dw	76,401 lb dw	510,261 lb dw	586,662.2 lb dw.
	Aggregated Large Coastal Sharks	72 mt dw	92.2 mt dw		72.0 mt dw	72.0 mt dw.
		158,724 lb dw	203,400 lb dw		158,724 lb dw	158,724 lb dw.
	Hammerhead Sharks	11.9 mt dw	11.0 mt dw		11.9 mt dw	11.9 mt dw.
		26,301 lb dw	24,292 lb dw		26,301 lb dw	26,301 lb dw.
Eastern Gulf of Mexico.	Blacktip Sharks	37.7 mt dw	16.3 mt dw	3.8 mt dw[3]	25.1 mt dw	28.9 mt dw.
		83,158 lb dw	35,856 lb dw	8,301 lb dw	55,439 lb dw	63,740 lb dw
	Aggregated Large Coastal Sharks	85.5 mt dw	37.5 mt dw		85.5 mt dw	85.5 mt dw.
		188,593 lb dw	82,751 lb dw		188,593 lb dw	188,593 lb dw.
	Hammerhead Sharks	13.4 mt dw	6.2 mt dw		13.4 mt dw	13.4 mt dw.
		29,421 lb dw	13,696 lb dw		29,421 lb dw	29,421 lb dw.
Gulf of Mexico	Non-Blacknose Small Coastal Sharks.	112.6 mt dw	27.5 mt dw		112.6 mt dw	112.6. mt dw.
		248,215 lb dw	60,731 lb dw		248,215 lb dw	248,215 lb dw.
	Smoothhound Sharks	504.6 mt dw	0 mt dw	168.2 mt dw	336.4 mt dw	504.6 mt dw.
		1,112,441 lb dw	0 lb dw	370,814 lb dw	741,627 lb dw	1,112,441 lb dw.
Atlantic	Aggregated Large Coastal Sharks	168.9 mt dw	45.9 mt dw		168.9 mt dw	168.9 mt dw.
		372,552 lb dw	101,245 lb dw		372,552 lb dw	372,552 lb dw.
	Hammerhead Sharks	27.1 mt dw	4.9 mt dw		27.1 mt dw	27.1 mt dw.
		59,736 lb dw	10,777 lb dw		59,736 lb dw	59,736 lb dw.
	Non-Blacknose Small Coastal Sharks.	264.1 mt dw	55.1 mt dw		264.1 mt dw	264.1 mt dw.
		582,333 lb dw	121,385 lb dw		582,333 lb dw	582,333 lb dw
	Blacknose Sharks (South of 34° N lat. only).	17.2 mt dw	3.4 mt dw		17.2 mt dw	17.2 mt dw
		(37,921 lb dw)	7,501 lb dw		37,921 lb dw	3,7921 lb dw.
	Smoothhound Sharks	1802.6 mt dw	261.4 mt dw	600.85 mt dw	1201.7 mt dw	1802.55 mt dw.
		3,971,587 lb dw	576,181 lb dw	1,324,634 lb dw	2,649,268 lb dw	3,973,902 lb dw.
No regional quotas.	Non-Sandbar LCS Research	50.0 mt dw	11.2 mt dw		50.0 mt dw	50.0 mt dw.
		110,230 lb dw	24,799 lb dw		110,230 lb dw	110,230 lb dw.
	Sandbar Shark Research	90.7 mt dw	31.0 mt dw		90.7 mt dw	90.7 mt dw.
		199,943 lb dw	68,443 lb dw		199,943 lb dw	199,943 lb dw.
	Blue Sharks	273.0 mt dw	<13.6 mt dw		273.0 mt dw	273.0 mt dw.
		601,856 lb dw	(<30,000 lb dw)		601,856 lb dw	601,856 lb dw.
	Porbeagle Sharks	1.7 mt dw	0 mt dw		1.7 mt dw	1.7 mt dw.
		3,748 lb dw	0 lb dw		3,748 lb dw	3,748 lb dw.
	Pelagic Sharks Other Than Porbeagle or Blue sharks.	488.0 mt dw	38.1 mt dw		488.0 mt dw	488.0 mt dw.
		1,075,856 lb dw	83,896 lb dw		1,075,856 lb dw	1,075,856 lb dw.

[1] Landings are from January 1, 2018, through July 13, 2018, and are subject to change.

[2] Underharvest adjustments can only be applied to stocks or management groups that are not overfished and have no overfishing occurring. Also, the underharvest adjustments cannot exceed 50 percent of the base quota.

[3] This proposed rule would increase the overall Gulf of Mexico blacktip shark quota due to an overall underharvest of 38.4 mt dw (84,702 lb dw) in 2018. The overall quota would be split based on percentages that are allocated to each sub-region, as explained in the text.

1. Proposed 2019 Quotas for the Gulf of Mexico Region Shark Management Groups

The 2019 proposed commercial quota for blacktip sharks in the western Gulf of Mexico sub-region is 265.6 mt dw (586,662 lb dw) and the eastern Gulf of Mexico sub-region is 28.9 mt dw (63,740 lb dw; Table 1). As of July 13, 2018, preliminary reported landings for blacktip sharks in the western Gulf of Mexico sub-region were at 95 percent (330.2 mt dw) of their 2018 quota levels (347.2 mt dw), while the blacktip sharks in the eastern Gulf of Mexico sub-region were at 43 percent (16.3 mt dw) of their 2018 quota levels (37.7 mt dw). Reported landings have not exceeded the 2018 quota to date, and the western Gulf of Mexico sub-region fishery was closed on March 13, 2018 (83 FR 10802). Gulf of Mexico blacktip sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2)(ii), underharvests for blacktip sharks within the Gulf of Mexico region therefore could be applied to the 2019 quotas up to 50 percent of the base quota. Additionally,

any underharvest would be divided between the two sub-regions, based on the percentages that are allocated to each sub-region, which are set forth in § 635.27(b)(1)(ii)(C). To date, the overall Gulf of Mexico blacktip shark management group is underharvested by 38.4 mt dw (84,702 lb dw). Accordingly, the western Gulf of Mexico blacktip shark quota would be increased by 34.6 mt dw or 90.2 percent of the underharvest, while the eastern Gulf of Mexico blacktip shark sub-regional quota would be increased by 3.8 mt dw, or 9.8 percent of the underharvest (Table 1). Thus, the proposed western sub-regional Gulf of Mexico blacktip shark commercial quota is 265.6 mt dw (586,662 lb dw), and the proposed eastern sub-regional Gulf of Mexico blacktip shark commercial quota is 28.9 mt dw (63,740 lb dw).

The 2019 proposed commercial quota for aggregated LCS in the western Gulf of Mexico sub-region is 72.0 mt dw (158,724 lb dw), and the eastern Gulf of Mexico sub-region is 85.5 mt dw (188,593 lb dw; Table 1). As of July 13, 2018, preliminary reported landings for aggregated LCS in the western Gulf of Mexico sub-region were at 128 percent (92.2 mt dw) of their 2018 quota levels (72.0 mt dw), while the aggregated LCS in the eastern Gulf of Mexico sub-region were at 44 percent (37.5 mt dw) of their 2018 quota levels (85.5 mt dw). Reported landings have not exceeded the overall Gulf of Mexico regional 2018 quota to date, and the western aggregated LCS sub-region fishery was closed on March 13, 2018 (83 FR 10802). Given the unknown status of some of the shark species within the Gulf of Mexico aggregated LCS management group, underharvests cannot be carried over pursuant to § 635.27(b)(2)(ii). Therefore, based on both preliminary estimates and catch rates from previous years, and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2019 quotas for aggregated LCS in the western Gulf of Mexico and eastern Gulf of Mexico sub-regions be equal to their annual base quotas without adjustment, because the overall regional quota has not been overharvested and because underharvests cannot be carried over due to stock status.

The 2019 proposed commercial quotas for hammerhead sharks in the western Gulf of Mexico sub-region and eastern Gulf of Mexico sub-region are 11.9 mt dw (26,301 lb dw) and 13.4 mt dw (29,421 lb dw), respectively (Table 1). As of July 13, 2018, preliminary reported landings for hammerhead sharks in the western Gulf of Mexico sub-region were at 92 percent (11.0 mt dw) of their 2018 quota levels (11.9 mt dw), while landings of hammerhead sharks in the eastern Gulf of Mexico sub-region were at 47 percent (6.2 mt dw) of their 2018 quota levels (13.4 mt dw). Reported landings from both Gulf of Mexico and Atlantic regions have not exceeded the 2018 overall hammerhead quota to date, and the western hammerhead shark Gulf of Mexico sub-region fishery was closed on March 13, 2018 (83 FR 10802). Given the overfished status of the scalloped hammerhead shark, the hammerhead shark quota cannot be adjusted for any underharvests. Therefore, based on both preliminary estimates and catch rates from previous years, the fact that the 2018 overall hammerhead shark quota has not been overharvested to date, and consistent with the current regulations at § 635.27(b)(2)(ii), NMFS proposes that the 2019 quotas for hammerhead sharks in the western Gulf of Mexico and eastern Gulf of Mexico sub-regions be equal to their annual base quotas without adjustment.

The 2019 proposed commercial quota for non-blacknose SCS in the Gulf of Mexico region is 112.6 mt dw (248,215 lb dw). As of July 13, 2018, preliminary reported landings of non-blacknose SCS were at 24 percent (27.5 mt dw) of their 2018 quota level (112.6 mt dw) in the Gulf of Mexico region. Reported landings have not exceeded the 2018 quota to date. Given the unknown status of bonnethead sharks within the Gulf of Mexico non-blacknose SCS management group, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on both preliminary estimates and catch rates from previous years, and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2019 quota for non-blacknose SCS in the Gulf of Mexico region be equal to the annual base quota without adjustment, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

The 2019 proposed commercial quota for smoothhound sharks in the Gulf of Mexico region is 504.6 mt dw (1,112,441 lb dw). As of July 13, 2018, there are no preliminary reported landings of smoothhound sharks in the Gulf of Mexico region. Gulf of Mexico smoothhound sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2)(ii), underharvests for smoothhound sharks within the Gulf of Mexico region therefore could be applied to the 2019 quotas up to 50 percent of the base quota. Accordingly, NMFS proposes to increase the 2019 Gulf of Mexico smoothhound shark quota to adjust for anticipated underharvests in 2018 as allowed. The proposed 2019 adjusted base annual quota for Gulf of Mexico smoothhound sharks is 504.6 mt dw (336.4 mt dw annual base quota + 168.2 mt dw 2018 underharvest = 504.6 mt dw 2019 adjusted annual quota).

2. Proposed 2019 Quotas for the Atlantic Region Shark Management Groups

The 2019 proposed commercial quota for aggregated LCS in the Atlantic region is 168.9 mt dw (372,552 lb dw). As of July 13, 2018, the aggregated LCS fishery in the Atlantic region is still open and preliminary landings indicate that only 27 percent of the quota, or 45.9 mt dw, has been harvested. Given the unknown status of some of the shark species within the Atlantic aggregated LCS management group, underharvests cannot be carried over pursuant to § 635.27(b)(2)(ii). Therefore, based on both preliminary estimates and catch rates from previous years, and consistent with current regulations at § 635.27(b)(2), NMFS proposes that the 2018 quota for aggregated LCS in the Atlantic region be equal to the annual base quota without adjustment, because there have not been any overharvests and underharvests cannot be carried over due to stock status.

The 2019 proposed commercial quota for hammerhead sharks in the Atlantic region is 27.1 mt dw (59,736 lb dw). Currently, the hammerhead shark fishery in the Atlantic region is still open and preliminary landings as of July 13, 2018, indicate that only 18 percent of the Atlantic regional quota, or 4.9 mt dw, has been harvested. Reported landings from both Gulf of Mexico and Atlantic regions have not exceeded the 2018 overall hammerhead quota to date. Given the overfished status of hammerhead sharks, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on both preliminary estimates and catch rates from previous years, and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2019 quota for hammerhead sharks in the Atlantic region be equal to the annual base quota without adjustment, because the overall hammerhead shark quota has not been overharvested, and because underharvests cannot be carried over due to stock status.

The 2019 proposed commercial quota for non-blacknose SCS in the Atlantic region is 264.1 mt dw (582,333 lb dw). As of July 13, 2018, preliminary reported landings of non-blacknose SCS were at 21 percent (55.1 mt dw) of their

2018 quota level in the Atlantic region. Reported landings have not exceeded the 2018 quota to date. Given the unknown status of bonnethead sharks within the Atlantic non-blacknose SCS management group, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates of catch rates from previous years, and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2019 quota for non-blacknose SCS in the Atlantic region be equal to the annual base quota without adjustment, because there have not been any overharvests, and because underharvests cannot be carried over due to stock status.

The 2019 proposed commercial quota for blacknose sharks in the Atlantic region is 17.2 mt dw (37,921 lb dw). This quota is available in the Atlantic region only for those vessels operating south of 34° N. latitude. North of 34° N. latitude, retention, landing, or sale of blacknose sharks is prohibited. As of July 13, 2018, preliminary reported landings of blacknose sharks were at 20 percent (3.4 mt dw) of their 2018 quota levels in the Atlantic region. Reported landings have not exceeded the 2018 quota to date. Pursuant to § 635.27(b)(2), because blacknose sharks have been declared to be overfished with overfishing occurring in the Atlantic region, NMFS could not carry forward the remaining underharvest. Therefore, NMFS proposes that the 2019 Atlantic blacknose shark quota be equal to the annual base quota without adjustment.

The 2019 proposed commercial quota for smoothhound sharks in the Atlantic region is 1,802.6 mt dw (3,973,902 lb dw). As of July 13, 2018, preliminary reported landings of smoothhound sharks were at 14 percent (261.4 mt dw) of their 2018 quota levels in the Atlantic region. Atlantic smoothhound sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2)(ii), underharvests for smoothhound sharks within the Atlantic region therefore could be applied to the 2019 quotas up to 50 percent of the base quota. Accordingly, NMFS proposes to increase the 2019 Atlantic smoothhound shark quota to adjust for anticipated underharvests in 2018 as allowed. The proposed 2019 adjusted base annual quota for Atlantic smoothhound sharks is 1,802.6 mt dw (1,201.7 mt dw annual base quota + 600.9 mt dw 2018 underharvest = 1,802.6 mt dw 2019 adjusted annual quota).

3. Proposed 2019 Quotas for Shark Management Groups With No Regional Quotas

The 2019 proposed commercial quotas within the shark research fishery are 50 mt dw (110,230 lb dw) for research LCS and 90 mt dw (199,943 lb dw) for sandbar sharks. Within the shark research fishery, as of July 13, 2018, preliminary reported landings of research LCS were at 22 percent (11.2 mt dw) of their 2018 quota levels, and sandbar shark reported landings were at 34 percent (31.0 mt dw) of their 2018 quota levels. Reported landings have not exceeded the 2018 quotas to date. Under § 635.27(b)(2)(ii), because sandbar sharks and scalloped hammerhead sharks within the research LCS management group have been determined to be either overfished or overfished with overfishing occurring, underharvests for these management groups cannot be carried forward to the 2019 quotas. Therefore, based on preliminary estimates, and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2019 quota in the shark research fishery be equal to the annual base quota without adjustment because there have not been any overharvests, and because underharvests cannot be carried over due to stock status.

The 2019 proposed commercial quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle or blue sharks) are 273.0 mt dw (601,856 lb dw), 1.7 mt dw (3,748 lb dw), and 488.0 mt dw (1,075,856 lb dw), respectively. As of July 13, 2018, preliminary reported landings of blue sharks were at less than 5 percent (less than 13.6 mt dw) of their 2018 quota level (273.0 mt dw), there are no preliminary reported landings of porbeagle sharks, and landings of pelagic sharks (other than porbeagle and blue sharks) were at 8 percent (38.1 mt dw) of their 2018 quota level (488.0 mt dw). Given that these pelagic species are overfished, have overfishing occurring, or have an unknown status, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2019 quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle and blue sharks) be equal to their annual base quotas without adjustment, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

4. Proposed Opening Dates and Retention Limits for the 2019 Atlantic Commercial Shark Fishing Year

For each fishery, NMFS considered the seven ''Opening Commercial Fishing Season Criteria'' listed at § 635.27(b)(3). The Criteria includes factors such as the available annual quotas for the current fishing season, estimated season length and average weekly catch rates from previous years, length of the season and fishery participation in past years, impacts to accomplishing objectives of the 2006 Consolidated Atlantic HMS FMP and its amendments, temporal variation in behavior or biology of target species (*e.g.,* seasonal distribution or abundance), impact of catch rates in one region on another, and effects of delayed openings.

NMFS applied the Opening Commercial Fishing Season Criteria by examining the over- and underharvests of the different management groups in the 2018 fishing year to determine the likely effects of the proposed commercial quotas for 2019 on shark stocks and fishermen across regional and sub-regional fishing areas. NMFS also examined the potential season length and previous catch rates to ensure, to the extent practicable, that equitable fishing opportunities be provided to fishermen in all areas. Lastly, NMFS examined the seasonal variation of the different species/management groups and the effects on fishing opportunities.

NMFS also considered the six ''Inseason trip limit adjustment criteria'' listed at § 635.24(a)(8) for directed shark limited access permit holders intending to land LCS other than sandbar sharks. Those criteria are: the amount of remaining shark quota in the relevant area or region, to date, based on dealer reports; the catch rates of the relevant shark species/complexes, to date, based on dealer reports; estimated date of fishery closure based on when the landings are projected to reach 80-percent of the available overall, regional, and/or sub-regional quota, if the fishery's landings are not projected to reach 100 percent of the applicable quota before the end of the season, or when the season of a quota-linked management group is closed; effects of the adjustment on accomplishing the objectives of the 2006 Consolidated Atlantic HMS FMP and its amendments; variations in seasonal distribution, abundance, or migratory patterns of the relevant shark species based on scientific and fishery-based knowledge; and/or effects of catch rates in one part of a region precluding vessels in another part of that region from having a

reasonable opportunity to harvest a portion of the relevant quota.

After considering all these criteria, NMFS is proposing to open the 2019 Atlantic commercial shark fishing season for all shark management groups in the northwestern Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea, on or about January 1, 2019, after the publication of the final rule for this action (Table 2). NMFS is also proposing to start the 2019 commercial shark fishing season with the commercial retention limit of 36 LCS other than sandbar sharks per vessel per trip in both the eastern and western Gulf of Mexico sub-regions, and a commercial retention limit of 25 LCS other than sandbar sharks per vessel per trip in the Atlantic region (Table 2). NMFS will consider public comments received during the current year and catch rates from this year. Any retention limits that are proposed could change as a result of public comments as well as catch rates and landings information based on updated data available when drafting the final rule.

TABLE 2—QUOTA LINKAGES, SEASON OPENING DATES, AND COMMERCIAL RETENTION LIMIT BY REGIONAL OR SUB-REGIONAL SHARK MANAGEMENT GROUP

Region or sub-region	Management group	Quota linkages	Season opening dates	Commercial retention limits for directed shark limited access permit holders (inseason adjustments are possible)
Western Gulf of Mexico.	Blacktip Sharks Aggregated Large Coastal Sharks Hammerhead Sharks	Not Linked Linked	January 1, 2019 ..	36 LCS other than sandbar sharks per vessel per trip.
Eastern Gulf of Mexico.	Blacktip Sharks Aggregated Large Coastal Sharks Hammerhead Sharks	Not Linked Linked	January 1, 2019 ..	36 LCS other than sandbar sharks per vessel per trip. NMFS anticipates an inseason increase to 50 large coastal sharks other than sandbar sharks per vessel per trip around April 1, 2019.
Gulf of Mexico	Non-Blacknose Small Coastal Sharks Smoothhound Sharks	Not Linked Not Linked	January 1, 2019 .. January 1, 2019 ..	N/A. N/A.
Atlantic	Aggregated Large Coastal Sharks Hammerhead Sharks	Linked	January 1, 2019 ..	25 LCS other than sandbar sharks per vessel per trip. If quota is landed quickly (*e.g.*, if approximately 20 percent of quota is caught at the beginning of the year), NMFS anticipates an inseason reduction (*e.g.*, to 3 or fewer LCS other than sandbar sharks per vessel per trip), then an inseason increase to 36 LCS other than sandbar sharks per vessel per trip around July 15, 2019.
	Non-Blacknose Small Coastal Sharks	Linked (South of 34° N lat. only).	January 1, 2019 ..	N/A.
	Blacknose Sharks (South of 34° N lat. only).			8 Blacknose sharks per vessel per trip (applies to directed and incidental permit holders).
	Smoothhound Sharks	Not Linked	January 1, 2019 ..	N/A.
No regional quotas	Non-Sandbar LCS Research Sandbar Shark Research	Linked	January 1, 2019 ..	N/A.
	Blue Sharks Porbeagle Sharks Pelagic Sharks Other Than Porbeagle or Blue.	Not Linked	January 1, 2019 ..	N/A.

In the Gulf of Mexico region, NMFS proposes opening the fishing season on or about January 1, 2019, for the aggregated LCS, blacktip sharks, and hammerhead shark management groups with the commercial retention limits of 36 LCS other than sandbar sharks per vessel per trip for directed shark permit holders in the eastern and western sub-region. This opening date and retention limit combination would provide, to the extent practicable, equitable opportunities across the fisheries management sub-regions. This opening date takes into account all the season opening criteria listed in § 635.27(b)(3), and particularly the criteria that NMFS consider the length of the season for the different species and/or management group in the previous years (§ 635.27(b)(3)(ii) and (iii)) and whether fishermen were able to participate in the fishery in those years (§ 635.27(b)(3)(v)). The proposed commercial retention limits take into account the criteria listed in § 635.24(a)(8), and particularly the criterion that NMFS consider the catch rates of the relevant shark species/complexes based on dealer reports to date (§ 635.24(a)(8)(ii)). NMFS may also adjust the retention limit in the Gulf of Mexico region throughout the season to ensure fishermen in all parts of the region have an opportunity to harvest aggregated LCS, blacktip sharks, and hammerhead sharks (see the criteria listed at § 635.27(b)(3)(v) and § 635.24(a)(8)(ii), (v), and (vi)). In 2018, the aggregated LCS, hammerhead, and blacktip shark management groups in the western Gulf of Mexico sub-region were closed on March 13, 2018 (82 FR 20447). As such, in 2019, NMFS is proposing a reduction in the commercial trip limit for these management groups in order to ensure the management group is open until at least April 2019, which is when the State of Louisiana closes state waters to shark fishing and when that State has previously asked that NMFS close Federal shark fisheries to match state regulations (see the criteria listed at § 635.27(b)(3)(vii) and

§ 635.24(a)(8)(iii)). In the eastern Gulf of Mexico, NMFS is proposing a lower trip limit to ensure fishermen in both Gulf of Mexico sub-regions have an opportunity to harvest aggregated LCS, blacktip sharks, and hammerhead sharks and to reduce any confusion or inequities caused by establishing different catch limits for each sub-region. When the western Gulf of Mexico sub-region closes, which is expected to occur around April 1, 2019, NMFS may increase the eastern Gulf of Mexico sub-region retention limit, potentially up to 50 or 55 sharks per trip. Modifying the retention limit on an inseason basis in this manner is similar to what NMFS has done successfully in recent years in the Atlantic region. NMFS expects such changes in retention limit to allow fishermen in the eastern Gulf of Mexico the opportunity to fully land the available quotas.

In the Atlantic region, NMFS proposes opening the aggregated LCS and hammerhead shark management groups on or about January 1, 2019. This opening date is the same date that these management groups opened in 2018. As described below, this opening date also takes into account all the criteria listed in § 635.27(b)(3), and particularly the criterion that NMFS consider the effects of catch rates in one part of a region precluding vessels in another part of that region from having a reasonable opportunity to harvest a portion of the different species and/or management quotas (§ 635.27(b)(3)(v)). The 2018 data indicates that an opening date of January 1, coupled with inseason adjustments to the retention limit, provided a reasonable opportunity for fishermen in every part of each region to harvest a portion of the available quotas (§ 635.27(b)(3)(i)) while accounting for variations in seasonal distribution of the different species in the management groups (§ 635.27(b)(3)(iv)). In 2018, when the aggregated LCS quota was harvested too quickly, NMFS reduced the retention limit to three sharks per trip (May 10, 2018; 83 FR 17765) to allow fishermen in the North Atlantic an opportunity to fish later in the year when sharks are available in the North Atlantic area (see the criteria at § 635.24(a)(3)(i), (ii), (v), and (vi)). NMFS then increased the retention limit to 36 sharks per trip on July 18, 2018 (83 FR 33870), to increase fishing opportunities for all fishermen across the Atlantic region. Because the quotas we propose for 2019 are the same as the quotas in 2018, NMFS expects that the season lengths and therefore the participation of various fishermen throughout the region, would be similar in 2019 (§ 635.27(b)(3)(ii) and (iii)). Based on the recent performance of the fishery, the January 1 opening date appears to meet the objectives of the 2006 Consolidated Atlantic HMS FMP and its amendments (§ 635.27(b)(3)(vi)). Therefore, changing the opening date in the fishery seems unnecessary.

In addition, for the aggregated LCS and hammerhead shark management groups in the Atlantic region, NMFS proposes opening the fishing year with the commercial retention limit for directed shark limited access permit holders of 25 LCS other than sandbar sharks per vessel per trip. This retention limit should allow fishermen to harvest some of the 2019 quota at the beginning of the year when sharks are more prevalent in the South Atlantic area (see the criteria at § 635.24(a)(3)(i), (ii), (v), and (vi)). As was done in 2018, if it appears that the quota is being harvested too quickly (*i.e.,* about 20 percent) to allow directed fishermen throughout the entire region an opportunity to fish and ensure enough quota remains until later in the year, NMFS would reduce the commercial retention limits to incidental levels (3 LCS other than sandbar sharks per vessel per trip) or another level calculated to reduce the harvest of LCS taking into account § 635.27(b)(3) and the inseason trip limit adjustment criteria listed in § 635.24(a)(8). If the quota continues to be harvested quickly, NMFS could reduce the retention limit to 0 LCS other than sandbar sharks per vessel per trip to ensure enough quota remains until later in the year. If either situation occurs, NMFS would publish in the **Federal Register** notification of any inseason adjustments of the retention limit to an appropriate limit of sharks per trip. In 2018, NMFS reduced the retention limit to 3 LCS other than sandbar sharks on May 10, 2018 (83 FR 21744) when the aggregated LCS landings reached approximately 20 percent of the aggregated LCS quota, and did not need to reduce it further.

Also, as was done in 2018, NMFS will consider increasing the commercial retention limits per trip at a later date if necessary to provide fishermen in the northern portion of the Atlantic region an opportunity to retain aggregated LCS and hammerhead sharks after considering the appropriate inseason adjustment criteria. Similarly, at some point later in the year (*e.g.,* July 15), potentially equivalent to how the 2018 fishing season operated, NMFS may consider increasing the retention limit to 36 LCS other than sandbar sharks per vessel per trip or another amount, as deemed appropriate, after considering the inseason trip limit adjustment criteria. If the quota is being harvested too quickly or too slowly, NMFS could adjust the retention limit appropriately to ensure the fishery remains open most of the rest of the year. Since the fishery is still open with a majority of the quota available, NMFS will monitor the rest of the fishing year and could make changes to the proposed 2019 opening date if necessary to ensure equitable fishing opportunities.

All of the shark management groups would remain open until December 31, 2019, or until NMFS determines that the landings for any shark management group have reached, or are projected to reach, 80-percent of the available overall, regional, and/or sub-regional quota, if the fishery's landings are not projected to reach 100 percent of the applicable quota before the end of the season, or when the quota-linked management group is closed. If NMFS determines that a non-linked shark species or management group must be closed, then, consistent with § 635.28(b)(2) for non-linked quotas (*e.g.,* eastern Gulf of Mexico blacktip, western Gulf of Mexico blacktip, Gulf of Mexico non-blacknose SCS, pelagic sharks, or the Atlantic or Gulf of Mexico smoothhound sharks), NMFS will publish in the **Federal Register** a notice of closure for that shark species, shark management group, region, and/or sub-region that will be effective no fewer than four days from the date of filing (83 FR 31677). For the blacktip shark management group, regulations at § 635.28(b)(5)(i) through (v) authorize NMFS to close the management group before landings reach, or are expected to reach, 80-percent of the available overall, regional, and/or sub-regional quota, after considering the following criteria and other relevant factors: Season length based on available sub-regional quota and average sub-regional catch rates; variability in regional and/or sub-regional seasonal distribution, abundance, and migratory patterns; effects on accomplishing the objectives of the 2006 Consolidated Atlantic HMS FMP and its amendments; amount of remaining shark quotas in the relevant sub-region; and regional and/or sub-regional catch rates of the relevant shark species or management groups. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for the shark species or management group are closed, even across fishing years.

If NMFS determines that a linked shark species or management group must be closed, then, consistent with

§ 635.28(b)(3) for linked quotas and the Final Rule to Revise Atlantic Highly Migratory Species Shark Fishery Closure Regulations (83 FR 31677), NMFS will publish in the **Federal Register** a notice of closure for all of the species and/or management groups in a linked group that will be effective no fewer than four days from date of filing. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for all linked species and/or management groups are closed, even across fishing years. The linked quotas of the species and/or management groups are Atlantic hammerhead sharks and Atlantic aggregated LCS; eastern Gulf of Mexico hammerhead sharks and eastern Gulf of Mexico aggregated LCS; western Gulf of Mexico hammerhead sharks and western Gulf of Mexico aggregated LCS; and Atlantic blacknose and Atlantic non-blacknose SCS south of 34° N. latitude.

Request for Comments

Comments on this proposed rule may be submitted via *www.regulations.gov* or by mail. NMFS solicits comments on this proposed rule by October 11, 2018 (see **DATES** and **ADDRESSES**).

Classification

The NMFS Assistant Administrator has determined that the proposed rule is consistent with the 2006 Consolidated Atlantic HMS FMP and its amendments, the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

These proposed specifications are exempt from review under Executive Order 12866.

NMFS determined that the final rules to implement Amendment 2 to the 2006 Consolidated Atlantic HMS FMP (June 24, 2008, 73 FR 35778; corrected on July 15, 2008, 73 FR 40658), Amendment 5a to the 2006 Consolidated Atlantic HMS FMP (78 FR 40318; July 3, 2013), Amendment 6 to the 2006 Consolidated Atlantic HMS FMP (80 FR 50073; August 18, 2015), and Amendment 9 to the 2006 Consolidated Atlantic HMS FMP (80 FR 73128; November 24, 2015) are consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of coastal states on the Atlantic including the Gulf of Mexico and the Caribbean Sea as required under the Coastal Zone Management Act. Pursuant to 15 CFR 930.41(a), NMFS provided the Coastal Zone Management Program of each coastal state a 60-day period to review the consistency determination and to advise the Agency of their concurrence. NMFS received concurrence with the consistency determinations from several states and inferred consistency from those states that did not respond within the 60-day time period. This proposed action to establish opening dates and adjust quotas for the 2019 fishing year for the Atlantic commercial shark fisheries does not change the framework previously consulted upon; therefore, no additional consultation is required.

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. The IRFA analysis follows.

Section 603(b)(1) of the RFA requires agencies to explain the purpose of the rule. This rule, consistent with the Magnuson-Stevens Act and the 2006 Consolidated Atlantic HMS FMP and its amendments, is being proposed to establish the 2019 commercial shark fishing quotas, retention limits, and fishing seasons. Without this rule, the commercial shark fisheries would close on December 31, 2018, and would not open until another action was taken. This proposed rule would be implemented according to the regulations implementing the 2006 Consolidated Atlantic HMS FMP and its amendments. Thus, NMFS expects few, if any, economic impacts to fishermen other than those already analyzed in the 2006 Consolidated Atlantic HMS FMP and its amendments, based on the quota adjustments.

Section 603(b)(2) of the RFA requires agencies to explain the rule's objectives. The objectives of this rule are to: Adjust the baseline quotas for all shark management groups based on any over- and/or underharvests from the previous fishing year(s); establish the opening dates of the various management groups; and establish the retention limits for the blacktip shark, aggregated large coastal shark, and hammerhead shark management groups in order to provide, to the extent practicable, equitable opportunities across the fishing management regions and/or sub-regions while also considering the ecological needs of the different shark species.

Section 603(b)(3) of the RFA requires agencies to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including fish harvesters. Provision is made under SBA's regulations for an agency to develop its own industry-specific size standards after consultation with Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). Under this provision, NMFS may establish size standards that differ from those established by the SBA Office of Size Standards, but only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA. To utilize this provision, NMFS must publish such size standards in the **Federal Register**, which NMFS did on December 29, 2015 (80 FR 81194). In this final rule effective on July 1, 2016, NMFS established a small business size standard of $11 million in annual gross receipts for all businesses in the commercial fishing industry (NAICS 11411) for RFA compliance purposes. NMFS considers all HMS permit holders to be small entities because they had average annual receipts of less than $11 million for commercial fishing.

As of October 2017, the proposed rule would apply to the approximately 221 directed commercial shark permit holders, 269 incidental commercial shark permit holders, 154 smoothhound shark permit holders, and 113 commercial shark dealers. Not all permit holders are active in the fishery in any given year. Active directed commercial shark permit holders are defined as those with valid permits that landed one shark based on HMS electronic dealer reports. Of the 490 directed and incidental commercial shark permit holders, only 28 permit holders landed sharks in the Gulf of Mexico region and only 78 landed sharks in the Atlantic region. Of the 154 smoothhound shark permit holders, only 26 permit holders landed smoothhound sharks in the Atlantic region and none landed smoothhound sharks in the Gulf of Mexico region. NMFS has determined that the proposed rule would not likely affect any small governmental jurisdictions.

This proposed rule does not contain any new reporting, recordkeeping, or other compliance requirements (5 U.S.C. 603(b)(4)). Similarly, this proposed rule would not conflict, duplicate, or overlap with other relevant Federal rules (5 U.S.C. 603(b)(5)). Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements as domestically implemented, domestic laws, and FMPs. These include, but are not limited to, the Magnuson-Stevens Act, the Atlantic Tunas Convention Act, the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the Endangered

Species Act, the National Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act.

Section 603(c) of the RFA requires each IRFA to contain a description of any significant alternatives to the proposed rule which would accomplish the stated objectives of applicable statutes and minimize any significant economic impact of the proposed rule on small entities. Additionally, the RFA (5 U.S.C. 603(c)(1)–(4)) lists four general categories of significant alternatives that would assist an agency in the development of significant alternatives. These categories of alternatives are: (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and, (4) exemptions from coverage of the rule for small entities. In order to meet the objectives of this proposed rule, consistent with the Magnuson-Stevens Act, NMFS cannot exempt small entities or change the reporting requirements only for small entities because all the entities affected are considered small entities; therefore, there are no alternatives discussed that fall under the first, second, and fourth categories described above. NMFS does not know of any performance or design standards that would satisfy the aforementioned objectives of this rulemaking while, concurrently, complying with the Magnuson-Stevens Act; therefore, there are no alternatives considered under the third category.

This rulemaking does not establish management measures to be implemented, but rather implements previously adopted and analyzed measures with adjustments, as specified in the 2006 Consolidated Atlantic HMS FMP and its amendments and the Environmental Assessment (EA) that accompanied the 2011 shark quota specifications rule (75 FR 76302; December 8, 2010). Thus, NMFS proposes to adjust quotas established and analyzed in the 2006 Consolidated Atlantic HMS FMP and its amendments by subtracting the underharvest or adding the overharvest as allowable. Thus, NMFS has limited flexibility to modify the quotas in this rule, the impacts of which were analyzed in previous regulatory flexibility analyses.

Based on the 2017 ex-vessel price (Table 3), fully harvesting the unadjusted 2019 Atlantic shark commercial baseline quotas could result in total fleet revenues of $7,184,943. For the Gulf of Mexico blacktip shark management group, NMFS is proposing to increase the baseline sub-regional quotas due to the underharvests in 2018. The increase for the western Gulf of Mexico blacktip shark management group could result in a $79,243 gain in total revenues for fishermen in that sub-region, while the increase for the eastern Gulf of Mexico blacktip shark management group could result in a $9,781 gain in total revenues for fishermen in that sub-region. For the Gulf of Mexico and Atlantic smoothhound shark management groups, NMFS is proposing to increase the baseline quotas due to the underharvest in 2018. This would cause a potential gain in revenue of $581,718 for the fleet in the Gulf of Mexico region and a potential gain in revenue of $1,323,867 for the fleet in the Atlantic region.

All of these changes in gross revenues are similar to the changes in gross revenues analyzed in the 2006 Consolidated Atlantic HMS FMP and its amendments. The final regulatory flexibility analyses for those amendments concluded that the economic impacts on these small entities are expected to be minimal. In the 2006 Consolidated Atlantic HMS FMP and its amendments and the EA for the 2011 shark quota specifications rule, NMFS stated it would be conducting annual rulemakings and considering the potential economic impacts of adjusting the quotas for under- and overharvests at that time.

TABLE 3—AVERAGE EX-VESSEL PRICES PER LB DW FOR EACH SHARK MANAGEMENT GROUP, 2017

Region	Species	Average ex-vessel meat price	Average ex-vessel fin price
Western Gulf of Mexico	Blacktip Shark	$0.51	$11.03
	Aggregated LCS	0.51	12.51
	Hammerhead Shark	0.67	11.67
Eastern Gulf of Mexico	Blacktip Shark	0.62	8.22
	Aggregated LCS	0.43	13.00
	Hammerhead Shark	0.55	12.80
Gulf of Mexico	Non-Blacknose SCS	0.38	8.68
	Smoothhound Shark	1.50	1.91
Atlantic	Aggregated LCS	0.95	11.47
	Hammerhead Shark	0.41	13.91
	Non-Blacknose SCS	0.96	7.33
	Blacknose Shark	1.05	7.33
	Smoothhound Shark	0.70	1.63
No Region	Shark Research Fishery (Aggregated LCS)	0.80	12.40
	Shark Research Fishery (Sandbar only)	0.50	12.40
	Blue shark	1.40	11.44
	Porbeagle shark*	1.54	2.82
	Other Pelagic sharks	1.52	2.82

* Used other pelagic shark ex-vessel prices for porbeagle sharks ex-vessel prices since there currently are no landings of porbeagle sharks.

For this rule, NMFS also reviewed the criteria at § 635.27(b)(3) to determine when opening each fishery would provide equitable opportunities for fishermen, to the extent practicable, while also considering the ecological needs of the different species. The opening dates of the fishing season(s) could vary depending upon the available annual quota, catch rates, and number of fishing participants during the year. For the 2019 fishing year, NMFS is proposing to open all of the shark management groups on the effective date of the final rule for this action (expected to be on or about January 1). The direct and indirect economic impacts would be neutral on

a short- and long-term basis because NMFS is not proposing to change the opening dates of these fisheries from the status quo.

Authority 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

Dated: September 5, 2018.

Samuel D. Rauch, III,

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

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Notices

Federal Register
Vol. 83, No. 176
Tuesday, September 11, 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

Forest Service

Lake Tahoe Basin Management Unit; CA; Meeks Bay Restoration Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Forest Service, Lake Tahoe Basin Management Unit (LTBMU) will prepare an Environmental Impact Statement (EIS) for the Meeks Bay Restoration Project. The LTBMU proposes to conduct restoration and recreation enhancement work at Meeks Bay Resort, Meeks Bay Campground, and in Meeks Creek and Meeks Marina.

DATES: Comments concerning the scope of the analysis must be received by October 26, 2018. The draft EIS is expected August 2019 and the final EIS is expected February 2020.

ADDRESSES: Send written comments to Lake Tahoe Basin Management Unit, 35 College Drive, South Lake Tahoe, CA 96150. Comments may also be sent via email to *comments-pacificsouthwest-ltbmu@fs.fed.us,* or via facsimile to 530–543–2693. Project information will be posted to the project website *http://www.fs.usda.gov/goto/ltbmu/meeksbayrestoration.* A public meeting will be held at Meeks Bay Resort, 7941 Emerald Bay Road, Meeks Bay, CA.

FOR FURTHER INFORMATION CONTACT: Gina Thompson, 530–543–2675, *gthompson04@fs.fed.us* or Denise Downie, 530–543–2683, *dedownie@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The deteriorating condition of the existing marina infrastructure, concerns over aquatic invasive species, and concerns over degraded habitat for native species have prompted the need for action in Meeks Bay. The purpose of this project is to move the Meeks Creek stream channel and wetland/lagoon below State Route 89 (SR89) to a more natural condition where geomorphic and hydrologic processes support a functioning ecosystem while continuing to support sustainable recreation opportunities.

There is a need to improve water quality in Meeks Creek; restore degraded aquatic, riparian, and wetland habitats and barrier beaches; provide high quality habitat that is resilient to a changing climate; improve fish passage through the SR 89 stream crossing; control or eradicate current populations of terrestrial and aquatic invasive plant species; maintain and enhance access to Lake Tahoe and National Forest System lands; provide sustainable recreation opportunities consistent with a functioning ecosystem; enhance educational and interpretive opportunities; enhance species of value to the Washoe Tribe of Nevada and California; and promote the Federally protected species Tahoe yellowcress (*Rorippa subumbellata*) and Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*).

Proposed Action

All project activities are proposed at the Meeks Bay Resort (7941 Emerald Bay Road, Meesk Bay, CA), the Meeks Bay Campground (just south of Meeks Bay Resort on Emerald Bay Road), in the Meeks Marina located between the two recreation facilities, or in Meeks Creek.

1. Aquatic Invasive Species Eradication: Control or eradicate aquatic invasive species (*e.g.,* warm water fish, American bullfrogs, aquatic invasive weeds) from the proposed project area using manual (chemical free) methods. Treatment of aquatic invasive species is a multi-year effort and the threat of new infestations moving into the area post implementation is high. As a result, monitoring and continued control actions are a key element in long-term success.

2. Remove the existing marina infrastructure: Existing marina infrastructure to be removed includes the concrete boat ramp, steel and concrete sewalls, boulder riprap, the marina office, and other various underground support structures for the marina infrastructure.

3. Restore Meeks Lagoon in the location of the existing marina: Recontour the stream and marina banks to recreate lagoon topography similar to the lagoon that was present before Meeks Marina was constructed. Place natural materials resistant to erosion on the bank slopes. Remove trees up to 30 inches diameter at breast height (dbh) as needed for topography changes. Revegetate with native plant species appropriate to the site. Remove, store, and transplant after construction any Tahoe yellowcress (*Rorippa subumbellata*) populations as needed to protect plants from project activities.

4. Restore Meeks Creek from the SR 89 crossing to the confluence of Lake Tahoe: Recontour stream banks and reduce stream forces that cause erosion (*i.e.,* realign portions of the stream course). The stream banks would be reconstructed and revegetated with desirable vegetation and would be designed to be in a state of dynamic equilibrium (stream beds and banks are neither accumulating nor eroding excessively). Fell trees up to 30 inches dbh as needed and install large wood in the creek south of SR 89 to improve aquatic habitat. Logs would be anchored in position using natural materials. Install grade control structures that blend visually with the surrounding natural environment. Restoration activities would extend less than ¼ mile upstream from the crossing of Meeks Creek at SR 89.

5. Install Utility Infrastructure: Construct infrastructure to secure the Tahoe City Public Utility District sewer line that crosses Meeks Creek. Relocate powerline infrastructure from within the restoration footprint. Relocate the USFS waterline from Meeks Creek bridge to under the scour limits of the restored Meeks Creek channel. Install or relocate necessary utility infrastructure either above or below ground for project activities, including water, sewer, electric, and communication lines.

6. Implement Resource Protection Barriers: Install new barriers (natural or fenced) in areas of relocated Tahoe yellow cress (*Rorippa subumbellata*) communities. Natural barriers would include willows or other vegetation

screening, downed logs, boulders, or other natural materials.

7. Wildlife Enhancement Actions: Install nest/perch structures for waterfowl, install bat boxes, and plant willow in select locations for willow flycatcher.

8. Construct a Pier: Construct a pier at furthest south end of USFS property in Meeks Bay Campground. The pier would be 12–18 feet wide and accessible via small boats from Lake Tahoe and via a universally accessible walkway on land that would accommodate both day use and boat-in camping opportunities. The pier would allow temporary mooring of 10–20 boats and be up to 300 feet long. Utilities on the pier would accommodate electrical and water. The pier would be designed for access by a maintenance vehicle.

9. Construct a Boat Launch: Construct a double-lane boat launch, marina office, and supporting infrastructure adjacent to the pier. The launch access would be designed to launch boats at water elevation level 6,223 feet and above. Support infrastructure would include an aquatic invasive species inspection station.

10. Reconstruct Trailer Parking and Vehicular Circulation Routes: Construct a boat trailer parking area and vehicular circulation routes as needed within Meeks Bay Campground for the pier and boat launch. Reconstruct and realign day use parking areas and access roads as needed. The capacity of parking spaces dedicated for day use will remain within 20% of existing levels. The capacity of the boat trailer and vehicle parking will be sized to meet the capacity of the pier and boat ramp.

11. Reconstruct Meeks Bay Campground: Reconstruct Meeks Bay Campground (south of Meeks Creek) to include utilities (water, electrical), host sites, restrooms, and a centralized waste dump station. The capacity of the camping units will remain within 20% of existing. Types of campging units constructed may include tent camping sites, full hookup sites, and/or yurt type sites or a combination of these. The campground facilities would be designed to function during the shoulder seasons (*i.e.* cold-resistant utilities at campsites and restrooms).

12. Install Pedestrian Connectivity Routes: Construct a pedestrian/bike bridge over Meeks Creek to connect Meeks Bay Resort to Meeks Bay Campground. The bridge would be sized to accommodate two-way pedestrian and bicycle traffic, as well as standard vehicle loading for maintenance vehicles. Install an accessible multi-use pathway connecting Meeks Bay Resort commercial core area to the Meeks Bay Campground and the new pier/boat launch. Construct accessible beach access routes using stable, non-eroding materials, from parking areas and access points to the beach that meet Forest Service universal accessibility standards.

13. Install Interpretation Opportunties: Install interpretive opportunities along the lagoon area that highlight restoration activities, history of the Washoe Tribe in Meeks Bay, and species of concern to the Washoe Tribe.

14. Construct Day Use Parking Areas: Construct a day use parking area in the location of the former trailer parking in Meeks Resort to accommodate approximately 20 vehicles and be designed to accommodate Washoe Tribal Elders and other persons with disabilities. Construct the day use parking areas and access routes in Meeks Bay Resort as described in the Meeks Bay Master Plan.

15. Implement Shoreline Stabilization Measures: Remove and replace gabion walls and concrete wall along the north end of Meeks Bay with natural retaining structures that can accommodate beach wave run-up action.

16. Install Best Management Practices: Install permanent Best Management Practices (BMPs) in the parking lot areas, restrooms, and along roadways to capture and infiltrate storm water. Permanent BMPs would be consistent with USFS, Tahoe Regional Planning Agency (TRPA), and Water Board requirements. BMPs would include, but not be limited to, installation of infiltration basins, re-contouring and repaving of the parking areas to ensure proper drainage of storm water off paved surfaces, drip-line trenches, or other means of directing and infiltrating storm water to prevent run-off into Lake Tahoe.

Possible Alternatives

Possible alternatives based on existing public comment and agency input include an alternative that fully reconstructs the existing marina (including supporting infrastructure such as parking areas and utilities). Additional alternatives will be developed based on public comment received during the scoping period.

Responsible Official

Forest Supervisor Jeff Marsolais.

Nature of Decision To Be Made

The responsible official will decide: (1) Whether or not to implement the project activities as described in the proposed action, (2) whether or not to implement the project activities as described in one of the alternatives analyzed in detail, (3) whether to implement a combination of alternatives analyzed in detail, or (4) whether to take no action.

Preliminary Issues

Preliminary issues that have been identified are maintaining access to the existing recreation opportunities on the site, and the potential impacts to the character of Meeks Bay from restoration activities and the relocation of recreation infrastructure.

Permits or Licenses Required

Permits for work in Meeks Creek would be required from the Army Corps of Engineers since the actions are executed in Waters of the US. Permits for project work from the local Water Board would be required. Project permits from the Tahoe Regional Planning Agency would be required. County building permits for the aquatic invasive species inspection station may apply.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the EIS. A public open house for the project will be held at the Meeks Marina on October 10 at 2:00 p.m. PST. Entry to the Marina for the meeting will be through the Meeks Bay Resort, 7941 Emerald Bay Road, Meesk Bay, CA. Project documents, information on the public meeting, and additional supporting information will be posted to the project website *http://www.fs.usda.gov/goto/ltbmu/meeksbayrestoration.*

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however.

Dated: August 28, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–19682 Filed 9–10–18; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the New Hampshire Advisory Committee; Correction

AGENCY: U.S. Commission on Civil Rights.

ACTION: Correction: Announcement of meeting.

SUMMARY: The Commission on Civil Rights published a document September 4, 2018, announcing an upcoming New Hampshire Advisory Committee. The document contained incorrect date and address to the meeting.

FOR FURTHER INFORMATION CONTACT: Barbara de La Viez, DFO, at *bdelaviez@usccr.gov* or 202–376–7533.

CORRECTION: In the **Federal Register** of September 4, 2018, in FR Doc. 2018–19036, on pages 44857–448584 in the third columns, delete the ''Dates'' and replace it with September 12, 2018 at 4 p.m. EDT, and delete the ''Addresses'' and replace it with 87 Middle Street, Manchester, NH 03101.

Dated: September 5, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–19593 Filed 9–10–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada State Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Nevada Advisory Committee (Committee) to the Commission will be held at 2:00 p.m. (Pacific Time) Thursday, September 13, 2018, the purpose of meeting is for the Committee to debrief the hearing on policing practices.

DATES: The meeting will be held on Thursday, September 13, 2018, at 2:00 p.m. PT.

Public Call Information:
Dial: 877–260–1479.
Conference ID: 9065619.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 877–260–1479, conference ID number: 9065619. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=261*. Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Debrief
III. Update on Additional Written Comment and Materials for Consideration
IV. Discussion Regarding Requesting Additional Testimony
V. Public Comment
VI. Next Steps

Dated: September 6, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–19720 Filed 9–10–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the California Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the California State Advisory Committee (Committee) to the Commission will be held at 10:00 a.m. (Pacific Time) Thursday, September 13, 2018. The purpose of the meeting is for the Committee to continue reviewing project proposal examining Proposition 47.

DATES: The meeting will be held on September 13, 2018, at 10:00 a.m. PT.

Public Call Information:
Dial: 877–260–1479.
Conference ID: 9387568.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 877–260–1479, conference ID number: 9387568. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://facadatabase.gov/committee/meetings.aspx?cid=237*. Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Discuss Proposition 47 Project Proposal
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: September 6, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–19724 Filed 9–10–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Oregon Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Oregon Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Pacific Time) Tuesday, September 11, 2018. The purpose of the meeting is to review draft findings and recommendations and introduction sections for the OR SAC report on human trafficking.

DATES: The meeting will be held on Tuesday, September 11, 2018, at 1:00 p.m. PT.

Public Call Information: Dial: 877–260–1479, Conference ID: 2620359.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the above toll-free call-in number. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://facadatabase.gov/committee/meetings.aspx?cid=270*. Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Review Draft Findings and Recommendations Section Edits
III. Review Draft Introduction Section
IV. Public Comment
V. Next Steps
VI. Adjournment

Dated: September 6, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–19722 Filed 9–10–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Alabama Advisory Committee To Discuss Access to Voting in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Alabama Advisory Committee (Committee) will hold a meeting on Monday, September 17, 2018, at 1 p.m. (Central) for the purpose discussing the access to voting report and strategies to move forward with the report.

DATES: The meeting will be held on Monday, September 17, 2018, at 1:00 p.m. (Central). Public Call Information: Dial: 877–710–4181, Conference ID: 1713129.

FOR FURTHER INFORMATION CONTACT: David Barreras, DFO, at *dbarreras@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 877–260–1479, conference ID: 1713129. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 230 S Dearborn Street, Suite 2120, Chicago, IL 60604. They may also be

faxed to the Commission at (312) 353–8324, or emailed to David Barreras at *dbarreras@usccr.gov*. Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Alabama Advisory Committee link (*http://www.facadatabase.gov/committee/committee.aspx?cid=233&aid=17*). Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Update on submission of Summary of Testimony
Next Steps for the Report
Public Comment
Adjournment

Dated: September 6, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–19721 Filed 9–10–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Missouri Advisory Committee To Discuss Civil Rights Topics in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Missouri Advisory Committee (Committee) will hold a meeting on Thursday, September 20, 2018, at 3:00 p.m. (Central) for the purpose discussing civil rights topics in the state.

DATES: The meeting will be held on Thursday, September 20, 2018, at 3:00 p.m. (Central).

Public Call Information: Dial: 877–260–1479, Conference ID: 5952926.

FOR FURTHER INFORMATION CONTACT: David Barreras, DFO, at *dbarreras@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 877–260–1479, conference ID: 5952926. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 230 S Dearborn Street, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324 or emailed to David Barreras at *dbarreras@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Missouri Advisory Committee link (*https://facadatabase.gov/committee/committee.aspx?cid=258&aid=17*). Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Discussion of Topics for Study
Next Steps
Public Comment
Adjournment

Dated: September 6, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–19723 Filed 9–10–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–56–2018]

Proposed Foreign-Trade Zone—Lufkin, Texas, Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the City of Lufkin to establish a foreign-trade zone in Lufkin, Texas, within the Port Arthur-Beaumont CBP port of entry, under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new ''subzones'' or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone project. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on September 5, 2018. The applicant is authorized to make the proposal under Texas Statutes, Business and Commerce Code, Title 15, Chapter 681.

The proposed zone would be the fourth zone for the Port Arthur-Beaumont CBP port of entry. The existing zones—FTZ 115, Beaumont; FTZ 116, Port Arthur; and, FTZ 117, Orange—were approved on March 20, 1985 (Board Oder 296). The Foreign-Trade Zone of Southeast Texas, Inc., is the grantee of FTZs 115, 116 and 117.

The applicant's proposed service area under the ASF would be the City of Lufkin and a portion of its Extra Territorial Jurisdiction, as described in the application. If approved, the applicant would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The applicant has indicated that the proposed service area is within the Port Arthur-Beaumont Customs and Border Protection port of entry.

The application indicates a need for zone services in the City of Lufkin area. Several firms have indicated an interest in using zone procedures. Specific

production approvals are not being sought at this time. Such requests would be made to the FTZ Board on a case-by-case basis.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is November 13, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to November 26, 2018.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: September 5, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–19701 Filed 9–10–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 170802716–7716–01]

National Defense Stockpile Market Impact Committee Request for Public Comments on the Potential Market Impact of the Proposed Fiscal Year 2020 Annual Materials Plan

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice of inquiry; request for comments.

SUMMARY: The purpose of this notice is to advise the public that the National Defense Stockpile Market Impact Committee, co-chaired by the Departments of Commerce and State, is seeking public comments on the potential market impact of the proposed Fiscal Year 2020 National Defense Stockpile Annual Materials Plan. The role of the Market Impact Committee is to advise the National Defense Stockpile Manager on the projected domestic and foreign economic effects of all acquisitions, conversions, and disposals involving the stockpile and related material research and development projects. Public comments are an important element of the Committee's market impact review process.

DATES: To be considered, written comments must be received by October 11, 2018.

ADDRESSES: Address all comments concerning this notice to Eric Longnecker, U.S. Department of Commerce, Bureau of Industry and Security, Office of Strategic Industries and Economic Security, 1401 Constitution Avenue NW, Room 3876, Washington, DC 20230, fax: (202) 482–5650 (Attn: Eric Longnecker), email: *MIC@bis.doc.gov;* and Matthew McManus, Deputy Director, Office of Policy Analysis and Public Diplomacy, U.S. Department of State, Bureau of Energy Resources, 2201 C Street NW, Washington, DC 20520, fax: (202) 647–7431 (Attn: Matthew McManus), email: *McManusMT@state.gov.*

FOR FURTHER INFORMATION CONTACT: Parya Fenton, Office of Strategic Industries and Economic Security, Bureau of Industry and Security, U.S. Department of Commerce, telephone: (202) 482–8228, fax: (202) 482–5650 (Attn: Parya Fenton), email: *MIC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under the authority of the Strategic and Critical Materials Stock Piling Revision Act of 1979, as amended (the Stock Piling Act) (50 U.S.C. 98 *et seq.*), the Department of Defense's Defense Logistics Agency (DLA), as National Defense Stockpile Manager, maintains a stockpile of strategic and critical materials to supply the military, industrial, and essential civilian needs of the United States for national defense. Section 9(b)(2)(G)(ii) of the Stock Piling Act (50 U.S.C. 98h(b)(2)(H)(ii)) authorizes the National Defense Stockpile Manager to fund material research and development projects to develop new materials for the stockpile.

Section 3314 of the Fiscal Year (FY) 1993 National Defense Authorization Act (NDAA) (50 U.S.C. 98h–1) formally established a Market Impact Committee (the Committee) to ''advise the National Defense Stockpile Manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile. . . .'' The Committee must also balance market impact concerns with the statutory requirement to protect the U.S. Government against avoidable loss.

The Committee is comprised of representatives from the Departments of Commerce, State, Agriculture, Defense, Energy, Interior, the Treasury, and Homeland Security, and is co-chaired by the Departments of Commerce and State. The FY 1993 NDAA directs the Committee to consult with industry representatives that produce, process, or consume the materials stored in or of interest to the National Defense Stockpile Manager.

As the National Defense Stockpile Manager, the DLA must produce an Annual Materials Plan proposing the maximum quantity of each listed material that may be acquired, disposed of, upgraded, converted, recovered, or sold by the DLA in a particular fiscal year. In Attachment 1, the DLA lists the quantities and types of activity (potential disposals, potential acquisitions, potential conversions (upgrade, rotation, reprocessing, etc.) or potential recovery from government sources) associated with each material in its proposed FY 2020 Annual Materials Plan (''AMP''). The quantities listed in Attachment 1 are not acquisition, disposal, upgrade, conversion, recovery, reprocessing, or sales target quantities, but rather a statement of the proposed maximum quantity of each listed material that may be acquired, disposed of, upgraded, converted, recovered, or sold in a particular fiscal year by the DLA, as noted. The quantity of each material that will actually be acquired or offered for sale will depend on the market for the material at the time of the acquisition or offering, as well as on the quantity of each material approved for acquisition, disposal, conversion (upgrade, rotation, reprocessing, etc.), or recovery by Congress.

The Committee is seeking public comments on the potential market impact associated with the proposed FY 2020 AMP as enumerated in Attachment 1. Public comments are an important element of the Committee's market impact review process.

Submission of Comments

The Committee requests that interested parties provide written comments, supporting data and documentation, and any other relevant information on the potential market impact of the quantities associated with the proposed FY 2020 AMP. All comments must be submitted to the addresses indicated in this notice. All comments submitted through email must include the phrase ''Market Impact

Committee Notice of Inquiry'' in the subject line.

The Committee encourages interested persons who wish to comment to do so at the earliest possible time. The period for submission of comments will close on October 11, 2018. The Committee will consider all comments received before the close of the comment period. Comments received after the end of the comment period will be considered, if possible, but their consideration cannot be assured.

All comments submitted in response to this notice will be made a matter of public record and will be available for public inspection and copying. Anyone submitting business confidential information should clearly identify the business confidential portion of the submission and also provide a non-confidential submission that can be placed in the public record. The Committee will seek to protect such information to the extent permitted by law.

The Office of Administration, Bureau of Industry and Security, U.S. Department of Commerce, displays public comments on the BIS Freedom of Information Act (FOIA) website at *https://efoia.bis.doc.gov/*. This office does not maintain a separate public inspection facility. If you have technical difficulties accessing this website, please call BIS's Office of Administration at (202) 482–1900 for assistance.

Dated: September 5, 2018.

Richard Ashooh,

Assistant Secretary for Export Administration.

Attachment 1

PROPOSED FISCAL YEAR 2020 ANNUAL MATERIALS PLAN

Material	Unit	Quantity	Footnote
Potential Disposals			
Beryllium Metal	ST	8	
Chromium, Ferro	ST	23,500	
Chromium, Metal	ST	200	
Germanium Scrap	kg	3,000	
Manganese, Ferro	ST	50,000	
Manganese, Metallurgical Grade	SDT	322,025	
Nickel Based Alloys	Lbs	600,000	
Platinum	Tr Oz	8,380	
PGM—Iridium	Tr Oz	489	
Tantalum Carbide Powder	Lb Ta	3,777	
Tantalum Scrap	Lbs	190	
Titanium Based Alloys	Lbs	150,000	
Tungsten Metal Powder	LB W	275,738	
Tungsten Ores and Concentrates	LB W	3,000,000	
Zinc	ST	7,993	
Potential Acquisitions			
Antimony	MT	1,100	
Boron Carbide	MT	1,000	
High Modulus High Strength Carbon Fibers	MT	72	
Carbon Fibers	m^2	5,000	
Cerium	MT	900	
CZT (Cadmium Zinc Tellurium substrates)	cm^2	32,000	
Electrolytic Manganese Metal	MT	5,000	
Lanthanum	MT	4,100	
Potassium Nitrate	Lbs	100,000	
Rare Earth Magnet Feedstock	MT	100	
Rayon	MT	600	
RDX/HMX/IMX/TNT	Lbs	7,000,000	
Silicon Carbide Fibers	Lbs	875	
TATB (Triamino-Trinitrobenzene)	Lbs	48,000	
Tantalum	Lb Ta	33,990	
Tin	MT	40	
Tungsten Rhenium Metal	kg	5,000	
Potential Conversions (Upgrade, rotation, reprocessing, etc.)			
Beryllium Metal	ST	8	
CZT (Cadmium Zinc Tellurium substrates)	cm^2	32,000	
High Modulus High Strength Carbon Fibers	MT	72	
Dysprosium	MT	0.5	
Europium	MT	35	
Germanium (Scrap)	kg	5,000	
Iridium Catalyst	Lbs	50	
Lithium Ion Materials	MT	25	
Rare Earths Elements	MT	12	
Silicon Carbide Fibers	Lbs	875	
Tin	MT	804	
Potential Recovery from Government Sources			
Bearing Steel	MT	50	

PROPOSED FISCAL YEAR 2020 ANNUAL MATERIALS PLAN—Continued

Material	Unit	Quantity	Footnote
E-Waste	MT	50	(1)
Gadolinium Oxide	MT	4	
Germanium (Scrap)	kg	5,000	
Iridium Catalyst (Scrap)	Lbs	50	
Lithium Ion Materials	MT	25	
Magnesium Metal	MT	25	
Rhenium Metal	kg	500	
Super Alloys	Lbs	1,500,000	
Tantalum	MT	10	
Yttrium Aluminum Garnet Rods (Scrap)	kg	250	
Zirconia Oxide	MT	4	

Footnote Key:
[1] Strategic and Critical Materials collected from E-Waste (Strategic Materials collected from electronics waste).

[FR Doc. 2018–19617 Filed 9–10–18; 8:45 am]
BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Procedures for Submitting Requests for Expedited Relief From Quantitative Limits—Existing Contract: Section 232 National Security Investigations of Steel Imports

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before November 13, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, 1401 Constitution Avenue NW, Room 6616, Washington, DC 20230 (or via the internet at *docpra@doc.gov*.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Crace, BIS ICB Liaison, (202) 482–8093 or at *mark.crace@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

In the Proclamation of August 29, President Trump directed that as soon as practicable, the Secretary of Commerce shall issue procedures for requests for exclusions described in clause 2 to allow for exclusion requests for countries subject to quantitative limitations. The U.S. Department of Commerce will create an exclusion process for clause 2 by posting the newly created form on the Commerce website. Requesters will complete this form and send the form, the required certification, and any needed attachments to the U.S. Department of Commerce at the email address *steel232-exp@bis.doc.gov*. The posting of this exclusion procedure on the Commerce website will fulfill the Presidential directive included in the most recent Proclamation, as well as the earlier Proclamations that directed the Secretary of Commerce to create an exclusion process to ensure users of steel in the United States would continue to have access to the steel that they may need.

''The Secretary shall, on an expedited basis, grant relief from the quantitative limitation set forth in Proclamation 9740 and Proclamation 9759 and their accompanying annexes for any steel article where (i) the party requesting relief entered into a written contract for production and shipment of such steel article before March 8, 2018; (ii) such contract specifies the quantity of such steel article that is to be produced and shipped to the United States consistent with a schedule contained in such contract; (iii) such steel article is to be used to construct a facility in the United States and such steel article cannot be procured from a supplier in the United States to meet the delivery schedule and specifications contained in such contract.''

II. Method of Collection

Exclusion requests described in the procedures posted on the Commerce website for clause 2 exclusion from the Proclamation of August 29 will be submitted to the U.S. Department of Commerce by email. All exclusion requests under clause 2 must be in electronic form, but may be submitted at any time. However, exclusion requests requested under clause 2 if granted will only be valid till March 31, 2019. All submissions for exclusion requests are entirely voluntary.

III. Data

OMB Control Number: 0694–0140.
Form Number(s): N/A.
Type of Review: Regular submission.
Affected Public: Private Sector.
Estimated Number of Respondents: 1,717.
Estimated Time per Response: 10 hours.
Estimated Total Annual Burden Hours: 17,170.
Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)
Respondent's Obligation: Voluntary.
Legal Authority: Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques

or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

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

[FR Doc. 2018–19659 Filed 9–10–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–044]

1,1,1,2-Tetrafluoroethane (R–134A) From the People's Republic of China: Notice of Rescission of the Antidumping Duty Administrative Review; 2016–2018

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping order on 1,1,1,2-tetrafluoroethane (R–134A) from the People's Republic of China (China) covering the October 7, 2016, through March 31, 2018, period of review (POR).

DATES: Applicable September 11, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Stolz, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4474.

SUPPLEMENTARY INFORMATION:

Background

On April 2, 2018, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on R–134A from China.[1] On April 27, and April 30, 2018, Commerce received timely requests for review from two producers and/or exporters of the subject merchandise: T.T. International Co., Ltd. (TTI) and Zhejiang Sanmei Chemical Ind. Co., Ltd. (also known as Zhejiang Sanmei Chemical Industry Co., Ltd. or ''Zhejiang Sanmei'') (Sanmei).[2] Based on these requests, on June 6, 2018, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), Commerce published in the **Federal Register** a notice of initiation of an administrative review covering the October 7, 2016, through March 31, 2018 POR, with respect to TTI and Sanmei.[3] On August 7 and 21, 2018, TTI and Sanmei, respectively, timely withdrew their requests for an antidumping duty administrative review, pursuant to 19 CFR 351.213(d)(1).[4] No other party requested a review of this order.

Rescission

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party who requested a review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. TTI and Sanmei both timely withdrew their requests for an administrative review within the 90-day deadline, and no other party requested an administrative review of this order. Therefore, we are rescinding the administrative review of antidumping duty order on R–134A from China covering the period October 7, 2016 through March 31, 2018, in its entirety.

Assessment

Because Commerce is rescinding this administrative review in its entirety, Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of R–134A from China. The entries to which this administrative review pertains shall be assessed antidumping duties at rates equal to the cash deposits of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice in the **Federal Register**.

Notification to Importers

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

Notification Regarding Administrative Protective Order

This notice serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under an APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

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

Dated: August 31, 2018.

James Maeder,

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

[FR Doc. 2018–19568 Filed 9–10–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain steel nails (nails) from the People's Republic of China (China) were

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 83 FR 13949 (April 2, 2018).

[2] *See* the letter from TTI, ''1,1,1,3-Tetrafluoroethane (R–134A) from the People's Republic of China: Request for Antidumping Duty Administrative Review,'' dated April 27, 2018 and the letter from Sanmei, ''1,1,1,2-Tetrafluoroethane (R–134A) from the People's Republic of China: Request for Administrative Review,'' dated April 30, 2018.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 26258 (June 6, 2018) (*Initiation Notice*).

[4] *See* letter from TTI, ''Antidumping Duty Administrative Review of 1,1,1,2 Tetrafluoroethane (R134a) from the People's Republic of China; Withdrawal of Request for Antidumping Duty Administrative Review,'' dated August 7, 2018, and letter from Sanmei, ''1,1,1,2-Tetrafluoroethane (R–134A) from China: Withdrawal of Request for Antidumping Duty Administrative,'' dated August 21, 2018.

sold in the United States at less than normal value (NV) during the period of review (POR), August 1, 2016, through July 31, 2017.

DATES: Applicable September 11, 2018.

FOR FURTHER INFORMATION CONTACT: Susan Pulongbarit or Benito Ballesteros, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4031 or (202) 482–7425, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 16, 2017, Commerce published in the **Federal Register** the notice of initiation of an administrative review of the antidumping duty order on nails from China [1] for the POR, August 1, 2016, through July 31, 2017.[2] Commerce initiated a review with respect to 145 companies.[3] Pursuant to section 777A(c)(2)(A) of the Tariff Act of 1930, as amended (the Act), Commerce selected three mandatory respondents, The Stanley Works (Langfang) Fastening Systems Co., Ltd. and Stanley Black & Decker, Inc. (collectively, Stanley), Dezhou Hualude Hardware Products Co. Ltd. (Dezhou Hualude), and Shandong Dinglong Import & Export Co., Ltd. (Shandong Dinglong).[4] On April 30, 2018, Commerce extended the deadline for issuing the preliminary results by 90 days.[5] On August 1, 2018, Commerce fully extended the deadline for issuing the preliminary results to September 4, 2018.[6]

Scope of the Order

The products covered by this review are nails from China. For a full description of the scope, *see* the Preliminary Decision Memorandum, dated concurrently with and hereby adopted by this notice.[7]

Preliminary Determination of No Shipments

Based on the no-shipments letters filed by nine companies,[8] Commerce preliminarily determined that these companies had no shipments during the POR. For additional information regarding this determination, including a list of these companies, *see* the Preliminary Decision Memorandum. Consistent with our assessment practice in non-market economy (NME) administrative reviews, Commerce is not rescinding this review for these companies, but intends to complete the review and issue appropriate instructions to CBP based on the final results of the review.[9]

Separate Rates

Commerce preliminarily determined that information placed on the record by the three mandatory respondents, as well as by the 19 other separate rate applicants, demonstrates that these companies are entitled to separate rate status. *See* Preliminary Results of Review section below. For additional information, *see* the Preliminary Decision Memorandum.

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[10] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review and the weighted-average dumping margin determined for the China-wide entity is not subject to change (*i.e.,* 118.04 percent) as a result of this review.[11] Aside from the companies discussed above, Commerce considers all other companies for which a review was requested [12] to be part of the China-wide entity. For additional information, *see* the Preliminary Decision Memorandum; *see also* Appendix I for a list of companies considered as part of the China-wide entity.

Sample Rate Calculation

In the *Sampling Methodology Notice,* we stated that, in order to calculate a rate to assign the non-selected companies when using a sampling procedure, Commerce will calculate a ''sample rate'' based upon an average of the rates for the selected respondents, weighted by the import share of their corresponding strata.[13] The respondents selected for individual examination through the sampling process will receive their own rates; all companies in the sample population who were not selected for individual examination will receive the sample rate.[14] Accordingly, we have calculated the sample rate by averaging the rates for the three selected respondents, weighted by the import share of their corresponding strata.[15] The non-selected companies entitled to a separate rate have been assigned the sample rate. For additional information and a discussion of the issues examined with regard to the calculation of the sample rate, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and 751(a)(2)(A) of the Act. Constructed export prices and export prices have been calculated in accordance with section 772 of the Act. Because China is an NME country within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary

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[1] *See Notice of Antidumping Duty Order: Certain Steel Nails from the People's Republic of China,* 73 FR 44961 (August 1, 2008).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 48051, 48056–58 (October 16, 2017); *See also* corrections in *Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 52268, 52271 n. 4 (November 13, 2017); and *Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 57705, 57707 n.5 (December 7, 2017) (collectively, *Initiation Notice*).

[3] *Id.*

[4] *See* Memorandum, ''Respondent Selection for Certain Steel Nails from the People's Republic of China: Sampling Meeting with Outside Parties,'' dated April 6, 2018.

[5] *See* Memorandum, ''Ninth Antidumping Duty Administrative Review of Certain Steel Nails from the People's Republic of China: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 30, 2018.

[6] *See* Memorandum, Ninth Antidumping Duty Administrative Review of Certain Steel Nails from the People's Republic of China: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated August 2, 2018.

[7] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2016–2017 Antidumping Duty Administrative Review: Certain Steel Nails from the People's Republic of China,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[8] Although Shanxi Yuci Broad Wire Products Co., Ltd. and Certified Products International Inc. each submitted a no shipments letter, they are not among the 145 companies initiated on in this review, and therefore are not subject to this review. Therefore, we only evaluated the no shipment claims of the nine companies that submitted no shipments letters and for which this review was initiated.

[9] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) and the ''Assessment Rates'' section, below.

[10] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013) (*Sampling Methodology Notice*).

[11] *Id.; Certain Steel Nails from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 80 FR 18816, 18817 and accompanying Issues and Decision Memorandum.

[12] *See* Appendix I.

[13] *See Sampling Methodology Notice,* 78 FR at 65965.

[14] *Id.*

[15] *See* Memorandum, ''Preliminary Results of the Ninth Antidumping Administrative Review of Certain Steel Nails from the People's Republic of China: Calculation of the Sample Margin for Respondents Not Selected for Individual Examination,'' dated concurrently with this memorandum (Sample Rate Memorandum).

Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

Commerce preliminarily determines that the following weighted-average dumping margins exist for the period August 1, 2016, through July 31, 2017:

Exporter/producer	Weighted-average dumping margin
Dezhou Hualude	40.03
Shandong Dinglong	118.04
Stanley	3.85
Hebei Canzhou New Century Foreign Trade Co. Ltd	36.93
Mingguang Ruifeng Hardware Products Co. Ltd	36.93
Qingdao D&L Group Ltd	36.93
SDC International Australia Pty. Ltd	36.93
Shandong Oriental Cherry Hardware Group Co. Ltd	36.93
Shanghai Curvet Hardware Products Co. Ltd	36.93
Shanghai Yueda Nails Co. Ltd	36.93
Shanxi Hairui Trade Co., Ltd	36.93
Shanxi Pioneer Hardware Industrial Co. Ltd	36.93
Shanxi Tianli Industries Co. Ltd	36.93
S-Mart (Tianjin) Technology Development Co. Ltd	36.93
Suntec Industries Co. Ltd	36.93
Tianjin Huixingshangmao Co. Ltd	36.93
Tianjin Jinchi Metal Products Co. Ltd	36.93
Tianjin Jinghai County Hongli Industry and Business Co. Ltd	36.93
Tianjin Universal Machinery Imp. & Exp	36.93
Tianjin Zhonglian Metals Ware Co. Ltd	36.93
Xi'An Metals and Minerals Imp. & Exp. Co. Ltd	36.93
Zhangjiagang Lianfeng Metals Products Co. Ltd	36.93

Disclosure

Commerce intends to disclose to interested parties the calculations performed in connection with these preliminary results within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of these preliminary results, unless the Secretary alters the time limit. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[16] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this administrative review are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act, unless extended.

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[17] Commerce intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

For any individually examined respondent whose weighted average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1). Where an importer-specific *ad valorem* rate is not zero or *de minimis,* Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.[18] Where either a respondent's weighted-average

[16] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[17] *See* 19 CFR 351.212(b).

[18] *See* 19 CFR 351.212(b)(1).

dumping margin is zero or *de minimis,* or an importer-specific *ad valorem* assessment rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[19]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is *de minimis,* then cash deposit rate will be zero); (2) for previously examined China and non-China exporters not listed above that at the time of entry are eligible for a separate rate based on a prior completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate; (3) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate at the time of entry, the cash deposit rate will be that for the China-wide entity (*i.e.,* 118.04 percent); and (4) for all non-China exporters of subject merchandise which at the time of entry are not eligible for a separate rate, the cash deposit rate will be the rate applicable to the China exporter that supplied that non-China exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notification to Interested Parties

This preliminary determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

[19] *See* 19 CFR 351.106(c)(2).

Dated: September 4, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

China-Wide Entity

1. Air It on Inc.
2. A-Jax Enterprises Ltd.
3. A-Jax International Co. Ltd.
4. Anhui Amigo Imp.& Exp. Co. Ltd.
5. Anhui Tea Imp. & Exp. Co. Ltd.
6. Beijing Catic Industry Ltd.
7. Beijing Qin-Li Jeff Trading Co., Ltd.
8. Bodi Corporation.
9. Cana (Rizhou) Hardward Co. Ltd.
10. Cangzhou Xinqiao Int'l Trade Co. Ltd.
11. Certified Products Taiwan Inc.
12. Changzhou Kya Trading Co. Ltd.
13. Chia Pao Metal Co. Ltd.
14. China Dinghao Co. Ltd.
15. China Staple Enterprise Co. Ltd.
16. Chinapack Ningbo Imp. & Exp. Co. Ltd.
17. Chite Enterprise Co. Ltd.
18. Crelux Int'l Co. Ltd.
19. Daejin Steel Co. Ltd.
20. Dingzhou Baota Metal Products Co. Ltd.
21. Dong E Fuqiang Metal Products Co. Ltd.
22. Ejen Brother Limited.
23. Faithful Engineering Products Co. Ltd.
24. Fastening Care.
25. Fastgrow International Co. Inc.
26. Foshan Hosontool Development Hardware Co. Ltd.
27. Glori-Industry Hong Kong Inc.
28. Guangdong Meite Mechanical Co. Ltd.
29. Hangzhou Spring Washer Co. Ltd.
30. Hebei Handform Plastic Products Co. Ltd.
31. Hebei Minghao Imp. & Exp. Co. Ltd.
32. Hengtuo Metal Products Co. Ltd
33. Hongyi (HK) Hardware Products Co. Ltd.
34. Huaiyang County Yinfeng Plastic Factory.
35. Huanghua Yingjin Hardware Products.
36. Inmax Industries Sdn. Bhd.
37. Jade Shuttle Enterprise Co. Ltd.
38. Jiangsu General Science Technology Co. Ltd.
39. Jiangsu Huaiyin Guex Tools.
40. Jiaxing TSR Hardware Inc.
41. Jinhai Hardware Co. Ltd.
42. Jinsco International Corp.
43. Jinsheung Steel Corporation.
44. Koram Inc.
45. Korea Wire Co. Ltd.
46. Liaocheng Minghui Hardware Products.
47. Maanshan Lilai International Trade. Co. Ltd.
48. Mingguang Abundant Hardware Products Co. Ltd.
49. Nailtech Co. Ltd.
50. Nanjing Nuochun Hardware Co. Ltd.
51. Nanjing Tianxingtong Electronic Technology Co. Ltd.
52. Nanjing Tianyu International Co. Ltd.
53. Nanjing Zeejoe International Trade.
54. Ningbo Adv. Tools Co. Ltd.
55. Ningbo Fine Hardware Production Co. Ltd.
56. Overseas Distribution Services Inc.
57. Overseas International Steel Industry.
58. Paslode Fasteners Co. Ltd.
59. Patek Tool Co. Ltd.
60. President Industrial Inc.
61. Promising Way (Hong Kong) Ltd.
62. Qingda Jisco Co. Ltd.
63. Qingdao D&L Hardware Co. Ltd.
64. Qingdao Gold Dragon Co. Ltd.
65. Qingdao Hongyuan Nail Industry Co. Ltd.
66. Qingdao Meijialucky Industry and Co.
67. Qingdao MST Industry and Commerce Co. Ltd.
68. Qingdao Top Steel Industrial Co. Ltd.
69. Qingdao Uni-Trend International.
70. Quzhou Monsoon Hardware Co. Ltd.
71. Rise Time Industrial Ltd.
72. Romp Coil Nail Industries Inc.
73. R-Time Group Inc.
74. Shandong Liaocheng Minghua Metal Pvt. Ltd.
75. Shanghai Haoray International Trade Co. Ltd.
76. Shanghai Pioneer Speakers Co. Ltd.
77. Shanghai Seti Enterprise Int'l Co. Ltd.
78. Shanxi Easyfix Trade Co. Ltd.
79. Shaoxing Chengye Metal Producing Co. Ltd.
80. Shenzhen Xinjintal Hardware Co. Ltd.
81. Suzhou Xingya Nail Co. Ltd.
82. Taizhou Dajiang Ind. Co. Ltd.
83. Theps International.
84. Tianji Hweschun Fasteners Manufacturing Co. Ltd.
85. Tianjin Baisheng Metal Products Co. Ltd.
86. Tianjin Bluekin Indusries Ltd.
87. Tianjin Coways Metal Products Co. Ltd.
88. Tianjin Dagang Jingang Nail Factory.
89. Tianjin Evangel Imp. & Exp. Co. Ltd.
90. Tianjin Fulida Supply Co. Ltd.
91. Tianjin Jin Xin Sheng Long Metal Products Co. Ltd.
92. Tianjin Jinghai Yicheng Metal Pvt.
93. Tianjin Jinlin Pharmaceutical Factory.
94. Tianjin Jinmao Imp. & Exp. Corp. Ltd.
95. Tianjin Lianda Group Co. Ltd.
96. Tianjin Tianhua Environmental Plastics Co. Ltd.
97. Tianjin Yong Sheng Towel Mill.
98. Tianjin Yongye Furniture Co. Ltd.
99. Tianjin Zhonglian Times Technology.
100. Tianjin Zhongsheng Garment Co. Ltd.
101. Unicore Tianjin Fasteners Co. Ltd.
102. Win Fasteners Manufactory (Thailand) Co. Ltd.
103. Wulian Zhanpeng Metals Co. Ltd.
104. Yongchang Metal Product Co.
105. Yuyao Dingfeng Engineering Co. Ltd.
106. Zhangjiagang Longxiang Industries Co. Ltd.
107. Zhaoqing Harvest Nails Co. Ltd.
108. Zhejiang Best Nail Industry Co. Ltd.
109. Zhejiang Jihengkang (JHK) Door Ind. Co. Ltd.
110. Zhejiang Yiwu Yongzhou Imp. & Exp. Co. Ltd.
111. Zhong Shan Daheng Metal Products Co. Ltd.
112. Zhong Shan Shen Neng Metals Products Co. Ltd.
113. Zhucheng Jinming Metal Products Co. Ltd.
114. Zhucheng Runfang Paper Co. Ltd.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order

4. Discussion of the Methodology
   a. Preliminary Determination of No Shipments
   b. Non-Market Economy Country Status
   c. Separate Rates
5. Use of Application of Facts Otherwise Available
6. Use of Adverse Inference
7. Sample Rate Calculation
8. Surrogate Country
9. Date of Sale
10. Normal Value Comparisons
11. Factor Valuation Methodology
12. Comparisons to Normal Value
13. Currency Conversion
14. Recommendation

[FR Doc. 2018–19698 Filed 9–10–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Reviews

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

SUMMARY: In accordance with the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) is automatically initiating the five-year reviews (Sunset Reviews) of the antidumping and countervailing duty (AD/CVD) order(s) listed below. The International Trade Commission (the Commission) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same order(s).

DATES: Applicable September 1, 2018.

FOR FURTHER INFORMATION CONTACT: Commerce official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

Commerce's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to Commerce's conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are initiating the Sunset Reviews of the following antidumping and countervailing duty order(s):

DOC case No.	ITC case No.	Country	Product	Commerce contact
A–533–823 ...	731–TA–929	India	Silicomanganese (3rd Review)	Jacqueline Arrowsmith, (202) 482–5255.
A–588–857 ...	731–TA–919	Japan	Welded Large Diameter Line Pipe (3rd Review)	Jacqueline Arrowsmith, (202) 482–5255.
A–834–807 ...	731–TA–930	Kazakhstan ..	Silicomanganese (3rd Review)	Jacqueline Arrowsmith, (202) 482–5255.
A–307–820 ...	731–TA–931	Venezuela	Silicomanganese (3rd Review)	Jacqueline Arrowsmith, (202) 482–5255.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Commerce's regulations, Commerce's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on Commerce's website at the following address: *http://enforcement.trade.gov/sunset/.* All submissions in these Sunset Reviews must be filed in accordance with Commerce's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), can be found at 19 CFR 351.303.[1]

Any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information.[2] Parties must use the certification formats provided in 19 CFR 351.303(g).[3] Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

On April 10, 2013, Commerce modified two regulations related to AD/CVD proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301).[4] Parties are advised to review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in these segments. To the extent that other regulations govern the submission of factual information in a segment (such as 19 CFR 351.218), these time limits will continue to be applied. Parties are also advised to review the final rule concerning the extension of time limits for submissions in AD/CVD proceedings, available at *http://enforcement.trade.gov/frn/2013/1309frn/2013-22853.txt,* prior to submitting factual information in these segments.[5]

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), Commerce will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d)). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation. Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary

[1] *See also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[2] *See* section 782(b) of the Act.

[3] *See also Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[4] *See Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013).

[5] *See Extension of Time Limits,* 78 FR 57790 (September 20, 2013).

information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. Commerce's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with Commerce's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, Commerce will automatically revoke the order without further review.[6]

If we receive an order-specific notice of intent to participate from a domestic interested party, Commerce's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that Commerce's information requirements are distinct from the Commission's information requirements. Consult Commerce's regulations for information regarding Commerce's conduct of Sunset Reviews. Consult Commerce's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at Commerce.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

[6] *See* 19 CFR 351.218(d)(1)(iii).

Dated: August 30, 2018.

James Maeder,

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

[FR Doc. 2018–19766 Filed 9–10–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (Commerce) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, Commerce finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Opportunity to Request a Review: Not later than the last day of September 2018,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in September for the following periods:

	Period of review
Antidumping Duty Proceedings	
BELARUS: Steel Concrete Reinforcing Bars, A–822–804	9/1/17–8/31/18
BRAZIL: Cold-Rolled Steel Flat Products, A–351–843	9/1/17–8/31/18
BRAZIL: Emulsion Styrene-Butadiene Rubber, A–351–849	2/24/17–8/3/18
INDIA: Cold-Rolled Steel Flat Products, A–533–865	9/1/17–8/31/18
INDIA: Lined Paper Products, A–533–843	9/1/17–8/31/18
INDIA: Oil Country Tubular Goods, A–533–857	9/1/17–8/31/18
INDONESIA: Steel Concrete Reinforcing Bars, A–560–811	9/1/17–8/31/18
JAPAN: Stainless Steel Wire Rod, A–588–843	9/1/17–8/31/18
LATVIA: Stainless Concrete Reinforcing Bars, A–449–804	9/1/17–8/31/18
MEXICO: Emulsion Styrene-Butadiene Rubber, A–201–848	2/24/17–8/31/18
MEXICO: Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A–201–847	9/1/17–8/31/18
MEXICO: Magnesia Carbon Bricks, A–201–837	9/1/17–8/31/18
MOLDOVA: Steel Concrete Reinforcing Bars, A–841–804	9/1/17–8/31/18
POLAND: Steel Concrete Reinforcing Bars, A–455–803	9/1/17–8/31/18
POLAND: Emulsion Styrene-Butadiene Rubber, A–455–805	2/24/17–8/31/18
REPUBLIC OF KOREA: Cold-Rolled Steel Flat Products, A–580–881	9/1/17–8/31/18
REPUBLIC OF KOREA: Emulsion Styrene-Butadiene Rubber, A–580–890	2/24/17–8/31/18
REPUBLIC OF KOREA: Heavy Walled Rectangular Welded Carbon Pipes and Tubes, A–580–880	9/1/17–8/31/18
REPUBLIC OF KOREA: Oil Country Tubular Goods, A–580–870	9/1/17–8/31/18
REPUBLIC OF KOREA: Stainless Steel Wire Rod, A–580–829	9/1/17–8/31/18
SOCIALIST REPUBLIC OF VIETNAM: Oil Country Tubular Goods, A–552–817	9/1/17–8/31/18
TAIWAN: Narrow Woven Ribbons With Woven Selvedge, A–583–844	9/1/17–8/31/18
TAIWAN: Raw Flexible Magnets, A–583–842	9/1/17–8/31/18
TAIWAN: Stainless Steel Wire Rod, A–583–828	9/1/17–8/31/18
THE PEOPLE'S REPUBLIC OF CHINA: Freshwater Crawfish Tailmeat, A–570–848	9/1/17–8/31/18
THE PEOPLE'S REPUBLIC OF CHINA: Foundry Coke, A–570–862	9/1/17–8/31/18
THE PEOPLE'S REPUBLIC OF CHINA: Kitchen Appliance Shelving and Racks, A–570–941	9/1/17–8/31/18
THE PEOPLE'S REPUBLIC OF CHINA: Lined Paper Products, A–570–901	9/1/17–8/31/18
THE PEOPLE'S REPUBLIC OF CHINA: Magnesia Carbon Bricks, A–570–954	9/1/17–8/31/18
THE PEOPLE'S REPUBLIC OF CHINA: Narrow Woven Ribbons With Woven Selvedge, A–570–952	9/1/17–8/31/18
THE PEOPLE'S REPUBLIC OF CHINA: New Pneumatic Off-The-Road Tires, A–570–912	9/1/17–8/31/18
THE PEOPLE'S REPUBLIC OF CHINA: Raw Flexible Magnets, A–570–922	9/1/17–8/31/18
THE PEOPLE'S REPUBLIC OF CHINA: Steel Concrete Reinforcing Bars, A–570–860	9/1/17–8/31/18
TURKEY: Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A–489–824	9/1/17–8/31/18
TURKEY: Oil Country Tubular Goods, A–489–816	9/1/17–8/31/18
UKRAINE: Solid Agricultural Grade Ammonium Nitrate, A–823–810	9/1/17–6/11/18
UKRAINE: Steel Concrete Reinforcing Bars, A–823–809	9/1/17–8/31/18
UNITED KINGDOM: Cold-Rolled Steel Flat Products, A–412–824	9/1/17–8/31/18
Countervailing Duty Proceedings	
BRAZIL: Cold-Rolled Steel Flat Products, C–351–844	1/1/17–12/31/17
INDIA: Cold-Rolled Steel Flat Products, C–533–866	1/1/17–12/31/17
INDIA: Lined Paper Products, C–533–844	1/1/17–12/31/17
INDIA: Oil Country Tubular Goods, C–533–858	1/1/17–12/31/17
REPUBLIC OF KOREA: Cold-Rolled Steel Flat Products, C–580–882	1/1/17–12/31/17
THE PEOPLE'S REPUBLIC OF CHINA: Kitchen Appliance Shelving and Racks, C–570–942	1/1/17–12/31/17
THE PEOPLE'S REPUBLIC OF CHINA: Magnesia Carbon Bricks, C–570–955	1/1/17–12/31/17
THE PEOPLE'S REPUBLIC OF CHINA: Narrow Woven Ribbons With Woven Selvedge, C–570–953	1/1/17–12/31/17
THE PEOPLE'S REPUBLIC OF CHINA: New Pneumatic Off-The-Road Tires, C–570–913	1/1/17–12/31/17
THE PEOPLE'S REPUBLIC OF CHINA: Raw Flexible Magnets, C–570–923	1/1/17–12/31/17
TURKEY: Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, C–489–825	1/1/17–12/31/17
TURKEY: Oil Country Tubular Goods, C–489–817	1/1/17–12/31/17

Suspension Agreements

None.

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when Commerce is closed.

review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[2]

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.[3] Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.[4] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at *http://access.trade.gov.*[5] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

Commerce will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of September 2018. If Commerce does not receive, by the last day of September 2018, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: August 30, 2018.

James Maeder,

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

[FR Doc. 2018–19764 Filed 9–10–18; 8:45 am]

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[2] *See also* the Enforcement and Compliance website at *http://trade.gov/enforcement/.*

[3] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[4] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[5] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–028]

Hydrofluorocarbon Blends From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that sales of hydrofluorocarbon blends (HFCs), from the People's Republic of China (China) have been made below normal value (NV). We invite interested parties to comment on these preliminary results.

DATES: Applicable September 11, 2018.

FOR FURTHER INFORMATION CONTACT: Manuel Rey, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5518.

Background

Commerce is conducting an administrative review of the antidumping duty order on HFCs from China.[1] The notice of initiation of this administrative review was published on

[1] *See Hydrofluorocarbon Blends from the People's Republic of China: Antidumping Duty Order,* 81 FR 55436 (October 16, 2017) (*Order*).

October 16, 2017.[2] This review covers 12 producers and/or exporters of the subject merchandise. Commerce selected two exporters for individual examination (*i.e.,* T.T. International Co., Ltd. (TTI); and Weitron International Refrigeration Equipment (Kunshan) Co., Ltd. (Weitron)). The period of review (POR) is February 1, 2016, through July 31, 2017.

In April 2018, we extended the preliminary results of this review to no later than September 4, 2018.[3]

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products subject to this order are HFC blends. HFC blends covered by the scope are R–404A, a zeotropic mixture consisting of 52 percent 1,1,1 Trifluoroethane, 44 percent Pentafluoroethane, and 4 percent 1,1,1,2-Tetrafluoroethane; R–407A, a zeotropic mixture of 20 percent Difluoromethane, 40 percent Pentafluoroethane, and 40 percent 1,1,1,2-Tetrafluoroethane; R–407C, a zeotropic mixture of 23 percent Difluoromethane, 25 percent Pentafluoroethane, and 52 percent 1,1,1,2-Tetrafluoroethane; R–410A, a zeotropic mixture of 50 percent Difluoromethane and 50 percent Pentafluoroethane; and R–507A, an azeotropic mixture of 50 percent Pentafluoroethane and 50 percent 1,1,1-Trifluoroethane also known as R–507. The foregoing percentages are nominal percentages by weight. Actual percentages of single component refrigerants by weight may vary by plus or minus two percent points from the nominal percentage identified above.[4]

Preliminary Determination of No Shipments

Based on our analysis of CBP information and information provided by the companies, we preliminarily determine that Daikin Fluorochemicals (China) Co., Ltd. and Zhejiang Yonghe Refrigerant Co., Ltd. had no shipments of subject merchandise during the POR. In addition, Commerce finds that, consistent with its assessment practice in non-market economy (NME) cases, it is appropriate not to rescind the review in part in these circumstances, but to complete the review with respect to these two companies and issue appropriate instructions to CBP based on the final results.[5] For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). We calculated export prices for the sole participating mandatory respondent, TTI, in accordance with section 772 of the Act. Because China is an NME country within the meaning of section 771(18) of the Act, we calculated NV for TTI in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Rate for Non-Examined Companies Which Are Eligible for a Separate Rate

As indicated in the ''Preliminary Results of Review'' section below, we preliminarily determine that a weighted-average dumping margin of 283.63 percent applies to the three firms not selected for individual review which are eligible for a separate rate. For further information, *see* the Preliminary Decision Memorandum at ''Separate Rate Assigned to Non-Selected Companies.''

Preliminary Results of Review

Six companies involved in the administrative review, including the mandatory respondent Weitron, did not demonstrate that they are entitled to a separate rate.[6] Therefore, we preliminarily find these companies to be part of the China-wide entity.[7] The rate previously established for the China-wide entity is 216.37 percent.

We preliminarily determine that the following weighted-average dumping margins exist for the period February 1, 2016, through July 31, 2017:

Exporter	Weighted-average dumping margin (percent)
T.T. International Co., Ltd	283.63
Shandong Huaan New Material Co., Ltd.*	283.63
Zhejiang Sanmei Chemical Industry Co. Ltd.*	283.63
Zhejiang Yonghe Refrigerant Co., Ltd.*	283.63

* This company was not selected as a mandatory respondent but is subject to this administrative review and demonstrated that it qualified for a separate rate during the POR.

Disclosure and Public Comment

Commerce intends to disclose calculations performed in connection with these preliminary results to interested parties within five days of the date of publication of this notice.[8] Interested parties may submit case briefs to Commerce no later than seven days after the date of the final verification report issued in this administrative review. Rebuttals briefs, limited to issues raised in the case briefs, may be filed no later than five days after the

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 48051 (October 16, 2017) (*Initiation Notice*).

[3] *See* Memorandum, ''Hydrofluorocarbon Blends from the People's Republic of China: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 13, 2018. In this memorandum, we noted that Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through January 22, 2018. *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated January 23, 2018. As a result, the revised deadline for the preliminary results became September 4, 2018.

[4] For a complete description of the scope of the order, *see* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2016–2017 Antidumping Duty Administrative Review of Hydrofluorocarbon Blends from the People's Republic of China,'' issued concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

[5] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) and the ''Assessment Rates'' section, below.

[6] These six companies are: (1) Arkema Daikin Advanced Fluorochemicals (Changsu) Co., Ltd.; (2) Dongyang Weihua Refrigerants Co., Ltd.; (3) Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd.; (4) Weitron; (5) Zhejiang Lantian Environmental Protection Fluoro Material Co. Ltd.; and (6) Zhejiang Quzhou Lianzhou Refrigerants Co., Ltd.

[7] *See* Preliminary Decision Memorandum, at ''Companies Not Receiving a Separate Rate.'' Pursuant to Commerce's change in practice, Commerce no longer considers the NME entity as an exporter conditionally subject to administrative reviews. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963, 65970 (November 4, 2013). Under this practice, the NME entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the entity, the entity is not under review and the entity's rate is not subject to change.

[8] *See* 19 CFR 351.224(b).

time limit for filing case briefs.[9] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[10]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[11] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs.[12] If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.[13]

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication date of this notice, pursuant to section 751(a)(3)(A) of the Act, unless otherwise extended.[14]

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.

For TTI, we will calculate importer- (or customer-) specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for each importer's (or customer's) examined sales to the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1). Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer- (or customer-) specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. We intend to instruct CBP to take into account the ''provisional measures deposit cap,'' in accordance with 19 CFR 351.212(d).

Pursuant to Commerce's assessment practice, for entries that were not reported in the U.S. sales data submitted by TTI, we will instruct CBP to liquidate such entries at the China-wide rate. Additionally, if we determine that an exporter had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's cash deposit rate) will be liquidated at the China-wide rate.[15]

For the respondents which were not selected for individual examination in this administrative review and which qualified for a separate rate, the assessment rate will be equal to the weighted-average dumping margin determined for the non-examined respondent in the final results of this administrative review. We will also instruct CBP to take into account the ''provisional measures deposit cap'' in accordance with 19 CFR 351.212(d).

For the final results, if we continue to treat the six exporters preliminarily found not to qualify for separate rates as part of the China-wide entity, we will instruct CBP to apply an *ad valorem* assessment rate of 216.37 percent, the current rate established for the China-wide entity, to all entries of subject merchandise during the POR which were exported by those companies.[16]

We intend to issue assessment instructions to CBP 15 days after the publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above which have a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is zero or *de minimis,* then a cash deposit rate of zero will be established for that company); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate rates, the cash deposit rate will continue to be equal to the exporter/producer-specific weighted-average dumping margin published for the most recently-completed segment of this proceeding; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the cash deposit rate established for the China-wide entity, 216.37 percent; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1), and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 31, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Methodology
   a. Preliminary Determination of No Shipments
   b. Non-Market Economy Country Status
   c. Separate Rates
   i. Separate Rate Recipients
   1. Wholly Foreign-Owned Companies
   2. Wholly China-Owned Companies and Joint Ventures
   a. Absence of *De Jure* Control
   b. Absence of *De Facto* Control
   3. Companies Not Receiving a Separate Rate
   a. Weitron
   b. Companies Who Did Not File Separate Rate Applications

[9] *See* 19 CFR 351.309(d).

[10] *See* 19 CFR 351.309(c)(2) and (d)(2).

[11] *See* 19 CFR 351.310(c).

[12] *Id.*

[13] *See* 19 CFR 351.310(d).

[14] *See* section 751(a)(3)(A) of the Act.

[15] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[16] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

c. Separate Rate Assigned to Non-Selected Companies
d. The China-Wide Entity
e. Surrogate Country
f. Date of Sale
g. Normal Value Comparisons
h. Determination of Comparison Method
i. Export Price
i. Irrecoverable Value-Added Tax
ii. TTI
j. Normal Value
i. Factor Valuations
ii. By-Products
iii. Currency Conversion
iv. Verification
5. Recommendation

[FR Doc. 2018–19700 Filed 9–10–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–814]

Certain Circular Welded Non-Alloy Steel Pipe From Taiwan: Rescission of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) is rescinding its administrative review of the antidumping duty order on certain circular welded non-alloy steel pipe from Taiwan for the period of review (POR) November 1, 2016, through October 31, 2017.

DATES: Applicable September 11, 2018.

FOR FURTHER INFORMATION CONTACT: Mark Flessner, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6312.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2017, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order [1] on certain circular welded non-alloy steel pipe from Taiwan for the POR.[2] Commerce received a timely request from Wheatland Tube (the petitioner), in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), to conduct an administrative review of this antidumping duty order with respect to 11 companies.[3]

On January 11, 2018, Commerce published in the **Federal Register** a notice of initiation with respect to 11 companies: Chung Hung Steel; Femco; Founder Land; Kao Hsing Chang Iron & Steel Corp.; Kounan Steel; Luen Jin; Mayer Steel Pipe; Shin Yang Steel; Tension Steel Industries; Vulcan Industrial; and Wan Chi Steel Industrial.[4] On April 9, 2018, the petitioner timely withdrew its request for an administrative review.[5]

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. The petitioner withdrew its request for review by the 90-day deadline, and no other party requested an administrative review of this order. Therefore, we are rescinding the administrative review of the antidumping duty order on certain circular welded non-alloy steel pipe from Taiwan covering the period November 1, 2016, through October 31, 2017, in its entirety.

Assessment

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

Notification to Importers

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

Notification Regarding Administrative Protective Orders

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

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

Dated: September 4, 2018.

James Maeder,

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

[FR Doc. 2018–19586 Filed 9–10–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–016]

Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Determination of No Shipments, and Rescission, in Part; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain producers and exporters of passenger vehicle and light truck tires (passenger tires) from the People's Republic of China (China) made sales of subject merchandise at prices below normal value (NV) during the period of review (POR) August 1, 2016, through July 31, 2017.

DATES: Applicable September 11, 2018.

FOR FURTHER INFORMATION CONTACT: Toni Page, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration,

[1] *See Certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan: Antidumping Order,* 49 FR 19369 (May 7, 1984).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 82 FR 50260 (November 1, 2017).

[3] *See* Petitioner Letter re: Certain Circular Welded Non-Alloy Steel Pipe from Taiwan: Request for Administrative Review, dated November 30, 2017.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 1329 (January 11, 2018).

[5] *See* Petitioner Letter re: Certain Circular Welded Non-Alloy Steel Pipe from Taiwan: Withdrawal of Review Request, dated April 9, 2018.

U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1398.

SUPPLEMENTARY INFORMATION:

Background

On August 10, 2015, Commerce issued an antidumping duty (AD) order on passenger tires from China.[1] Several interested parties requested that Commerce conduct an administrative review of the *AD Order,* and on October 16, 2017, Commerce published in the **Federal Register** a notice of initiation of an administrative review of the *AD Order* for 59 producers/exporters for the POR.[2] Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018.[3]

Scope of the Order

The products covered by the order are certain passenger vehicle and light truck tires from China. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[4]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). Commerce preliminarily determines that Junhong's reported U.S. sales were export price (EP). We calculated EP sales in accordance with section 772 of the Act. Given that China is a non-market economy (NME) country, within the meaning of section 771(18) of the Act, Commerce calculated NV in accordance with section 773(c) of the Act.

For a full description of the methodology underlying the preliminary results of this review, *see* the Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is made available to the public *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content. A list of topics included in the Preliminary Decision Memorandum is provided in Appendix 1 to this notice.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. Actyon Tyre Resources Co., Limited; Cooper (Kunshan) Tire Co., Ltd.; Hangzhou Yokohama Tire Co., Ltd.; Hongtyre Goup Co.; ITG Voma Corporation; Koryo International Industrial Limited; Kumho Tire Co., Inc.; Crown International Corporation (Crown); Shandong Wanda Boto Tyre Co., Ltd. (Boto Tyre); Qingdao Nama Industrial Co., Ltd.; Shandong Changfeng Tyres Co., Ltd.; Shandong Guofeng Rubber Plastics; Shandong Guofeng Rubber Plastics Co., Ltd.; Shandong Zhongyi Rubber Co., Ltd.; Shengtai Group Co., Ltd.; The Yokohama Rubber Company, Ltd.; Tyrechamp Group Co., Limited; and the Sailun Group Co., Ltd. (*i.e.,* Sailun Jinyu Group Co., Ltd.)/Sailun Tire International Corp./Shandong Jinyu Industrial Co., Ltd./Sailun Jinyu Group (Hong Kong) Co., Limited/Dynamic Tire Corp./Husky Tire Corp./Seatex International Inc./Seatex PTE. Ltd.) withdrew their respective requests for an administrative review within 90 days of the publication date of the notice of initiation.

When Commerce initiated the instant administrative review, we inadvertently did not include ITG Voma Corporation in the list of companies for which an administrative review was requested or initiated.[5] As noted above, ITG Voma Corporation did timely file a withdrawal request. Therefore, we will accept its request and rescind this administrative review with respect to ITG Voma Corporation.

No other parties requested an administrative review of the order with respect to the aforementioned companies, except for Crown and Boto Tyre. Therefore, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this review of the AD order on passenger tires from China with respect to the listed companies, except for Crown and Boto Tyre.

As noted above, Crown and Boto Tyre timely filed withdrawal requests for their respective administrative reviews. However, the petitioner filed administrative review requests for these companies, but did not file any subsequent withdrawal requests. Therefore, both Crown and Boto Tyre are still subject to the instant administrative review. Boto Tyre timely filed a separate rate certification prior to its withdrawal request. We reviewed Boto Tyre's separate rate certification request and preliminarily find that it qualifies for separate rate status in this administrative review. Crown did not file a separate application or certificate and, thus, is preliminarily considered to be part of the China-wide entity.

Preliminary Determination of No Shipments

Based on an analysis of U.S. Customs and Border Protection (CBP) information, and comments provided by interested parties, Commerce preliminarily determines that two companies under review, Federal Tire (Jiangxi), Ltd. and Highpoint Trading, Ltd. each had no shipments during the POR. For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Consistent with an announced refinement to its assessment practice in NME cases, Commerce is not rescinding this review, in part, but intends to complete the review with respect to the companies for which it has preliminarily found no shipments and issue appropriate instructions to CBP based on the final results of the review.[6]

In addition, six companies: Fleming Limited; Haohua Orient International

[1] *See Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 47902 (August 10, 2015) (*AD Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 48051 (October 16, 2017) (*Initiation Notice*). The *Initiation Notice* inadvertently misspelled the names of two producer/exporters, which were corrected in a subsequent publication. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 57705 (December 7, 2017).

[3] S*ee* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), (January 23, 2018). All deadlines in this segment of the proceeding have been extended by three days.

[4] S*ee* ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China, Preliminary Determination of No Shipments; and Rescission, in part; 2016–2017,'' (September 4, 2018) (Preliminary Decision Memorandum).

[5] ITG Voma Corporation timely filed a request for an administrative review. *See* ITG Voma Corporation's letter, ''Passenger Vehicle and Light Tires from the People's Republic of China: Request for Review—2016–2017 Review Period,'' (August 31, 2017).

[6] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) and the ''Assessment Rates'' section, below.

Trade Ltd.; Qingdao Lakesea Tyre Co., Ltd.; Riversun Industry Limited; Safe & Well (HK) International Trading Limited; and Windforce Tyre Co., Limited filed no shipment certifications, even though an administrative review was not requested for or initiated on their behalf. Because these companies are not subject to this review, Commerce will not inquire further regarding their no shipment status.

Also, Best Choice International Trade Co., Limited (Best Choice) filed a no shipment certification; however, we previously collapsed Best Choice and BC Tyre into a single entity in the prior review.[7] Because there is no evidence on the record that contradicts our prior collapsing determination or the evidence on this record, we preliminarily continue to find that BC Tyre and Best Choice is a single entity in this administrative review.[8] Therefore, we preliminarily find that Best Choice does not qualify for no-shipment status and will be part of the China-wide entity. However, we intend to seek additional information from this entity following these preliminary results.

Separate Rates

Commerce preliminarily determines that the information placed on the record by Junhong, as well as by the other companies listed in the rate table in the ''Preliminary Results of Review'' section below, demonstrates that these companies are entitled to separate rate status. Neither the Act nor Commerce's regulations address the establishment of the rate applied to individual companies not selected for examination where Commerce limited its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Commerce's practice in cases involving limited selection based on exporters accounting for the largest volume of imports has been to look to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in an investigation. Section 735(c)(5)(A) of the Act instructs Commerce to use rates established for individually investigated producers and exporters, excluding any rates that are zero, *de minimis,* or based entirely on facts available in investigations. In the instant administrative review, Junhong is the only reviewed respondent that received a calculated weighted-average margin. Therefore, for the preliminary results, Commerce has preliminarily determined to assign Junhong's margin to the non-selected separate-rate companies.

In addition, Commerce preliminarily determines that certain companies have not demonstrated their entitlement to separate rate status because: (1) They withdrew their participation from the administrative review; or (2) they did not rebut the presumption of *de jure* or *de facto* government control of their operations.[9] *See* Appendix 2 of this **Federal Register** notice for a complete list of companies not receiving a separate rate.

Commerce is treating the companies for which it did not grant separate rate status as part of the China-wide entity. Because no party requested a review of the China-wide entity, the entity is not under review, and the entity's rate (*i.e.,* 87.99 percent) [10] is not subject to change.[11]

Adjustments for Countervailable Subsidies

Commerce has preliminarily adjusted Junhong's U.S. price for export subsidies, pursuant to 772(c)(1)(C) of the Act, and domestic subsidies passed-through, pursuant to section 777A(f) of the Act.

Preliminary Results of Review

As a result of this review, we preliminarily determine the weighted-average dumping margins rates to be:

Exporter	Weighted-average dumping margin (percent)
Zhaoqing Junhong Co., Ltd	73.63
Jiangsu Hankook Tire Co., Ltd	73.63
Kenda Rubber (China) Co., Ltd	73.63
Mayrun Tyre (Hong Kong) Limited	73.63
Qingdao Odyking Tyre Co., Ltd	73.63
Qingdao Sentury Tire Co., Ltd./Sentury Tire USA Inc./Sentury (Hong Kong) Trading Co., Limited	73.63
Shandong Anchi Tyres Co., Ltd	73.63
Shandong Hengyu Science & Technology Co., Ltd	73.63
Shandong Linglong Tyre Co., Ltd	73.63
Shandong Longyue Rubber Co., Ltd	73.63
Shandong New Continent Tire Co., Ltd	73.63
Shandong Province Sanli Tire Manufactured Co., Ltd	73.63
Shandong Shuangwang Rubber Co., Ltd	73.63
Shandong Wanda Boto Tyre Co., Ltd	73.63
Shandong Yongsheng Rubber Group Co., Ltd	73.63
Shouguang Firemax Tyre Co., Ltd	73.63
Winrun Tyre Co., Ltd	73.63

[7] *See* the Preliminary Determination Memorandum at ''Discussion of Methodology.''

[8] *Id.* In addition, as explained in the Preliminary Decision Memorandum, there is evidence on the record of this review that Best Choice and BC Tyre Group Limited continue to have intertwined operations in this review. For a business proprietary discussion of the Best Choice and BC Tyre Group Limited relationship, please see Commerce Memorandum, ''Antidumping Duty Administrative Review of Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Preliminary Separate Rate Status,'' (September 4, 2018) (Preliminary Separate Rate Memorandum).

[9] *See* Preliminary Denial of Separate Rate Status Memorandum for a complete discussion regarding the companies preliminarily not granted separate rate status.

[10] *See Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 47902, 47906 (August 10, 2015) (*Order*).

[11] For additional information regarding Commerce's separate rate determinations, *see* the Preliminary Decision Memorandum.

Disclosure and Public Comment

Commerce intends to disclose to parties the calculations performed for these preliminary results of review within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[12] Rebuttal briefs may be filed no later than five days after case briefs are due, and may respond only to arguments raised in the case briefs.[13] A table of contents, list of authorities used, and an executive summary of issues should accompany any briefs submitted to Commerce. The summary should be limited to five pages total, including footnotes.[14]

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice.[15] Requests should contain the party's name, address, and telephone number, the number of participants in, and a list of the issues to be discussed at, the hearing. Oral arguments at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a date and time to be determined.[16] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date of the hearing.

All submissions, with limited exceptions, must be filed electronically using ACCESS.[17] An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time (ET) on the due date.Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.[18]

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results of review, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results of this review, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[19] Commerce intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. For each individually examined respondent in this review whose weighted-average dumping margin in the final results of review is not zero or *de minimis* (*i.e.,* less than 0.5 percent), Commerce intends to calculate importer-specific assessment rates, in accordance with 19 CFR 351.212(b)(1).[20] Where the respondent reported reliable entered values, Commerce intends to calculate importer-specific *ad valorem* assessment rates by aggregating the amount of dumping calculated for all U.S. sales to the importer, and dividing this amount by the total entered value of the sales to the importer.[21] Where the importer did not report entered values, Commerce intends to calculate an importer-specific assessment rate by dividing the amount of dumping for reviewed sales to the importer by the total sales quantity associated with those transactions. Where an importer-specific *ad valorem* assessment rate is not zero or *de minimis,* Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis,* or an importer-specific *ad valorem* assessment rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[22]

Pursuant to Commerce practice, for entries that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, Commerce will instruct CBP to liquidate such entries at the rate for the China-wide entity.[23] Additionally, if Commerce determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's CBP case number will be liquidated at the rate for the China-wide entity.

For the companies for which this review is rescinded, antidumping duties will be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(l)(i). Commerce intends to issue appropriate assessment instructions with respect to the companies for which this review is rescinded to CBP 15 days after the publication of this notice.

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the assessment of antidumping duties on POR entries, and for future deposits of estimated antidumping duties, where applicable.

Cash Deposit Requirements

Commerce will instruct CBP to require a cash deposit for antidumping duties equal to the weighted-average amount by which NV exceeds U.S. price. The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is *de minimis* (*i.e.,* less than 0.5 percent), then the cash deposit rate will be zero for that exporter); (2) for previously investigated or reviewed China and non-China exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (3) for all China exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (*i.e.,* 76.46 percent)[24] and (4) for all non-China exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter that supplied that non- China exporter. These deposit requirements, when

[12] *See* 19 CFR 351.309(c)(ii).

[13] *See* 19 CFR 351.309(d).

[14] *See* 19 CFR 351.309(c)(2), (d)(2).

[15] *See* 19 CFR 351.310(c).

[16] *See* 19 CFR 351.310(d).

[17] *See generally* 19 CFR 351.303.

[18] *See* 19 CFR 351.303 (for general filing requirements); *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[19] *See* 19 CFR 351.212(b)(1).

[20] *See Antidumping Proceedings: Calculation of the Weighted Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification*).

[21] *See* 19 CFR 351.212(b)(1).

[22] *See Final Modification,* 77 FR at 8103.

[23] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

[24] *See Order,* 80 FR 47904.

imposed, shall remain in effect until further notice.

Notification to Importers

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

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: September 4, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix 1

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Partial Rescission of Administrative Review
IV. Scope of the Order
V. Discussion of the Methodology
VI. Recommendation

Appendix 2

List of Companies Not Receiving Separate Rate Status

1. BC Tyre Group Limited
2. Best Choice International Trade Co., Limited
3. Chen Shin Tire & Rubber (China) Co., Ltd.
4. Crown International Corporation
5. Hankook Tire China Co., Ltd.
6. Hebei Tianrui Rubber Co., Ltd.
7. Hong Kong Tiancheng Investment & Trading Co., Limited
8. Hong Kong Tri-Ace Tire Co., Limited
9. Hwa Fong Rubber (Hong Kong) Ltd.
10. Hwa Fong Rubber (Suzhou) Ltd.
11. Qingdao Fullrun Tyre Corp. Ltd.
12. Qingdao Fullrun Tyre Tech Corp. Ltd.
13. Qingdao Nexen Tire Corporation
14. Qingdao Qianzhen Tyre Co., Ltd.
15. Qingdao Qihang Tyre Co., Ltd.
16. Qingdao Qizhou Rubber Co., Ltd.
17. Shandong Duratti Rubber Corporation Co., Ltd.
18. Shandong Haohua Tire Co., Ltd.
19. Shandong Haolong Rubber Tire Co., Ltd.
20. Shandong Haolong Rubber Co., Ltd.
21. Shandgong Hongsheng Rubber Co., Ltd.
22. Shandong Province Sanli Tire
23. Shifeng Juxing Tire Co., Ltd.
24. Southeast Mariner International Co., Ltd.
25. Toyo Tire (Zhangjiagang) Co., Ltd.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG011

Takes of Marine Mammals Incidental To Specified Activities; Taking Marine Mammals Incidental to Bremerton and Edmonds Ferry Terminals Dolphin Relocation Project in Washington State

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that we have issued an incidental harassment authorization (IHA) to Washington State Department of Transportation (WSDOT) to take small numbers of marine mammals, by harassment, incidental to Bremerton and Edmonds ferry terminals dolphin relocation project in Washington State.

DATES: This authorization is effective from October 1, 2018, through September 30, 2019.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as the issued IHA, may be obtained online at: *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm.* 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, 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).

Summary of Request

On October 4, 2017, WSDOT submitted a request to NMFS requesting an IHA for the possible harassment of small numbers of marine mammal species incidental to the dolphin relocation project at the Bremerton and Edmonds ferry terminals in Washington State, between October 1, 2018, to September 30, 2019. NMFS determined that the IHA application is adequate and complete on December 4, 2017, with a few minor comments and questions. WSDOT subsequently addressed all NMFS comments and submitted a revised IHA application on March 1, 2018. NMFS is proposing to authorize the take by Level B harassment of the following marine mammal species: Harbor seal (*Phoca vitulina*); northern elephant seal (*Mirounga angustirostris*); California sea lion (*Zalophus californianus*); Steller sea lion (*Eumetopias jubatus*); killer whale (*Orcinus orca*); gray whale (*Eschrichtius robustus*); humpback whale (*Megaptera novaeangliae*); minke whale (*Balaenoptera acutorostrata*); harbor porpoise (*Phocoena phocoena*); Dall's

porpoise (*Phocoenoides dalli*); and long-beaked common dolphin (*Delphinus delphis*).

Description of Proposed Activity

Overview

The WSDOT is proposing to relocate one dolphin to improve safety at each of the Bremerton and Edmonds ferry terminals. The Olympic Class ferries have an atypical shape, which at some terminals causes the vessel to make contact with the inner dolphin prior to the stern reaching the intermediate or outer dolphin. This tends to cause rotation of the vessel away from the wingwalls and presents a safety issue. The project will reduce the risk of landing issues for Olympic Class ferries at the Bremerton and Edmonds ferry terminals.

Dates and Duration

Due to NMFS and the U.S. Fish and Wildlife Service (USFWS) in-water work timing restrictions to protect ESA-listed salmonids, planned WSDOT in-water construction is limited each year to July 16 through February 15.

In-water construction at the Bremerton Ferry Terminal will commence after October 1, and is planned during the August 1, 2018, to February 15, 2019 in-water work window. In-water construction at the Edmonds Ferry Terminal will commence October 1, and is planned during the July 15, 2018, to February 15, 2019 in-water work window.

Specified Geographic Region

The Bremerton Ferry Terminal is located in the city of Bremerton, east of the Navy shipyard. Bremerton is on the shoreline of Sinclair Inlet, south of Bainbridge Island. Located in Kitsap County, Washington, the terminal is located in Section 24, Township 24 North, Range 1 East. The Edmonds Ferry Terminal is located in the city of Edmonds, along the downtown waterfront. Edmonds is in Snohomish County, approximately 15 miles north of Seattle. The terminal is located in Section 23, Township 27 North, Range 3 East (Figure 1–2 in the IHA application). Land use near both ferry terminals is a mix of residential, commercial, industrial, and open space and/or undeveloped lands.

Detailed Description of In-Water Pile Driving and Removal Associated With the Dolphin Relocation Project at Bremerton and Edmonds Ferry Terminals

The proposed project includes vibratory hammer driving and removal creating elevated in-water and in-air noise that may impact marine mammals.

The following construction activities (in sequence) are anticipated for the Bremerton Ferry Terminal.

- Install one temporary 36-inch diameter steel indicator pile with a vibratory hammer. The temporary indicator pile will be used as a visual landing aid reference for vessel captains during construction. It will be relocated to become a fender pile for the new dolphin.
- Remove the existing left outer dolphin that consists of six 36-inch diameter steel pipe piles with a vibratory hammer and/or by direct pull and clamshell removal.
- Using a vibratory hammer, install three 30-inch steel pile reaction piles. This is a back group of piles that provide stability to the dolphin.
- Install a concrete diaphragm (the diaphragm joins the piles at their tops), then use a vibratory hammer to install the remaining four 30-inch reaction piles.
- Using a vibratory hammer, install three 36-inch diameter steel pipe fender piles; install fenders and attach rub panels to the fender piles. Fender piles absorb much of the energy as the ferry vessel makes contact with the dolphin.
- Using a vibratory hammer, remove the 36-inch temporary indicator pile and install it as the last remaining fender pile along with the fender and fender panel.

The following construction activities (in sequence) are anticipated for the Edmonds Ferry Terminal.

- Install one temporary 36-inch diameter steel indicator pile with a vibratory hammer. The temporary indicator pile will be used as a visual landing aid reference for vessel captains during construction.
- Using a vibratory hammer, install one 30-inch reaction pile.
- Using a vibratory hammer, install the two remaining reaction piles through the diaphragm.
- Using a vibratory hammer, remove three 36-inch steel pipe fender piles and reinstall them in their new locations.
- Using a vibratory hammer, remove the 36-inch temporary indicator pile (this portion of the project will not reuse the indicator pile).

A summary of the piles to be installed and removed, along with pile driving information, is provided in Table 1.

TABLE 1—SUMMARY OF IN-WATER PILE DRIVING AND REMOVAL DURATIONS

Location	Pile element	Method	Pile type	Size (inch)	Pile No.	Duration/ pile (min)	Number pile/day	Duration (days)
Bremerton	Indicator pile	Vibratory install	Steel	36	1	20	1	1
	Indicator pile	Vibratory removal	Steel	36	1	15	1	1
	Existing dolphin	Vibratory removal	Steel	36	6	15	3	2
	Relocate dolphin install	Vibratory install	Steel	36	4	20	3	2
	Relocated dolphin install	Vibratory install	Steel	30	7	20	3	3
Subtotal					19	345		9
Edmond	Indicator pile	Vibratory install	Steel	36	1	20	1	1
	Indicator pile	Vibratory removal	Steel	36	1	15	1	1
	Existing dolphin removal	Vibratory removal	Steel	36	3	15	3	1
	Relocated dolphin	Vibratory install	Steel	36	3	20	3	1
	Relocated dolphin	Vibratory install	Steel	30	3	20	3	1
Subtotal					11	200		5
Total					30	545		14

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see ''Mitigation'' and ''Monitoring and Reporting'' sections).

Comments and Responses

A notice of NMFS' proposal to issue an IHA was published in the **Federal Register** on April 16, 2018 (83 FR

16330). During the 30-day public comment period, NMFS received comment letters from the Marine Mammal Commission (Commission) and the Whale and Dolphin Conservation (WDC). Specific comments and responses are provided below.

Comment 1: The Commission recommends that NMFS require WSDOT to collect spectral data at the source to verify the spectrum of 36-in piles and adjust the Level A harassment zones as necessary, rather than continue to use the spectrum associated with 30-in piles.

Response: NMFS agrees with the Commission that if WSDOT plans to conduct pile driving source level measurements, spectral data should be required to calculate Level A harassment zones. However, WSDOT stated that it does not plan to conduct source level measurements for the Bremerton-Edmonds ferry terminal construction. Instead, WSDOT plans to use broadband source level measurement on the 36-in piles collected at Edmonds Ferry Terminal in 2017 and applies the 30-in pile spectrum to model for Level A harassment zones. NMFS has determined that this is acceptable for this activity, though we plan to continue evaluating this determination as new information is collected. Therefore, since WSDOT does not plan to conduct source measurements for the Bremerton-Edmonds ferry terminal project, NMFS will not request it to acquire spectral data.

Comment 2: The Commission commented that the method NMFS used to estimate the numbers of takes during the proposed activities, which summed fractions of takes for each species across project days, does not account for and negates the intent of NMFS' 24-hour reset policy. The Commission also recommends that NMFS develop and share guidance on this issue.

Response: NMFS has provided the guidance to the Commission; and, as described therein and discussed subsequently, we have determined that the method used for rounding take estimates here is appropriate and does not conflict with the methodology that the Commission refers to as the ''24-hour reset policy.''

Comment 3: The Commission requested clarification of certain issues associated with NMFS's notice that one-year renewals could be issued in certain limited circumstances and expressed concern that the process would bypass the public notice and comment requirements. The Commission also suggested that NMFS should discuss the possibility of renewals through a more general route, such as a rulemaking, instead of notice in a specific authorization. The Commission further recommended that if NMFS did not pursue a more general route, that the agency provide the Commission and the public with a legal analysis supporting our conclusion that this process is consistent with the requirements of section 101(a)(5)(D) of the MMPA.

Response: The process of issuing a renewal IHA does not bypass the public notice and comment requirements of the MMPA. The notice of the proposed IHA expressly notifies the public that under certain, limited conditions an applicant could seek a renewal IHA for an additional year. The notice describes the conditions under which such a renewal request could be considered and expressly seeks public comment in the event such a renewal is sought. Additional reference to this solicitation of public comment has recently been added at the beginning of FR notices that consider renewals. NMFS appreciates the streamlining achieved by the use of abbreviated **Federal Register** notices and intends to continue using them for proposed IHAs that include minor changes from previously issued IHAs, but which do not satisfy the renewal requirements. However, we believe our proposed method for issuing renewals meets statutory requirements and maximizes efficiency. Importantly, such renewals would be limited to where the activities are identical or nearly identical to those analyzed in the proposed IHA, monitoring does not indicate impacts that were not previously analyzed and authorized, and the mitigation and monitoring requirements remain the same, all of which allow the public to comment on the appropriateness and effects of a renewal at the same time the public provides comments on the initial IHA. NMFS has, however, modified the language for future proposed IHAs to clarify that all IHAs, including renewal IHAs, are valid for no more than one year and that the agency would consider only one renewal for a project at this time. In addition, notice of issuance or denial of a renewal IHA would be published in the **Federal Register**, as are all IHAs. Last, NMFS will publish on our website a description of the renewal process before any renewal is issued utilizing the new process.

Comment 4: The WDC states that as part of the recently initiated Washington State Southern Resident Recovery Task Force, WSDOT should utilize locally available resources, including a hydrophone network and well-informed local sightings network, to monitor the presence, abundance, and movement of killer whales in the area during the project. WDC further recommends that if a protected species observer (PSO) is unable to differentiate between transient and resident killer whales, any killer whale sighting near the shutdown zone should result in shutdown measures. In addition, WDC recommends WSDOT employ soft-start or ramp-up methods for pile driving activities to give any marine mammal within hearing range time to respond to increased noise levels and leave the area before work begins.

Response: NMFS agrees with WDC's recommendations. In fact, all the recommended mitigation and monitoring measures in the WDC's comment letter were already in the proposed IHA. These measures include, but not limited to, (1) coordinating with the Orca Network on a daily basis during pile driving to understand marine mammal presence near the project areas and also sharing project sightings data with Orca Network; (2) implementing shutdown measures if a killer whale is sighted near the shutdown zone when the ecotype of the killer whale is unknown, and (3) implementing ramp-up methods for pile driving activities.

Description of Marine Mammals in the Area of Specified Activities

We have reviewed the applicant's species information, which summarizes available information regarding status and trends, distribution and habitat preferences, behavior and life history, and auditory capabilities of the potentially affected species—for accuracy and completeness and refer the reader to Sections 3 and 4 of the applications, as well as to NMFS' Stock Assessment Reports (SAR; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region#reports*).

Table 2 lists all species with expected potential for occurrence in Bremerton and Edmonds ferry terminal project area and summarizes information related to the population or stock, including potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2017). PBR, 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, is considered in concert with known sources of ongoing anthropogenic mortality to assess the population-level effects of the anticipated mortality from a specific project (as described in

NMFS' SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality 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' 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 NMFS' 2017 U.S. Pacific Marine Mammal SARs (Carretta *et al.,* 2018). The 2017 SAR is available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region#reports.*

TABLE 2—MARINE MAMMALS WITH POTENTIAL PRESENCE WITHIN THE PROPOSED PROJECT AREA

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)	624	132
Family Balaenopteridae						
Humpback whale	*Megaptera novaeangliae*	California/Oregon/Washington	E/D;Y	1,918 (0.03, 1,976)	11.0	>6.5
Minke whale	*Balaenoptera acutorostrata*	California/Oregon/Washington	-; N	636 (0.72, 369)	3.5	>1.3
Family Delphinidae						
Killer whale	*Orcinus orca*	Eastern N Pacific Southern resident.	E/D; Y	83 (NA, 83)	0.14	0
		West coast transient	-; N	243 (NA, 243)	2.4	0
Long-beaked common dolphin	*Delphinus delphis*	California	-; N	101,305 (0.49, 68,432)	657	>35.4
Family Phocoenidae (porpoises)						
Harbor porpoise	*Phocoena phocoena*	Washington inland waters	-; N	11,233 (0.37, 8,308)	66	7.2
Dall's porpoise	*Phocoenoides dali*	California/Oregon/Washington	-; N	25,750 (0.45, 17,954)	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)	9,200	389
Steller sea lion	*Eumetopias jubatus*	Eastern U.S.	-; N	41,638 (NA, 41,638)	2,498	108
Family Phocidae (earless seals)						
Harbor seal	*Phoca vitulina*	Washington northern inland waters.	-; N	11,036 [4] (unk, unk)	1,641	43
Northern elephant seal	*Mirounga angustirostris*	California breeding	-; N	179,000 (NA, 81,368)	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: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region#reports.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

[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 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.

[4] Harbor seal estimate is based on data that are 8 years old, but this is the best available information for use here.

All species that could potentially occur in the proposed construction areas are included in Table 2. Although the SRKW could occur in the vicinity of the project area, WSDOT proposes to implement strict monitoring and mitigation measures with assistance from local marine mammal researchers and observers. Thus, the take of this marine mammal stock can be avoided (see details in Mitigation section).

In addition, sea otters may be found in Puget Sound area. However, this species is managed by the U.S. Fish and Wildlife Service and are not considered further in this document.

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 (2016) described generalized hearing ranges for

these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (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;
- Pinnipeds in water; Otariidae (eared seals): 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).

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 *et al.,* 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2016) for a review of available information. Eleven marine mammal species (7 cetacean and 4 pinniped (2 otariid and 2 phocid) species) have the reasonable potential to co-occur with the proposed construction activities. Please refer to Table 2. Of the cetacean species that may be present, one species is classified as low-frequency cetaceans (*i.e.,* gray, humpback, and minke whales), two are classified as mid-frequency cetaceans (killer whale and long-beaked common dolphin), 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 ''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.

Potential impacts to marine mammals from the Bremerton-Edmonds ferry terminal construction project are from noise generated during in-water pile driving and pile removal activities.

Acoustic Effects

Here, we first provide background information on marine mammal hearing before discussing the potential effects of the use of active acoustic sources on marine mammals.

The WSDOT's Bremerton-Edmond ferry terminal construction 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 TS just after exposure is the initial TS. If the TS eventually returns to zero (*i.e.,* the threshold returns to the pre-exposure value), it is a temporary threshold shift (TTS) (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 a noise-induced TS. An animal can experience 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, 2015). 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 sound pressure level (SPL) at 200.2 dB (peak-to-peak) re: 1 micropascal (μPa), which corresponds to a sound exposure level 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 root mean square (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. Therefore, based on these studies, NMFS recognizes that TTS of harbor porpoises is lower than other cetacean species empirically tested (Finneran & 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.

In addition, chronic exposure to excessive, though not high-intensity, noise could cause masking at particular frequencies for marine mammals, which 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 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 SPL) in the world's ocean from pre-industrial periods, and most of these increases are from distant shipping (Hildebrand, 2009). For WSDOT's Bremerton-Edmonds ferry terminal 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.

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 WSDOT's Bremerton-Edmonds ferry terminal project, only 120-dB level is considered for effects analysis because WSDOT plans to use only vibratory pile driving and 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.

Potential Effects on Marine Mammal Habitat

The primary potential impacts to marine mammal habitat are associated with elevated sound levels produced by vibratory pile removal and pile driving in the area. However, other potential impacts to the surrounding habitat from physical disturbance are also possible.

With regard to fish as a prey source for cetaceans and pinnipeds, fish are known to hear and react to sounds and to use sound to communicate (Tavolga *et al.,* 1981) and possibly avoid predators (Wilson and Dill, 2002). 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). In general, fish react more strongly to pulses of sound (such as noise from impact pile driving) rather than continuous signals (such as noise from vibratory pile driving) (Blaxter *et al.,* 1981), and a quicker alarm response is elicited when the sound signal intensity rises rapidly compared to sound rising more slowly to the same level.

During the coastal construction, 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 marine mammals' prey availability in the area where construction work is planned.

Finally, the time of the proposed construction activity would avoid the spawning season of the ESA-listed salmonid species.

Estimated Take

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS' 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 be by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to noise generated from vibratory pile driving and removal. Based on the nature of the activity and the anticipated effectiveness of the mitigation measures (*i.e.,* shutdown measures—discussed in detail below in Mitigation section), Level A harassment is neither anticipated nor authorized.

As described previously, no mortality is anticipated or authorized for this activity. 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 take estimate.

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 (rms) for continuous (*e.g.* vibratory pile-driving, drilling) and above 160 dB re 1 µPa (rms) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources.

Applicant's proposed activity includes the generation of non-impulse (vibratory pile driving and removal) source; and, only the 120-dB re 1 µPa (rms) is used.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Technical Guidance, 2016) 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). Applicant's proposed activity would generate and non-impulsive (vibratory pile driving and pile removal) noises.

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 the table 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: *http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm.*

TABLE 3—CURRENT ACOUSTIC EXPOSURE CRITERIA FOR NON-EXPLOSIVE SOUND UNDERWATER

Hearing group	PTS onset thresholds		Behavioral thresholds	
	Impulsive	Non-impulsive	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	$L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	$L_{E,LF,24h}$: 199 dB	$L_{rms,flat}$: 160 dB	$L_{rms,flat}$: 120 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 (L_{pk}) has a reference value of 1 µPa, and cumulative sound exposure level (L_E) 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 will feed into identifying the area ensonified above the acoustic thresholds.

Source Levels

The project includes vibratory removal and/or driving of 30-inch and 36-inch diameter hollow steel piles. Based on in-water measurements at

Edmonds Ferry Terminal in 2017 (WSDOT 2017), vibratory driving of 30-inch steel piles generated 174 dB rms re 1 µPa at 10 meters and vibratory pile driving of a 36-inch steel pile generated 177 dB rms re 1 µPa measured at 10 meters. As a conservative estimate, vibratory pile removal source level of 36-in steel pile is based on 36-in pile installation level of 177 dB re 1 µPa SEL.

A summary of source levels from different pile driving and pile removal activities is provided in Table 4.

TABLE 4—SUMMARY OF IN-WATER PILE DRIVING SOURCE LEVELS

[At 10 m from source]

Method	Pile type/size	SEL (dB re 1 µPa^2 – s)	SPL_{rms} (dB re 1 µPa)
Vibratory driving/removal	36-in steel pile	177	177
Vibratory driving	30-in steel pile	174	174

These source levels are used to compute the Level A harassment zones and to estimate the Level B harassment zones. For Level A harassment zones, since the peak source levels for both pile driving are below the injury thresholds, cumulative SEL were used to do the calculations using the NMFS acoustic guidance (NMFS 2016).

Estimating Harassment Zones

For Level B harassment, ensonified areas are based on WSDOT's source measurements (see above) computed using 15 * log(R) for transmission loss to derive the distances up to 120-dB isopleths.

For Level A harassment, calculation is based on duration of installation/removal per pile and number of piles installed or removed per day, using spectral modeling based on vibratory pile driving recordings made at Edmonds Ferry Terminal for the same piles. One-second sound exposure level (SEL) power spectral densities (PSDs) were calculated and used as representative pile driving sources to assess Level A harassment for marine mammals in different hearing groups. Initial results showed that Level A harassment zones from the 3-in piles were smaller than those from 30-in piles for high-frequency cetaceans, despite the broadband noise level from the 36-in pile being 3 dB higher than that of 30-in pile. Close examination of the pile driving spectra revealed some unusual high decay rate in the 36-in pile driving sound above 2 kHz. This unusual decay was probably due to the specific sediment in the pile driving location. Therefore, the spectrum for the 30-in pile was used to model the 36-in pile and scaled up to the 177 dB broadband level.

Transmission loss due to absorption was also incorporated based using the equation

$$TL(f) = 15\log(R) + a(f) * R/1000$$

where TL(f) is frequency dependent transmission loss, and a(f) is frequency dependent transmission loss coefficient.

Distances of ensonified area for different pile driving/removal activities for different marine mammal hearing groups is present in Table 5.

Marine Mammal Occurrence

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

In most cases, marine mammal density data are from the U.S. Navy Marine Species Density Database (U.S. Navy 2015) except California sea lion and harbor porpoise. California sea lion density at Bremerton area is based on survey data of California sea lions at the Navy Shipyard at Bremerton from 2012–2016 (Navy 2017). Survey results indicate as many as 144 animals hauled out each day during this time period, with the majority of animals observed August through May and the greatest numbers observed in November. The average of the monthly maximum counts during the in-water work window provides an estimate of 69 sea lions per day. For harbor porpoise, because Washington Department of Fish and Wildlife has better local distribution data based on recent survey in the area, local animal abundance are used to calculate the take numbers (Evenson, 2016).

Table 5. Modeled distances and areas to harassment zones

Location	*Pile driving activity*	*SL (10m)*	*Level A harassment distance (m) Level A harassment area (m^2)*					*Level B harassment distance (m) Level B harassment area (m^2)*
		SEL_{ss}	*LF Cetacean*	*MF Cetacean*	*HF Cetacean*	*Phocid*	*Otariid*	*All marine mammals*
Bremerton	**36" indicate pile install (1 pile/day)**	177	10	10	25	10	10	**63,100**
			314	314	1,964	314	314	**13,200,000**
	36" indicate pile removal (1 pile/day)	177	10	10	10	10	10	**63,100**
			314	314	314	314	314	**13,200,000**
	36" steel pile (existing dolphin) removal (3 piles/day)	177	25	10	35	10	10	**63,100**
			1962.5	314	3,849	314	314	**13,200,000**
	36" steel pile (relocated dolphin) install (3 piles/day)	177	25	10	35	10	10	**63,100**
			1,964	314	3,849	314	314	**13,200,000**
	30" steel pile (relocated dolphin) install (3 piles/day)	174	25	10	25	10	10	**39,800**
			1,964	314	1,964	314	314	**13,200,000**
Edmond	**36" steel pile (indicate pile) install (1 pile/day)**	177	10	10	25	10	10	**63,100**
			314	314	1,964	314	314	**351,000,000**
	36" steel pile (indicate pile) removal (1 pile/day)	177	10	10	10	10	10	**63,100**
			314	314	314	314	314	**351,000,000**
	36" steel pile (existing dolphin) removal (3 piles/day)	177	25	10	35	10	10	**63,100**
			1,964	314	3,859	314	314	**351,000,000**
	36" steel pile (relocated dolphin) install (3 piles/day)	177	25	10	35	10	10	**63,100**
			1,964	314	3,849	314	314	**351,000,000**
	30" steel pile (relocated dolphin) install (3 piles/day)	174	25	10	25	10	10	**39,800**
			1,964	314	1,964	314	314	**351,000,000**

A summary of marine mammal density and local occurrence used for take estimates is provided in Table 6.

TABLE 6—MARINE MAMMAL DENSITY AND LOCAL OCCURRENCE IN THE WSDOT PROJECT AREA

Species	Density (#/km^2)
Gray whale	0.0051
Humpback whale	0.0007
Minke whale	0.00003
Killer whale (West coast transient)	0.002
Long-beaked common dolphin	0.002
Harbor porpoise	0.58
Dall's porpoise	0.048
California sea lion	*0.03
Steller sea lion	0.04
Harbor seal	1.22
Northern elephant seal	0.00001

*This density is only used for Edmonds Ferry Terminal area. For animals at Bremerton Ferry Terminal, a daily sighting of 69 animals is used for take estimates.

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

For all marine mammals except California sea lion at Bremerton Ferry Terminal area, takes were calculated as: Take = ensonified area × average animal abundance in the area × pile driving days and rounded up to the nearest integer. For California sea lion at Bremerton, take estimate is based on the average daily sighting of 69 animals within the area multiplied by the nine project days, which yield a total of 621 estimated takes.

For calculated take number less than 10, such as northern elephant seals, transient killer whales, humpback whales, minke whales, and long-beaked common dolphins, takes numbers were adjusted to account for group encounter and the likelihood of encountering. Specifically, for northern elephant seal, take of 15 animals is estimated based on the likelihood of encountering this species during the project period. For transient killer whale, takes of 30 animals is estimated based on the group size and the likelihood of encountering in the area. For humpback and minke whales, takes of eight animals each are estimated based on the likelihood of encountering. For long-beaked common dolphin, take of 50 animals is estimated based on the group size and the likelihood of encountering in the area.

No Level A harassment take is calculated using the aforementioned estimation method because of the small injury zones and relatively low average animal density in the area. Since the largest Level A harassment distance is only 35 m from the source for high-frequency cetaceans (harbor porpoise and Dall's porpoise), NMFS considers that WSDOT can effectively monitor such small zones to implement shutdown measures and avoid Level A harassment takes. Therefore, no Level A harassment take of marine mammal is anticipated for the dolphin replacement project at the Bremerton and Edmonds ferry terminals.

A summary of estimated takes based on the above analysis is listed in Table 7.

TABLE 7—ESTIMATED NUMBERS OF MARINE MAMMALS THAT MAY BE EXPOSED TO RECEIVED NOISE LEVELS THAT CAUSE LEVEL B HARASSMENT

Species	Estimated Level B harassment take	Abundance	Percentage
Gray whale	10	20,990	0
Humpback whale	8	1,918	0
Minke whale	8	636	2
Killer whale (West coast transient)	30	243	12
Killer whale (Southern resident)	0	83	0
Long-beaked common dolphin	50	101,305	0
Harbor porpoise	1,087	11,233	10
Dall's porpoise	90	25,750	0
California sea lion	1,149	296,750	0
Steller sea lion	75	41,638	0
Harbor seal	2,286	11,036	21
Northern elephant seal	15	179,000	0

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, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

Mitigation for Marine Mammals and Their Habitat

1. Time Restriction

In-water work must occur only during daylight hours, when visual monitoring of marine mammals can be conducted.

2. Establishing and Monitoring Level A, Level B Harassment Zones, and Shutdown Zones

Before the commencement of in-water construction activities, which include vibratory pile driving and pile removal, WSDOT must establish Level A harassment zones where received underwater SEL_{cum} could cause PTS (see above).

WSDOT must also establish Level B harassment zones where received underwater SPLs are higher than 120 dB_{rms} re 1 µPa for non-impulsive noise sources (vibratory pile driving and pile removal).

WSDOT must establish shutdown zones within which marine mammals could be taken by Level A harassment. For Level A harassment zones that is less than 10 m from the source, a minimum of 10 m distance should be established as a shutdown zone.

A summary of shutdown zones is provided in Table 8.

TABLE 8—SHUTDOWN DISTANCES FOR VARIOUS PILE DRIVING ACTIVITIES AND MARINE MAMMAL HEARING GROUPS

Pile type, size & pile driving method	Shutdown distance (m)				
	LF cetacean	MF cetacean	HF cetacean	Phocid	Otariid
36″ indicate pile install (1 pile/day)	10	10	25	10	10
36″ indicate pile removal (1 pile/day)	10	10	10	10	10
36″ steel pile (existing dolphin) removal (3 piles/day)	25	10	35	10	10
36″ steel pile (relocated dolphin) install (3 piles/day)	25	10	35	10	10
30″ steel pile (relocated dolphin) install (3 piles/day)	25	10	25	10	10

NMFS-approved protected species observers (PSO) shall conduct an initial 30-minute survey of the shutdown zones to ensure that no marine mammals are seen within the zones before pile driving and pile removal of a pile segment begins. If marine mammals are found within the shutdown zone, pile driving of the

segment must be delayed until they move out of the area. If a marine mammal is seen above water and then dives below, the contractor must wait 15 minutes. If no marine mammals are seen by the observer in that time it can be assumed that the animal has moved beyond the shutdown zone.

If pile driving of a segment ceases for 30 minutes or more and a marine mammal is sighted within the designated shutdown zone prior to commencement of pile driving, the observer(s) must notify the pile driving operator (or other authorized individual) immediately and continue to monitor the shutdown zone. Operations may not resume until the marine mammal has exited the shutdown zone or 30 minutes have elapsed since the last sighting.

To verify the required monitoring distance, the shutdown zones and ZOIs will be determined by using a range finder or hand-held global positioning system device.

3. Shutdown Measures

WSDOT must implement shutdown measures if a marine mammal is detected within or to be approaching the shutdown zones provided in Table 8 of this notice.

WSDOT must implement shutdown measures if Southern Resident killer whales (SRKWs) are sighted within the vicinity of the project area and are approaching the Level B harassment zone (zone of influence, or ZOI) during in-water construction activities.

If a killer whale approaches the ZOI during pile driving or removal, and it is unknown whether it is a SRKW or a transient killer whale, it must be assumed to be a SRKW and WSDOT shall implement the shutdown measure described above.

If a SRKW enters the ZOI undetected, in-water pile driving or pile removal must be suspended until the SRKW exits the ZOI to avoid further level B harassment.

WSDOT must implement shutdown measures if the number of any allotted marine mammal takes reaches the limit under the IHA or if a marine mammal observed is not authorized for take under this IHA, if such marine mammals are sighted within the vicinity of the project area and are approaching the Level B harassment zone during pile removal activities.

Based on our evaluation of the required measures, NMFS has determined that the prescribed mitigation measures provide the means 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.

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 proposed 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.

Monitoring Measures

WSDOT must employ NMFS-approved PSOs to conduct marine mammal monitoring for its dolphin relocation project at Bremerton and Edmonds ferry terminals. The purposes of marine mammal monitoring are to implement mitigation measures and learn more about impacts to marine mammals from WSDOT's construction activities. The PSOs must 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 must 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 must be designated as lead observer or monitoring coordinator. The lead observer must have prior experience working as an observer; and

5. NMFS will require submission and approval of observer CVs.

Monitoring of marine mammals around the construction site shall be conducted using high-quality binoculars (*e.g.,* Zeiss, 10 x 42 power). Due to the different sizes of zones of influence (ZOI) from different pile types, two different ZOIs and different monitoring protocols corresponding to a specific pile type must be established.

- For all vibratory driving/removal at the Bremerton Ferry Terminal, two land-based PSOs and one monitoring boat with one PSO and boat operator must monitor the Level A and Level B harassment zones.
- For all vibratory driving/removal at the Edmonds Ferry Terminal, five land-based PSOs and two ferry-based PSOs must monitor the Level A and Level B harassment zones.
- If the in-situ measurement showed that the Level B harassment zone at the Edmonds Ferry Terminal is under 15 km from the source, three land-based PSOs and one ferry-based PSO must be monitoring the Level A and Level B harassment zones.

Locations of the land-based PSOs and routes of monitoring vessels are shown in WSDOT's Marine Mammal Monitoring Plan, which is available online at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.*

6. PSOs must collect the following information during marine mammal monitoring:

- Date and time that monitored activity begins and ends for each day conducted (monitoring period);

- Construction activities occurring during each daily observation period, including how many and what type of piles driven;
- Deviation from initial proposal in pile numbers, pile types, average driving times;
- Weather parameters in each monitoring period (*e.g.,* wind speed, percent cloud cover, visibility);
- Water conditions in each monitoring period (*e.g.,* sea state, tide state);
- For each marine mammal sighting, the following information shall be collected:
  - Species, numbers, and, if possible, sex and age class of marine mammals;
  - Description of any observable marine mammal behavior patterns, including bearing and direction of travel and distance from pile driving activity;
  - Location and distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point; and
  - Estimated amount of time that the animals remained in the Level B harassment zone;
  - Description of implementation of mitigation measures within each monitoring period (*e.g.,* shutdown or delay); and
  - Other human activity in the area within each monitoring period.

WSDOT may conduct noise field measurement at the Edmonds Ferry Terminal to determine the actual Level B harassment distance from the source during vibratory pile driving of 36'' piles.

Reporting Measures

WSDOT is required to submit a draft monitoring report within 90 days after completion of the construction work or the expiration of the IHA, whichever comes earlier. In the case if WSDOT intends to renew the IHA in a subsequent year, a monitoring report should be submitted 60 days before the expiration of the current IHA (if issued). This report would detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed. NMFS would have an opportunity to provide comments on the report, and if NMFS has comments, WSDOT would address the comments and submit a final report to NMFS within 30 days.

In addition, NMFS would require WSDOT to notify NMFS' Office of Protected Resources and NMFS' West Coast Stranding Coordinator within 48 hours of sighting an injured or dead marine mammal in the construction site. WSDOT shall provide NMFS and the Stranding Network with the species or description of the animal(s), the condition of the animal(s) (including carcass condition, if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photo or video (if available).

In the event that WSDOT finds an injured or dead marine mammal that is not in the construction area, WSDOT must report the same information as listed above to NMFS as soon as operationally feasible.

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' 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).

To avoid repetition, this introductory discussion of our analyses applies to all the species listed in Table 7, given that the anticipated effects of WSDOT's Bremerton and Edmonds ferry terminals dolphin relocation project involving pile driving and pile removal on marine mammals are expected to be relatively similar in nature. There is no information about the nature or severity of the impacts, or the size, status, or structure of any species or stock that would lead to a different analysis by species for this activity, or else species-specific factors would be identified and analyzed.

For all marine mammal species, takes that are anticipated and authorized are expected to be limited to short-term Level B harassment, because of the small scale (only a total of 30 piles to be installed and removed) and short durations (maximum nine days pile driving/removal at Bremerton Ferry Terminal and five days pile driving/removal at Edmonds Ferry Terminal).

Marine mammals present in the vicinity of the action area and taken by 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. For these reasons, these behavioral impacts are not expected to affect marine mammals' growth, survival, and reproduction, especially considering the limited geographic area that would be affected in comparison to the much larger habitat for marine mammals in the Pacific Northwest.

Take calculation based on marine mammal densities within the ensonified areas did not predict a Level A harassment take. In addition, the estimated Level A harassment zones are small (less than 35 m from the source) and can be effectively monitored to implement a shutdown measure if a marine mammal is detected to be moving towards that zone. The impacts are not expected to affect survival, and reproduction of the marine mammal population in the project vicinity.

The project also is not expected to have significant adverse effects on affected marine mammals' habitat, as analyzed in detail in the ''Anticipated Effects on Marine Mammal Habitat'' section. There is no ESA designated critical area in the vicinity of the Bremerton and Edmonds ferry terminal areas. The 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, WSDOT's proposed construction activity at Bremerton and Edmonds ferry terminals

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 stock through effects on annual rates of recruitment or survival:

- No injury, serious injury, or mortality is anticipated or authorized;
- All harassment is Level B harassment in the form of short-term behavioral modification; and
- No areas of specific importance to affected species are impacted.

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 prescribed monitoring and mitigation measures, NMFS finds that the total 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, 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.

The estimated takes are below 21 percent of the population for all marine mammals.

Based on the analysis contained herein of the proposed activity (including the prescribed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size 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 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.

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.

NMFS has determined the issuance of the IHA is consistent with categories of activities identified in Categorical Exclusion B4 (issuance of incidental harassment authorizations under section 101(a)(5)(A) and (D) of the MMPA for which no serious injury or mortality is anticipated) of NOAA's Companion Manual for NAO 216–6A, and we have not identified any extraordinary circumstances listed in Chapter 4 of the Companion Manual for NAO 216–6A that would preclude this categorical exclusion under NEPA.

Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 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 NMFS West Coast Region Protected Resources Division, whenever we propose to authorize take for endangered or threatened species.

The humpback whale and the killer whale (southern resident distinct population segment (DPS)) are the only marine mammal species listed under the ESA that could occur in the vicinity of WSDOT's proposed construction project. Two DPSs of the humpback whale stock, the Mexico DPS and the Central America DPS, are listed as threatened and endangered under the ESA, respectively. NMFS Office of Protected Resources has initiated consultation with NMFS West Coast Regional Office under section 7 of the ESA on the issuance of an IHA to WSDOT under section 101(a)(5)(D) of the MMPA for this activity. NMFS is authorizing take of California/Oregon/Washington stock of humpback whale, which are listed under the ESA.

In March 2018, NMFS finished conducting its section 7 consultation and issued a Biological Opinion concluding that the issuance of the IHA associated with WSDOT's Bremerton-Edmonds ferry terminals construction project is not likely to jeopardize the continued existence of the endangered humpback and the Southern Resident killer whales.

Authorization

As a result of these determinations, NMFS has issued an IHA to the Washington State Department of Transportation for the Bremerton and Edmonds ferry terminals dolphin relocation project in Washington State, provided the previously described mitigation, monitoring, and reporting requirements are incorporated.

Dated: September 5, 2018.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–19592 Filed 9–10–18; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Friday, September 14, 2018.

PLACE: Three Lafayette Centre, 1155 21st Street NW, Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, 202–418–5964.

Natise L. Allen,

Secretariat Program Assistant.

[FR Doc. 2018–19832 Filed 9–7–18; 4:15 pm]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Renewal of the Agricultural Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Agricultural Advisory Committee renewal.

SUMMARY: The Commodity Futures Trading Commission (Commission) is publishing this notice to announce the renewal of the Agricultural Advisory Committee (AAC). The Commission has determined that the renewal of the AAC is necessary and in the public's interest, and the Commission has consulted with the General Services Administration's Committee Management Secretariat regarding the AAC's renewal.

FOR FURTHER INFORMATION CONTACT: Charlie Thornton, AAC Designated Federal Officer, at 202–418–5145 or *cthornton@cftc.gov.*

SUPPLEMENTARY INFORMATION: The AAC's objectives and scope of activities are to assist the Commission in assessing issues affecting agricultural producers, processors, lenders and others interested in or affected by the agricultural commodity derivatives markets through public meetings, and Committee reports and recommendations. The AAC will operate for two years from the date of renewal unless the Commission directs that the AAC terminate on an earlier date. A copy of the AAC renewal charter has been filed with the Commission; the Senate Committee on Agriculture, Nutrition and Forestry; the House Committee on Agriculture; the Library of Congress; and the General Services Administration's Committee Management Secretariat. A copy of the renewal charter will be posted on the Commission's website at *http://www.cftc.gov.*

Dated: September 6, 2018.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2018–19673 Filed 9–10–18; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0064]

Proposed Collection; Comment Request

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

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 13, 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 Non-Medical Counseling Program Office, 4800 Mark Center Drive, Room 14E08, Alexandria, VA 22350–2300, ATTN: Lee Kelley, or call (571) 372–4530.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Military One-Source Case Management System (CMS) Intake; OMB Control Number 0704–0528.

Needs and Uses: This information collection is necessary to support the Military One-Source Case Management System, which was established for the purpose of providing comprehensive information to members of the Armed Forces and their families about the benefits and services available to them.

Affected Public: Individuals or Households.

Annual Burden Hours: 56,396.

Number of Respondents: 225,584.

Responses per Respondent: 1.

Annual Responses: 225,584.

Average Burden per Response: 15 minutes.

Frequency: As required.

Dated: September 6, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–19739 Filed 9–10–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2018–FSA–0063]

Privacy Act of 1974; Matching Program

AGENCY: Department of Education.

ACTION: Notice of a new matching program.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988 and the Computer Matching and Privacy Protections Amendments of 1990 (Privacy Act), and Office of Management and Budget (OMB) guidance on the conduct of matching programs, notice is hereby given of the re-establishment of the matching program between the Department of Education (ED or Department) (recipient agency) and the Social Security Administration (SSA) (source agency).

DATES: The period of this matching program is estimated to cover the 18-month period from October 10, 2018 through April 9, 2020. However, the computer matching agreement (CMA) will become applicable at the later of the following two dates: October 10, 2018 or 30 days after the publication of this notice, on September 11, 2018, unless comments have been received from interested members of the public requiring modification and republication of the notice. The matching program will continue for 18 months after the applicable date and may be extended for an additional 12 months, if the respective agency Data Integrity Boards (DIBs) determine that the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''help'' tab.
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this new matching program, address them to: Marya Dennis, Management and Program Analyst, U.S. Department of

Education, Federal Student Aid, Union Center Plaza, 830 First Street NE, Washington, DC 20202–5454. Telephone: (202) 377–3385.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Marya Dennis, Management and Program Analyst, U.S. Department of Education, Federal Student Aid, Union Center Plaza, 830 First Street NE, Washington, DC 20202–5454. Telephone: (202) 377–3385.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act; OMB Final Guidance Interpreting the Provisions of Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, published in the **Federal Register** on June 19, 1989 (54 FR 25818); and OMB Circular No. A–108, notice is hereby provided of the re-establishment of the matching program between SSA and ED to assist ED in the verification of Social Security numbers (SSNs) and confirmation of citizenship status as recorded in SSA records in order to verify the eligibility of applicants for student financial assistance under title IV of the Higher Education Act of 1965, as amended (HEA).

Participating Agencies

ED and SSA.

Authority for Conducting the Matching Program

ED is authorized to participate in the matching program under sections 428B(f) (20 U.S.C. 1078–2(f)), 483(a)(12) (20 U.S.C. 1090(a)(12)), 484(g) (20 U.S.C. 1091(g)), and 484(p) (20 U.S.C. 1091(p)) of the HEA.

SSA is authorized to participate in the matching program under section 1106 of the Social Security Act (42 U.S.C. 1306)) and the regulations promulgated pursuant to that section (20 CFR part 401).

Purpose(s)

The purpose of this matching program between ED and SSA is to assist the Secretary of Education with verification of immigration status and SSNs under 20 U.S.C. 1091(g) and (p). SSA will verify the issuance of an SSN and a date of death (if applicable) to students and the parent(s) of dependent students, and will confirm the citizenship status of those students applying for financial assistance programs authorized under title IV of the HEA. Verification of this information by SSA will help ED satisfy its obligation to ensure that individuals applying for financial assistance meet eligibility requirements of the HEA.

Verification by this matching program effectuates the purpose of the HEA because it provides an efficient and comprehensive method of verifying the accuracy of each individual's SSN, date of death if applicable and claim to a citizenship status that permits that individual to qualify for title IV, HEA assistance.

Categories of Individuals

ED's systems of records involved in the matching program maintain information on individuals who apply for Federal student financial assistance through the Free Application for Federal Student Aid (FAFSA) and on individuals who apply to receive Person Authentication Service (PAS) Credentials, a user ID and password to electronically access their FAFSA record.

SSA's system of records involved in the matching program maintains records about each individual who has applied for, and obtained an, SSN.

Categories of Records

ED's systems of records involved in the matching program contain (1) the information to determine an applicant's eligibility for Federal student financial assistance, and (2) the applicant's information to receive PAS Credentials, a user ID and password. The specific data elements that ED will transmit to SSA are: Students' and parent(s) of dependent students' SSN, first name, last name, and date of birth (DOB).

SSA's system of records involved in the matching program maintains information required to apply for, and obtain, an SSN. The specific data elements that SSA will send back to ED include: SSN, first name, last name, DOB, and an SSA verification code on each record to indicate the match results. The verification codes are: 1 = No match on SSN, 3 = SSN match, name match, no match on DOB, 5 = SSN match, no match on name, DOB not checked, 6 = SSN not verified, Blank = SSN match, name match, DOB match. SSA will also send a date of death if one is present on SSA's database for the record. Records returned from SSA also will include a citizenship status code as follows: A = U.S. citizen, B = legal alien, eligible to work, C = legal alien, not eligible to work, D = other, E = alien, student restricted, F = conditionally legalized alien, * = foreign born, Blank = domestic born (U.S. citizen), N = unable to verify citizenship due to no match on name, DOB, or SSN.

System(s) of Records

There are two ED systems of records involved in this matching program. The first is entitled ''Federal Student Aid Application File'' (18–11–01) last published on August 3, 2011 (76 FR 46774), and the second is entitled ''Person Authentication Service (PAS)'' (18–11–12) published on March 20, 2015 (80 FR 14981).

SSA's system of records involved in this matching program is entitled, ''Master Files of Social Security Number (SSN) Holders and SSN Applications'' (Enumeration System) 60–0058, last published in full on December 29, 2010 (75 FR 82121), modified on July 5, 2013 (78 FR 40542), February 13, 2014 (79 FR 8780), and July 3, 2018 (83 FR 31250) and (83 FR 31251).

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) by contacting the contact person listed in the preceding paragraph.

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

Dated: September 6, 2018.

James F. Manning,

Acting Chief Operating Officer, Federal Student Aid.

[FR Doc. 2018–19738 Filed 9–10–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2018–FSA–0031]

Privacy Act of 1974; System of Records

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice of a New System of Records and Rescindment of a System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of Education (Department) publishes this new notice of a system of records entitled ''Postsecondary Education Participants System (PEPS)'' (18–11–09) and a rescinded system of records entitled ''Integrated Partner Management (IPM) system'' (18–11–21). The Department is rescinding the IPM system because the Department did not implement it and will continue using the PEPS system of records.

DATES: Submit your comments on the proposed new PEPS system of records notice and rescinded IPM system of records notice on or before October 11, 2018.

The re-issuance of the PEPS and the rescission of the IPM systems of records notices will become applicable upon publication in the **Federal Register** on September 11, 2018, unless changes are made to the systems of records notices as a result of public comment. The routine uses listed under ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES'' for the new system of records will become applicable on October 11, 2018, unless the new system of records notice needs to be revised as a result of public comment. The Department will publish any changes to the systems of records notices or routine uses that result from public comment.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID and at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''help'' tab.
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about either system of records, address them to: Director, Postsecondary Education Participants System, Office of Student Financial Assistance Programs, U.S. Department of Education, 830 First Street NE, Room 112G1, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Director, Postsecondary Education Participants System, Office of Student Financial Assistance Programs, U.S. Department of Education, 830 First Street NE, Room 112G1, Washington, DC 20202.

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

SUPPLEMENTARY INFORMATION: The PEPS enables the Department of Education effectively to administer the approval, periodic review, and oversight of postsecondary educational institutions that participate in the student aid programs under title IV of the Higher Education Act of 1965, as amended (HEA). A postsecondary educational institution must be accredited by an accrediting agency recognized by the Department for that purpose, and the institution must also be authorized by the State in which it is located to be eligible for programs under title IV of the HEA. An eligible postsecondary institution must be approved by the Department for participation in programs under title IV of the HEA.

Postsecondary educational institutions submit an application through the internet for participation in programs authorized under title IV of the HEA. PEPS is the back-end repository where the data provided by those institutions resides and can be accessed by Department staff to confirm compliance with title IV of the HEA. Any authorized user can perform an ad hoc data extract from PEPS, and the PEPS staff provides tailored extracts to users on request. A limited number of scheduled extracts and uploads are run on a routine basis. These are fixed files, and no changes are made on either side without written approval/notice on both sides.

The PEPS system of records notice was last published in full in the **Federal Register** on June 4, 1999 (64 FR 30106, 30171–30173), and amended on December 27, 1999 (64 FR 72384, 72405). This system of records notice was rescinded on August 8, 2017 (82 FR 37089), with plans for the PEPS functions and records to be integrated into a new system of records entitled ''Integrated Partner Management (IPM) system.'' The Department subsequently determined not to bring the IPM system of records into service, and, as a result, PEPS was kept in service. The new PEPS system of records notice is being republished in full in accordance with the Privacy Act with modifications being made to system of records notices from the last publications in 1999. The IPM system of records notice is being rescinded.

The Department is modifying the section of the PEPS notice entitled ''SECURITY CLASSIFICATION'' to add that the system is unclassified and the section of the PEPS notice entitled ''SYSTEM LOCATION'' to reflect the current addresses where the system is located. The Department is modifying the section entitled ''SYSTEM MANAGER(S)'' to reflect the current location of the Office of Student Financial Assistance Programs in Federal Student Aid.

The Department is modifying the section of the notice entitled ''RECORD SOURCE CATEGORIES'' to include that the system may obtain records from other persons or entities from which data is obtained under the section entitled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES.''

The Department is modifying routine use (3) entitled ''Litigation and Alternative Dispute Resolution (ADR) Disclosure'' to indicate that the Department may make disclosures under this routine use when the Department requests representation from the Department of Justice for an employee of the Department who is being sued in his or her individual capacity as well as to change ''an individual'' to ''a person'' who has been designated by the Department or otherwise empowered to resolve or mediate disputes in order to avoid confusion because the word ''individual'' is a defined term under the Privacy Act.

The Department is also modifying routine uses (5) entitled ''Employee Grievance, Complaint, or Conduct Disclosure'' and (6) ''Labor Organization Disclosure'' to clarify and promote the standardization of the language used in this routine use with that used in the Department's other systems of records notices. The Department is also modifying routine use (7) entitled ''Freedom of Information Act (FOIA) or Privacy Act Advice Disclosure'' to permit the Department to obtain counsel necessary to ensure that individual privacy rights are protected under the Privacy Act.

The Department is also modifying routine use (9) entitled ''Contract Disclosure'' and routine use (10) entitled ''Research Disclosure'' to remove language that respectively referenced safeguard requirements under subsection (m) of the Privacy Act and Privacy Act safeguards. The Department is revising the language in these routine uses to clarify that contractors and researchers to whom disclosures are made under these routine uses will be required to agree to safeguards to protect the security and confidentiality of the records in the system. The Department is also revising routine use (9) to clarify that these safeguards will be entered into ''as part of such a contract,'' rather than ''before entering into such a contract.''

The Department is further modifying routine use (12) ''Disclosure to the Office of Management and Budget or the Congressional Budget Office (CBO) for Credit Reform Act (CRA) Support'' to add that the Department may disclose records to the CBO as necessary to fulfill CRA requirements and to clarify that any disclosure must be in accordance with 2 U.S.C. 661b.

Pursuant to the requirements in Office of Management and Budget (OMB) M–17–12, the Department is adding the routine use (13) entitled ''Disclosure in the Course of Responding to a Breach of Data'' and routine use (14) entitled ''Disclosure in Assisting another Agency in Responding to a Breach of Data.''

The Department is updating the section entitled ''POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS'' to reflect the current Department records retention and disposition schedule covering records in this system. The Department is also updating the section entitled ''ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS'' to include two-factor authentication, firewalls, encryption, and password protection as additional safeguards.

The Department is modifying the sections entitled ''RECORD ACCESS PROCEDURES,'' ''CONTESTING RECORDS PROCEDURES,'' and ''NOTIFICATION PROCEDURES'' to specify the required information that an individual must provide when making a request for access to or notification of a record or to contest the content of a record in the system.

Finally, pursuant to the requirements of OMB Circular No. A–108, the Department is adding a new section entitled ''HISTORY.''

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

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or 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: September 6, 2018.

James F. Manning,

Acting Chief Operating Officer, Federal Student Aid.

For the reasons discussed in the preamble, the Acting Chief Operating Officer, Federal Student Aid of the U.S. Department of Education (Department) publishes a notice of a new and a rescinded system of records to read as follows:

RESCINDED SYSTEM NAME AND NUMBER

Integrated Partner Management (IPM) system (18–11–21).

HISTORY:

The Integrated Partner Management system of records notice was published in the **Federal Register** on August 8, 2017 (82 FR 37089–37094).

NEW SYSTEM NAME AND NUMBER:

Postsecondary Education Participants System (PEPS) (18–11–09).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Plano Technology Center, 2300 West Plano Parkway, Plano, Texas, 75075–8427;

Federal Student Aid, U.S. Department of Education, 830 First Street NE, Room 41I1, Washington, DC 20202.

See the Appendix at the end of this system of records notice for additional system locations.

SYSTEM MANAGER(S):

Director, Postsecondary Education Participants System, Office of Student Financial Assistance Programs, U.S. Department of Education (Department), 830 First Street NE, Room 112G1, Washington, DC 20202. Telephone: (202) 377–3202.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 481, 487, 498 of the Higher Education Act of 1965, as amended (HEA), (20 U.S.C. 1088, 1094, 1099c); Section 31001(i)(1) of the Debt Collection Improvement Act of 1996, Public Law 104–134 (31 U.S.C. 7701).

PURPOSE(S) OF THE SYSTEM:

The information maintained in the PEPS is used for the purposes of determining the initial and continuing eligibility of and the administrative capability and financial responsibility of postsecondary educational institutions that participate in the student financial assistance programs authorized under title IV of the HEA, tracking school changes and maintaining a history of information regarding postsecondary educational institutions that have previously applied to participate or participated in these programs, and documenting any need for any protective or corrective action against a postsecondary educational institution or individual associated with that institution.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The PEPS maintains records about individuals who are owners of postsecondary educational institutions (either individually, as partners, or owners of the corporate entities that own those institutions); officials or authorized agents for those institutions; members of boards of directors or trustees of such institutions; employees of foreign entities that evaluate the quality of education; and individuals from third-party servicers that work with postsecondary educational institutions, including contact persons.

CATEGORIES OF RECORDS IN THE SYSTEM:

The PEPS maintains information regarding the eligibility, administrative capability, and financial responsibility of postsecondary educational institutions that participate in the student financial aid programs authorized under title IV of the HEA, including the names, Taxpayer Identification Numbers (generally Social Security numbers (SSNs)), business addresses, phone numbers of the individuals with substantial ownership interests in, or control over, those institutions, and personal identification numbers assigned by the Department.

RECORD SOURCE CATEGORIES:

Information is obtained from applications submitted by postsecondary educational institutions and their owners who seek approval for such an institution to participate or continue participating under new ownership in the student financial assistance programs authorized under title IV of the HEA, from components of the Department, from other Federal, State and non-governmental agencies and organizations that acquire information relevant to the purposes of the PEPS. Information may also be obtained from other persons or entities from which data is obtained under routine uses set forth below.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended (Privacy Act), under a computer matching agreement.

(1) *Program Purposes.* The Department may disclose information contained in the PEPS to appropriate guaranty agencies, educational and financial institutions, accrediting agencies, and appropriate Federal, State, or local agencies, in order to verify and assist with the determination of eligibility, administrative capability, and financial responsibility of postsecondary educational institutions that have applied to participate in the student financial assistance programs authorized under title IV of the HEA.

(2) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the Department may disclose the relevant records in the PEPS, as a routine use, to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or executive order or rule, regulation, or order issued pursuant thereto.

(3) *Litigation and Alternative Dispute Resolution (ADR) Disclosure.*

(a) *Introduction.* In the event that one of the parties listed below in subsections (i) through (v) is involved in judicial or administrative litigation or ADR, or has an interest in judicial or administrative litigation or ADR, the Department may disclose PEPS records to the parties described in paragraphs (b), (c), and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department of Education, or any component of the Department;

(ii) Any Department employee in his or her official capacity;

(iii) Any employee of the Department in his or her individual capacity where the Department of Justice (DOJ) has been requested to or has agreed to provide or arrange for representation for the employee;

(iv) Any employee of the Department in his or her individual capacity where the agency has agreed to represent the employee; or

(v) The United States, where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to the Department of Justice.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the DOJ.

(c) *Adjudicative Disclosure.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, or to a person or entity designated by the Department or otherwise empowered to resolve or mediate disputes, is relevant and necessary to the judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to that adjudicative body, person, or entity.

(d) *Disclosure to Parties, Counsel, Representatives, and Witnesses.* If the Department determines that disclosure of certain records to a party, counsel, representative, or witness is relevant and necessary to the judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the party, counsel, representative, or witness.

(4) *Employment, Benefit, and Contracting Disclosure.*

(a) *For decisions by the Department.* The Department may disclose records to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For decisions by Other Public Agencies and Professional Organizations.* The Department may disclose records to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(5) *Employee Grievance, Complaint, or Conduct Disclosure.* If a record is relevant and necessary to an employee grievance, complaint, or disciplinary action involving a present or former employee of the Department, the Department may disclose a record from this system of records in the course of investigation, fact-finding, or adjudication, to any party to the grievance, complaint, or action; to the party's counsel or representative; to a witness; or to a designated fact-finder, mediator, or other person designated to resolve issues or decide the matter.

(6) *Labor Organization Disclosure.* The Department may disclose records from this system of records to an arbitrator to resolve disputes under a negotiated grievance process or to officials of a labor organization recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation.

(7) *Freedom of Information Act (FOIA) or Privacy Act Advice Disclosure.* The Department may disclose records to the DOJ or the Office of Management and Budget (OMB) if the Department seeks advice regarding whether records maintained in this system of records are required to be disclosed under the FOIA or Privacy Act.

(8) *Disclosure to the DOJ.* The Department may disclose records to the DOJ to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to the programs covered by this system.

(9) *Contract Disclosure.* If the Department contracts with an entity for the purpose of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. As part of such a contract, the Department shall require the contractor to agree to maintain safeguards to protect the security and confidentiality of the records in the system.

(10) *Research Disclosure.* The Department may disclose records to a researcher if an appropriate official of the Department determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to functions or purposes of this system of records. The official may disclose records from this system of records to that researcher solely for the purpose of carrying out that research related to the functions or purposes of this system of records. The researcher shall be required to agree to maintain safeguards to protect the security and confidentiality of the disclosed records.

(11) *Congressional Member Disclosure.* The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

(12) *Disclosure to the Office of Management and Budget or the Congressional Budget Office (CBO) for Credit Reform Act (CRA) Support.* The Department may disclose records to the OMB or the CBO as necessary to fulfill CRA requirements in accordance with 2 U.S.C. 661b.

(13) *Disclosure in the Course of Responding to a Breach of Data.* The Department may disclose records to appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that there has been a breach of the system of records; (b) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (including its information systems, program, and operation), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(14) *Disclosure in Assisting another Agency in Responding to a Breach of Data.* The Department may disclose records from this system to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The records are maintained on electronic data files on a server.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

The records are indexed by the name of the institution or organization, and may be retrieved by the OPEID of postsecondary educational institution, EIN (Entity Identification Number) of the postsecondary educational institution or entity; or the name or the Taxpayer Identification Number (generally the Social Security number) of the individual.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed of in accordance with the Department Records Schedule 074: FSA Guaranty Agency, Financial and Education Institution Eligibility, Compliance, Monitoring and Oversight Records (N1–441–09–15). Records are destroyed/deleted 30 years after cut off. Cut off occurs at the end of the fiscal year when final action is completed.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

All physical access to the Department of Education sites, and the site of Department contractor where this system of records is maintained, is controlled and monitored by security personnel who check each individual entering the building for his or her employee or visitor badge. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention with firewalls, encryption, and password protection. This security system limits data access to staff of the Department, guarantors, accrediting agencies, State agencies, and Department contractors on a ''need-to-know'' basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded. Access to the system requires two-factor authentication.

RECORD ACCESS PROCEDURES:

If you wish to gain access to any record in the system of records, you must contact the system manager at the address listed above. You must provide the necessary particulars of your name, SSN, and any other identifying information requested by the Department, while processing the request, to distinguish between individuals with the same name. Such requests must meet the requirements of 34 CFR 5b.5.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record in the system pertaining to you, you must contact the system manager at the address listed above. The request to amend must be made in writing and addressed to the system manager at the address provided above with the necessary particulars of your name, SSN, and any other identifying information requested by the Department, while processing the request, to distinguish between individuals with the same name. The request must identify the particular record within the PEPS that you wish to have changed, state whether you wish to have the record amended, corrected, or deleted, and explain the reasons why you wish to have the record changed. Requests to amend a record must meet

the requirements of the Department's Privacy Act regulations at 34 CFR 5b.7.

NOTIFICATION PROCEDURES:

If you wish to determine whether a record exists regarding you in the system, you must contact the system manager at the address listed above. You must provide the necessary particulars of your name, SSN, and any other identifying information requested by the Department, while processing the request, to distinguish between individuals with the same name. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

The system of records was published in the **Federal Register** on June 4, 1999 (64 FR 30106, 30171–30173), and amended on December 27, 1999 (64 FR 72384, 72405). This system of records was rescinded on August 8, 2017 (82 FR 37089–37094).

Appendix to 18–11–09

ADDITIONAL SYSTEM LOCATIONS:

Boston Office, 5 Post Office Square, Boston, MA 02109. New York Office, 32 Old Slip, New York, NY 10005. Philadelphia Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107.

Chicago Office, Citigroup Center, 500 W Madison Street Chicago, IL 60661.

Atlanta Office, 61 Forsyth Street SW, Atlanta, GA 30303.

Dallas Office, 1999 Bryan Street, Dallas, TX 75201.

Kansas City Office, 1010 Walnut Street, Kansas City, MO 64106.

Denver Office, Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Denver, CO 80204.

San Francisco Office, 50 Beale Street, San Francisco, CA 94105.

Seattle Office, 915 Second Avenue, Seattle, WA 98174.

U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.

[FR Doc. 2018–19688 Filed 9–10–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2018–ICCD–0093]

Agency Information Collection Activities; Comment Request; E-Complaint Form(FERPA) and PPRA E-Complaint Form

AGENCY: Office of Management (OM), 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 November 13, 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–0093. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9089, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Angela Arrington, (202)260–8915.

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: E-Complaint Form(FERPA) and PPRA E-Complaint Form.

OMB Control Number: 1880–0544.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 500.

Total Estimated Number of Annual Burden Hours: 500.

Abstract: The Family Policy Compliance Office (FPCO) reviews, investigates, and processes complaints of alleged violations of the Family Education Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA) filed by parents and eligible students. FPCO's authority to investigate, review, and process complaints extends to allegations of violations of FERPA by any recipient of United States Department of Education (Department) funds under a program administered by the Secretary (*e.g.,* schools, school districts, postsecondary institutions, state educational agencies, and other third parties that receive Department funds). This revision includes the addition of the PPRA Complaint form that would allow parents to file a complaint. The Department expects to receive more than 10 complaints under the PPRA requiring approval.

Dated: September 5, 2018.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–19672 Filed 9–10–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Distribution of Residual Citronelle Settlement Agreement Funds

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the procedures for the disbursement of residual funds (totaling approximately $59,000) remaining in various Citronelle Settlement Agreement escrow accounts to the parties to the Agreement.

DATES: Comments are due by October 11, 2018.

ADDRESSES: Interested persons are encouraged to submit written comments electronically to: Kristin L. Martin, Attorney-Advisor, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585–0107, (202) 287–1550, Email: *kristin.martin@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Kristin L. Martin, Attorney-Advisor, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585–0107, (202) 287–1550, Email: *kristin.martin@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The Cost of Living Council, a predecessor agency of the Department of Energy, acting pursuant to the Economic Stabilization Act of 1970, Public Law 91 39, 84 Stat. 796, 799, on August 22, 1973, issued a system of price controls on the first sale of all domestic production of crude oil. Eventually, regulations were promulgated controlling the allocation and prices of many refined petroleum products in addition to crude oil and providing for enforcement of these regulations. *See* 10 CFR part 210 *et seq.; see also* Emergency Petroleum Allocation Act of 1973, Public Law 93–159, Exec. Order 11,748, 38 FR 33577 (December 6, 1973) (EPAA); Economic Stabilization Act of 1970, as amended, Public Law 92–210, 85 Stat. 743; Public Law 93–28, 87 Stat. 27, Exec. Order 11,748, 38 FR 33575 (December 4, 1973) (ESA); Cost of Living Council Order No. 47, 39 FR 24 (January 2, 1974).

The Citronelle Settlement Agreement funds resulted from funds collected by the Department of Energy (DOE) in connection with the approval of exception relief from the price control regulations in effect for the 341 Tract Unit of Citronelle Field (Unit) by the DOE Office of Hearings and Appeals (OHA). *The 341 Tract Unit of the Citronelle Field,* 10 DOE ¶ 81, 207 (1983).

The Citronelle exception relief spawned years of administrative and judicial litigation, including litigation over the final terms and conditions of the relief, OHA's authority to grant the relief and the evidentiary basis for its decision, and the possible revision or termination of the relief. Ultimately, in December 1991, OHA issued a decision terminating the exception relief and requiring the transfer of the remaining Citronelle exception relief funds to an escrow account in the United States Treasury under the supervision of the DOE Controller. *The 341 Tract Unit of the Citronelle Field,* 21 DOE ¶ 81,009 (1991). In Apri1 1992, OHA issued a decision addressing certain claims to the Citronelle escrow account funds, establishing deadlines and procedures governing claims to the funds, and scheduling an evidentiary proceeding. *The 341 Tract Unit of the Citronelle Field,* 22 DOE ¶ 85,069 (1992). In May 1994, OHA issued a Decision and Order setting forth its determination of the percentage of the funds that should be allocated to various entities. *The 341 Tract Unit of the Citronelle Field,* 24 DOE ¶ 81,035 (1994).

Those actions led to further litigation. The Unit appealed OHA's termination of exception relief decision to the Federal Energy Regulatory Commission (FERC), which affirmed OHA's decision. The Unit then sought judicial review in *R.H. Stechman, et al.* v. *Department of Energy,* No. 94–0887–A–M (S.D. Ala. 1994).

In order to avoid further extended judicial proceedings over the disposition of the Citronelle escrow account, DOE reached a settlement (Settlement Agreement) resolving, first, the claims to the DOE/Citronelle escrow fund reserved for various Refiner-Litigants and, second, the Unit's claims. The settlement agreement resolving the claims of the Refiner-Litigants was approved by the United States District Court for the Southern District of Texas on December 6, 1995. *See* 61 FR 48946, 48947 (Sept. 17, 1996).

The Settlement Agreement had five Parties and eight Eligible Entities or Groups. The Parties were: The United States, the Department of Energy, and specified Refiner-Litigants, Participant States, and Participant End-Users. The groups eligible to share in the remaining Citronelle funds were: the States, a group of End-Users, various Refiners (as defined in the Agreement), a group of Non-Litigant Refiners, the Consumers Power Company and various groups of Refiner Cooperatives, Cooperatives, and Airlines (as defined in the Agreement). The original amount governed by the Agreement was more than $63,000,000.00. As of June 2018, approximately $36,200.00 remained in the Airlines escrow account and approximately $23,000.00 remained in the Non-Litigant Refiners escrow account.

The Agreement stipulates that funds remaining in the Non-Litigant Refiners escrow account after proper distribution to that group must be transferred to the Refiner-Litigants. It also stipulates that funds remaining in the Airlines escrow account after proper distribution to that group are to be distributed in the following proportions:

- 2/7 to the United States Treasury;
- 2/7 to the States in proportions listed in Exhibit L of the Settlement Agreement and detailed below;
- 2/7 to the Refiner-Litigants; and
- 1/7 to the End-Users

The Agreement requires that the funds remaining in the End-Users account be transferred to the Subpart V Crude Oil Proceeding. However, the Subpart V Crude Oil Proceeding closed in 2016, with all remaining funds being distributed equally between the United States Treasury and the States (in pro-rata proportions defined by that refund proceeding). *See* 69 FR 29300 (May 21, 2004).

I. Proposed Procedure for Final Distribution of Citronelle Settlement Agreement Funds

The Citronelle Settlement Agreement funds will be distributed according to the following plan. Any funds remaining after the final distributions made in accordance with this plan will be considered unclaimed and will be transferred to the U.S. Treasury. Final distribution amounts will be calculated using the distribution percentages listed in an appendix to this Notice on the day the final Notice is published in the **Federal Register**.

The Non-Litigant Refiners Account

The Agreement requires that the balance of the Non-Litigant Refiners account be distributed to the Refiner-Litigants through an escrow account established for that purpose for the initial distribution of Citronelle funds and managed by the law firm Miller & Chevalier. Miller & Chevalier no longer represents the Refiner-Litigants. Further, DOE has not been able to obtain documentation regarding how previous Citronelle distributions were made among the various firms comprising the Refiner-Litigants. In light of these facts and because the Citronelle distribution proportions agreed to by the Refiner-Litigants were not a part of the Agreement and thus not binding on DOE, we propose that the Refiner-Litigant portion of the funds be divided in equal proportions for the firms, or successor firms, listed in Exhibit A of the Agreement. A list of these firms is included as an appendix to this Notice. If a listed firm, or successor firm, does not submit the Required Information described below by the specified deadline, the funds will be considered unclaimed and will be transferred to the U.S. Treasury.

The Airlines Account

The Airlines account remaining funds will be split according to the percentages prescribed in the Settlement

Agreement. Two sevenths of the Airlines account funds will be distributed to the United States Treasury. Two sevenths of the Airlines account funds will be distributed to the Refiner-Litigants Escrow Account. Two sevenths of the Airlines account funds will be distributed to the States in the proportions listed in Exhibit L of the Agreement.

One seventh of the Airlines account funds will be allocated to the End-Users account, which will be distributed in the same proportions as the residual Subpart V funds were distributed pursuant to our notice in 72 FR 46461, 46462 (August 14, 2007). The funds will be split equally, with half distributed to the United States Treasury and half distributed to the States. The funds distributed to the States will be divided in the proportions used for the final distribution of the Subpart V funds, which are identical to those listed in Exhibit L of the Agreement. All funds distributed to the States are subject to the same restricted uses as those received by that State as a result of the settlement of the case known as *In Re: Stripper Well Litigation,* M.D.L. No. 378. A list of distribution percentages is included as an appendix to this Notice. If a State does not submit the Required Information described below by the specified deadline, the funds will be considered unclaimed and will be transferred to the U.S. Treasury.

Required Information

In order to receive its allotted funds, each Recipient, including State Recipients, must submit the following no later than the 90th calendar day following publication of the Final Plan in the **Federal Register**:

- Statement of Intent: The Statement should be brief and include the Recipient's name and the representative's authority to claim the Recipient's funds.
- Information Required by the Agreement: The Agreement requires that certain Releases of Claims be executed and submitted to DOE before Recipients may receive distributions.

○ If a Recipient has not ever submitted the relevant Release of Claims, it should contact DOE at the below address to obtain a copy of the release, and should submit the executed release with the other required information described in this section.

○ If a Recipient has previously submitted the relevant Release of Claims, it should submit to DOE a notarized statement certifying that it has submitted the release. The notarized statement should be submitted with the other required information described in this section.

- Electronic Funds Transfer (EFT) Information: Each Recipient must submit all information necessary for DOE to make an electronic distribution of funds, including the name and contact information (phone number, email address, and mailing address) of a person designated to be the Point of Contact, banking information, and Tax ID number. DOE will not contact Recipients regarding problems, discrepancies, or other issues with EFT information. DOE will notify the designated Point of Contact when the EFT is initiated. If an EFT is unsuccessful and the Recipient does not contact DOE to correct the error by the 14th day following the EFT initiation, the amount not distributed will be considered unclaimed and will be transferred to the United States Treasury.

Submissions should in PDF format and must be submitted by email to *OHA.Filings@hq.doe.gov.* The subject line should include ''Citronelle Settlement Agreement Recipient Documents'' and the name of the State or other Recipient. The Releases of Claims contained in the Agreement's Exhibits may be obtained by contacting Kristin L. Martin, Attorney-Advisor, Office of Hearings and Appeals, by email at *Kristin.Martin@hq.doe.gov,* or by telephone at (202) 287–1550.

II. Appendix A—Proposed Distribution Percentages and List of Refiner-Litigants

Citronelle Airline Account Funds

Refiner-Litigants 28.57142857142860000%

- Each Refiner-Litigant Entity is entitled to 0.865800865800867% of the total Airline Account Funds.

United States Treasury 35.71428571428570000%
Alabama 0.54804016064259400%
Alaska 0.13818786523157600%
American Samoa 0.00636083244822057%
Arizona 0.36634454245826900%
Arkansas 0.45449277491405100%
California 3.26944016176838000%
Colorado 0.38401187480512000%
Connecticut 0.60652108584973400%
Delaware 0.16956338168467300%
District of Columbia 0.08531354824083700%
Florida 1.65010975432690000%
Georgia 0.79531816470797200%
Guam 0.05263184468083650%
Hawaii 0.24538846523323400%
Idaho 0.14657787754978300%
Illinois 1.64040323767528000%
Indiana 0.87972416423889800%
Iowa 0.46535022190036900%
Kansas 0.40036549196707900%
Kentucky 0.45780595111052400%
Louisiana 0.84950225360465700%
Maine 0.26254694847105300%
Maryland 0.63946084248035600%
Massachusetts 1.22259929840854000%
Michigan 1.21688372104464000%
Minnesota 0.61974582045967800%
Mississippi 0.48769574322855100%
Missouri 0.70516872255815100%
Montana 0.16165040119813900%
Nebraska 0.26336705431455200%
Nevada 0.14466342873599700%
New Hampshire 0.16645300019308600%
New Jersey 1.31838653652643000%
New Mexico 0.23395138247190300%
New York 2.76553651908726000%
No. Mariana Islands 0.00329014604847478%
North Carolina 0.80159665169915200%
North Dakota 0.13090382462201500%
Ohio 1.34202999992372000%
Oklahoma 0.44109500817469100%
Oregon 0.35401620870755400%
Pennsylvania 1.66287802161090000%
Puerto Rico 0.34023415151078600%
Rhode Island 0.14160268359603600%
South Carolina 0.42578568669101500%
South Dakota 0.12770074547322300%
Tennessee 0.57787034891897200%
Texas 2.63486674686911000%
Utah 0.21069728945457100%
Vermont 0.08547809926032230%
Virgin Islands 0.16520939843142600%
Virginia 0.91659346391607800%
Washington 0.54540262288818800%
West Virginia 0.21344547509163300%
Wisconsin 0.62838735451951800%
Wyoming 0.14563871266099600%
Total 35.71428571428570000%

Non-Litigant Refiners Account Funds

Refiner-Litigants 100%

- Each Refiner-Litigant Entity is entitled to 3.03% of the Non-Litigant Refiners Account Funds.

List of Refiner-Litigants

Amoco Oil Company
Ashland Oil, Inc.
Atlantic Richfield Company
Axel Johnson, Inc.
BHP Petroleum Americas Refining, Inc.
Castle Oil Corporation
Charter International Oil Company
Charter Oil Company
Chevron U.S.A., Inc.
Clark Oil & Refining Corporation
The Coastal Corporation
Commonwealth Oil Refining Company
Conoco, Inc.
Crown Central Petroleum Corp.
Diamond Shamrock Refining & Marketing Company
Exxon Corporation
Fina Oil and Chemical Company
Gulf States Oil & Refining Co.
Kerr-McGee Refining Corporation
La Gloria Oil and Gas Company
Marathon Oil Company
Mobil Oil Corporation
New England Petroleum Corporation
Oxy USA, Inc.
Shell Oil Company
Sprague Energy Corporation
Tesoro Petroleum Corporation
Texaco, Inc.
Texaco Refining & Marketing, Inc.
Tosco Corporation
Total Petroleum, Inc.
Union Pacific Resources Company
Wyatt Energy, Inc.

Signed in Washington, DC on: August 27, 2018.

Poli A. Marmolejos,

Director, Office of Hearings and Appeals.

[FR Doc. 2018–19687 Filed 9–10–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Secretarial Determination of a National Security Purpose for the Sale or Transfer of Enriched Uranium

AGENCY: National Nuclear Security Administration, Department of Energy.

ACTION: Notice.

SUMMARY: On August 21, 2018, the Secretary of Energy issued a determination (''Secretarial Determination'') covering the transfer of low enriched uranium in support of the tritium production mission. The Secretarial Determination establishes the national security purpose of these transfers, therefore the transfers will be conducted under the *USEC Privatization Act of 1996.*

DATES: The Secretary of Energy signed the determination on August 21, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Audrey Beldio, NNSA Domestic Uranium Enrichment Program Manager, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, telephone (202) 586–1963, or email *audrey.beldio@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: Currently, the United States does not possess a fully domestic uranium enrichment capability. The U.S. uranium enrichment market consists of foreign enrichment technologies that cannot be used to meet national security requirements for enriched uranium.

Acknowledging that it will take time to develop enrichment technologies and allow for thorough analysis to inform an acquisition decision for producing unobligated LEU, NNSA's Domestic Uranium Enrichment strategy includes NNSA Defense Programs down-blending approximately 20 metric tons of HEU to LEU for use as fuel in tritium production reactors. The uranium will be transferred to the NNSA federal partner, the Tennessee Valley Authority (TVA) only for use as fuel in a reactor producing tritium and not for resale or retransfer. TVA will pay for the value of uranium to be received. Use of this material is compliant with long-standing U.S. policy and international commitments that require LEU used for defense purposes to be free of peaceful use restrictions (''unobligated''). TVA is responsible for preserving the unobligated LEU to be used as fuel in tritium production reactors.

The Department's transfers of uranium are conducted in accordance with its authority under the Atomic Energy Act of 1954, and consistent with other applicable law. These uranium transfers will be conducted under Section 3112(e)(2) of the *USEC Privatization Act of 1996,* which provides for transfers of enriched uranium to any person for national security purposes, as determined by the Secretary.

Signed in Washington, DC, on September 5, 2018.

Philip T. Calbos,

Acting Deputy Administrator for Defense Programs, National Nuclear Security Administration.

Appendix

Department of Energy

Set forth below is the full text of the Secretarial Determination:

BILLING CODE 6450–01–P

The Secretary of Energy
Washington, DC 20585

SECRETARIAL DETERMINATION
OF A NATIONAL SECURITY PURPOSE
FOR THE SALE OR TRANSFER OF ENRICHED URANIUM

The Department has considered the prerequisites of Section 3112(e)(2) of the *USEC Privatization Act of 1996* (42 U.S.C. § 2297h-10(e)(2)), with regard to the national security purpose of the Department of Energy's National Nuclear Security Administration highly enriched uranium (HEU) down-blending campaign and tritium production mission. Down-blending HEU to low-enriched uranium (LEU) supports the Department's defense missions and promotes national security by enabling tritium production necessary to support the nuclear weapons stockpile. As support for the tritium program requires the transfer of enriched uranium to the Federal partner responsible for preserving the unencumbered LEU to be used as fuel in a reactor used to produce tritium, the transfers of LEU promote national security.

Therefore, I have determined that prospective transfers of LEU from the Department's inventories in support of the tritium production mission would serve a national security purpose under Section 3112(e)(2) of the *USEC Privatization Act of 1996*.

Rick Perry
Rick Perry

AUG 2 1 2018
Date

Printed with soy ink on recycled paper

[FR Doc. 2018–19686 Filed 9–10–18; 8:45 am]
BILLING CODE 6450–01–C

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD18–11–000]

Montana Department of Fish, Wildlife & Parks, Fish Hatchery Bureau; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On August 30, 2018, the Montana Department of Fish, Wildlife & Parks, Fish Hatchery Bureau, filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Bluewater Fish Hatchery Artesian Well Hydroelectric Project would have an installed capacity of 35 kilowatts (kW), and would be located on a 10-inch diameter pipeline that would take water from an artesian well to the Bluewater Spring, to be used for the fish hatchery. The project would be located near the Town of Bridger in Carbon County, Montana.

Applicant Contact: Jay Pravecek, Chief, Fish Hatchery Bureau, 1420 E 6th Avenue, Helena, MT 59620–0701.

FERC Contact: Robert Bell, Phone No. (202) 502–6062; Email: *robert.bell@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) A ten-inch PVC pipe in the pump house of the artesian well containing a single turbine with a total generating capacity of 35 kW; (2) a 37-foot-long, 10-inch-diameter PVC pipe connected to an existing, abandoned water line that will transport well water to the Bluewater Spring; and (3) appurtenant facilities. The proposed project would have an estimated annual generation of 306.6 megawatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: The proposed hydroelectric project will not interfere with the primary purpose of the conduit, which is to aid the Fish Hatchery Bureau's fish hatchery water supply system. Therefore, based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions To Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE, Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (*i.e.,* CD18–11) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: September 5, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–19691 Filed 9–10–18; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2001–2005 (2017).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Docket Numbers: EC18–150–000.
Applicants: Noble Altona Windpark, LLC, Noble Bliss Windpark, LLC, Noble Chateaugay Windpark, LLC, Noble Clinton Windpark I, LLC, Noble Ellenburg Windpark, LLC, Noble Wethersfield Windpark, LLC.
Description: Application for Authorization under Section 203 of the Federal Power Act, et al. of Noble Altona Windpark, LLC, et al.
Filed Date: 9/4/18.
Accession Number: 20180904–5184.
Comments Due: 5 p.m. ET 9/25/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1428–003.
Applicants: Tilton Energy LLC.
Description: Compliance filing: Settlement Compliance Filing to be effective 10/12/2017.
Filed Date: 8/31/18.
Accession Number: 20180831–5173.
Comments Due: 5 p.m. ET 9/21/18.
Docket Numbers: ER18–2359–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Errata Filing to Second Revised ISA SA No. 2832; Queue No. AC1–181 to be effective 8/8/2018.
Filed Date: 9/4/18.
Accession Number: 20180904–5154.
Comments Due: 5 p.m. ET 9/25/18.
Docket Numbers: ER18–2377–000.
Applicants: Southwestern Public Service Company.
Description: Application for Waivers and for Approval of Customer Credit Mechanism for Pipeline Refund Amounts of Southwestern Public Service Company.
Filed Date: 9/4/18.
Accession Number: 20180904–5193.
Comments Due: 5 p.m. ET 9/25/18.
Docket Numbers: ER18–2378–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–09–05_SA 3143 Blazing Star-NSPM E&P (J460) to be effective 9/6/2018.
Filed Date: 9/5/18.
Accession Number: 20180905–5063.
Comments Due: 5 p.m. ET 9/26/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 5, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–19694 Filed 9–10–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR18–81–000.
Applicants: Agua Blanca, LLC.
Description: Tariff filing per 284.123(b),(e)/: compliance to 1 to be effective 7/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5199.
Comments/Protests Due: 5 p.m. ET 9/20/18.
Docket Numbers: RP18–1131–000.
Applicants: Equitrans, L.P.
Description: Tariff Cancellation: Terminate Non-conforming Negotiated Rate Gathering Agreement to be effective 8/1/2018.
Filed Date: 9/4/18.
Accession Number: 20180904–5069.
Comments Due: 5 p.m. ET 9/17/18.
Docket Numbers: RP18–1132–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 090418 Negotiated Rates—Twin Eagle Resource Management, LLC R–7300–08 to be effective 11/1/2018.
Filed Date: 9/4/18.
Accession Number: 20180904–5070.
Comments Due: 5 p.m. ET 9/17/18.
Docket Numbers: RP18–1133–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 090418 Negotiated Rates—Twin Eagle Resource Management, LLC R–7300–09 to be effective 11/1/2018.
Filed Date: 9/4/18.
Accession Number: 20180904–5072.
Comments Due: 5 p.m. ET 9/17/18.
Docket Numbers: RP18–1134–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 090418 Negotiated Rates—Twin Eagle Resource Management, LLC R–7300–10 to be effective 11/1/2018.
Filed Date: 9/4/18.
Accession Number: 20180904–5073.
Comments Due: 5 p.m. ET 9/17/18.
Docket Numbers: RP18–1135–000.
Applicants: Equitrans, L.P.
Description: Tariff Cancellation: Terminate Negotiated Rate Service Agreement—Hayden Harper to be effective 1/10/2018.
Filed Date: 9/4/18.
Accession Number: 20180904–5075.
Comments Due: 5 p.m. ET 9/17/18.
Docket Numbers: RP18–1136–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Capacity Release Agreements—9/1/2018 to be effective 9/1/2018.
Filed Date: 9/4/18.
Accession Number: 20180904–5076.
Comments Due: 5 p.m. ET 9/17/18.
Docket Numbers: RP18–1137–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Non-Conforming Negotiated Rate Agreement Filing (SoCal Nov 18) to be effective 11/1/2018.
Filed Date: 9/4/18.
Accession Number: 20180904–5077.
Comments Due: 5 p.m. ET 9/17/18.
Docket Numbers: RP18–1138–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 090418 Negotiated Rates—DTE Energy Trading, Inc. R–1830–15 to be effective 11/1/2018.
Filed Date: 9/4/18.
Accession Number: 20180904–5081.
Comments Due: 5 p.m. ET 9/17/18.
Docket Numbers: RP18–1139–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 090418 Negotiated Rates—DTE Energy Trading, Inc. R–1830–16 to be effective 11/1/2018.
Filed Date: 9/4/18.
Accession Number: 20180904–5082.
Comments Due: 5 p.m. ET 9/17/18.
Docket Numbers: RP18–1140–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 090418 Negotiated Rates—Freepoint

Commodities LLC R–7250–22 to be effective 11/1/2018.

Filed Date: 9/4/18.

Accession Number: 20180904–5102.

Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: RP18–1141–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 090418 Negotiated Rates—Direct Energy Business Marketing, LLC R–7465–07 to be effective 11/1/2018.

Filed Date: 9/4/18.

Accession Number: 20180904–5110.

Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: RP18–1142–000.

Applicants: Guardian Pipeline, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreements—Wisconsin Public Service Corporation to be effective 9/1/2018.

Filed Date: 9/4/18.

Accession Number: 20180904–5120.

Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: RP18–1143–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 090418 Negotiated Rates—Macquarie Energy LLC R–4090–17 to be effective 11/1/2018.

Filed Date: 9/4/18.

Accession Number: 20180904–5121.

Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: RP18–1144–000.

Applicants: Alliance Pipeline L.P.

Description: § 4(d) Rate Filing: Horizon Delivery Point to be effective 10/1/2018.

Filed Date: 9/4/18.

Accession Number: 20180904–5124.

Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: RP18–1145–000.

Applicants: NEXUS Gas Transmission, LLC.

Description: § 4(d) Rate Filing: NEXUS Non-Conforming Agreements Filing to be effective 10/1/2018.

Filed Date: 9/4/18.

Accession Number: 20180904–5148.

Comments Due: 5 p.m. ET 9/17/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 5, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–19695 Filed 9–10–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP18–1130–000]

KMC Thermo, LLC v. Dominion Energy Cove Point LNG, LP; Notice of Complaint

Take notice that on August 31, 2018, pursuant to section 5 of the Natural Gas Act, 15 U.S.C. 717d and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2018), KMC Thermo, LLC (Complainant) filed a formal complaint against Dominion Energy Cove Point LNG, LP, (Respondent) alleging that Respondent unlawfully imposed a General System Commodity Electric Surcharge on certain customers, including the Complainant, under its FERC Gas Tariff, Second Revised Volume No. 1, all as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on Respondent's corporate representatives designated on the Commission's Corporate Officials List.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 20, 2018.

Dated: September 5, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–19693 Filed 9–10–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–196–000]

RTO Insider LLC v. New England Power Pool Participants Committee; Notice of Complaint

Take notice that on August 31, 2018, pursuant to sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824e and 825e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, RTO Insider LLC (Complainant) filed a complaint against New England Power Pool Participants Committee (NEPOOL or Respondent) requesting that the Commission find NEPOOL's unique press ban (and public) to be unlawful, unjust and unreasonable, unduly discriminatory and contrary to the public interest, and direct NEPOOL to cease and desist from imposing such a ban, all as more fully explained in the complaint.

Complainant certifies that a copy of the complaint has been served on NEPOOL.

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 Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the 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 p.m. Eastern Time on September 20, 2018.

Dated: September 5, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–19692 Filed 9–10–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC18–13–000 (FERC–537)]

Errata Notice

On August 14, 2018, the Commission issued a 30-day public notice regarding the extension of the FERC–537 information collection. That same 30-day notice also responded to comments received on FERC–537 (Gas Pipeline Certificates: Construction, Acquisition and Abandonment, OMB Control No. 1902–0060) in response to a previous 60-day notice (issued on May, 14, 2018). This Errata Notice corrects the 30-day notice and the presentation and responses to the two public comments.

In reference to the 30-day notice issued on August 14, 2018, the section labeled ''Response to public comments'' should be corrected to read as follows:

On 5/30/2018, Ms. Joanne Collins submitted the following comment:

I am in favor of the collection of all information necessary for the proper performance of the function of the Commission. I am not in favor of deciding to collect less information because it is a burden. Using automated collection techniques or other form of technology is fine as long as it is not required for collection.

To the comment received from Ms. Joanne Collins, FERC responds:

Commenter concurs in the collection of information necessary for the Commission to make an informed decision and take appropriate action is appropriate, but does not want less information that is needed to not be collected solely because it is a burden on those seeking authorizations. We confirm that all the information required by FERC–537 continues to be necessary and that no data collections have been revised in this current review on FERC–537. Commenter notes that automated ways to collect information, such as eFiling are good, as long as they are not ultimately required of all fliers.

On 6/4/2018, Ms. Laurie Lubsen submitted the following comment:

I oppose the above proposal because it minimizes the input from the citizenry that will be directly affected by energy projects. We the PEOPLE are the most important voices to be heard from a functioning democracy, especially those directly affected by the FERC activities.

To the comment received from Ms. Laurie Lubsen, FERC responds:

Commenter points out that the collection of data and information from applicants requesting authorization to construct and operate natural gas pipelines can create a secondary burden on the general citizenry to learn about the Commission's rules and process; and further to perhaps take costly and time consuming efforts to participate in the Commission's proceedings. The Paperwork Reduction Act of 1995 was not intended to measure this type of secondary burden; only the primary burden on those applicant entities to collect and compile the information necessary for the Government to make an informed decision and take appropriate action. The Commission has multiple ways, times, and methods for the general citizenry to appropriately input their views on the Commission's rules and process, or its individual proceedings.

Dated: September 5, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–19696 Filed 9–10–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR18–36–000]

Ohio River Pipe Line LLC; Notice of Request for Temporary Waiver

Take notice that on August 31, 2018, pursuant to Rule 204 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.204, Ohio River Pipe Line LLC filed a petition for temporary waiver of the tariff filing and reporting requirements of sections 6 and 20 of the Interstate Commerce Act and parts 341 and 357 of the Commission's regulations for the portion of its refined petroleum products system that currently operates between West Virginia and Ohio (The Kenova-Columbus Pipeline), 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 (8 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. Such notices, motions, or protest 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 protest 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 Commissions, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at the *http://www.ferc.gov* ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscripton'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on September 21, 2018.

Dated: September 5, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–19697 Filed 9–10–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2012–0103; FRL–9983–58–OAR]

Proposed Information Collection Request; Comment Request; Diesel Emissions Reduction Act (DERA) Rebate Program; EPA ICR No. 2461.03, OMB Control No. 2060–0686 Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Diesel Emissions Reduction Act (DERA) Rebate Program'' (EPA ICR No. 2461.03, OMB Control No. 2060–0686 Renewal) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through March 31, 2019. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before November 13, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2012–0103, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Jason Wilcox, Office of Transportation and Air Quality, (Mail Code: 6406A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–343–9571; fax number: 202–343–2803; email address: *wilcox.jason@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: This is an extension of the current Information Collection Request (ICR) for the Diesel Emissions Reduction Act program (DERA) authorized by Title VII, Subtitle G (Sections 791 to 797) of the Energy Policy Act of 2005 (Pub. L. 109–58), as amended by the Diesel Emissions Reduction Act of 2010 (Pub. L. 111–364), codified at 42 U.S.C. 16131 *et seq.* DERA provides the Environmental Protection Agency (EPA) with the authority to award grants, rebates or low-cost revolving loans on a competitive basis to eligible entities to fund the costs of projects that significantly reduce diesel emissions from mobile sources through implementation of a certified engine configuration, verified technology, or emerging technology. Eligible mobile sources include buses (including school buses), medium heavy-duty or heavy heavy-duty diesel trucks, marine engines, locomotives, or nonroad engines or diesel vehicles or equipment used in construction, handling of cargo (including at ports or airports), agriculture, mining, or energy production. In addition, eligible entities may also use funds awarded for programs or projects to reduce long-duration idling using verified technology involving a vehicle or equipment described above. The objective of the assistance under this program is to achieve significant reductions in diesel emissions in terms of tons of pollution produced and reductions in diesel emissions exposure, particularly from fleets operating in areas designated by the Administrator as poor air quality areas.

EPA uses approved procedures and forms to collect necessary information to operate its grant and rebate programs. EPA has been providing rebates under DERA since Fiscal Year 2012. EPA is requesting an extension of the current ICR, which is currently approved through March 31, 2019, for forms needed to collect necessary information to operate a rebate program as authorized by Congress under the DERA program.

EPA collects information from applicants to the DERA rebate program. Information collected is used to ensure eligibility of applicants and engines to receive funds under DERA, and to calculate estimated and actual emissions benefits that result from activities funded with rebates as required in DERA's authorizing legislation.

Form numbers: 2060–0686.

Respondents/affected entities: Entities potentially affected by this action are those interested in applying for a rebate under EPA's Diesel Emission Reduction Act (DERA) Rebate Program and include but are not limited to the following NAICS (North American Industry Classification System) codes: 23 Construction; 482 Rail Transportation; 483 Water Transportation; 484 Truck Transportation; 485 Transit and Ground Passenger Transportation; 4854 School and Employee Bus Transportation; 48831 Port and Harbor Operations; 61111 Elementary and Secondary Schools; 61131 Colleges, Universities, and Professional Schools; 9211 Executive, Legislative, and Other Government Support; and 9221 Justice, Public Order, and Safety Activities.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 500–1000 (total).

Frequency of response: Voluntary as needed.

Total estimated burden: 2,945 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $103,197.33 (per year), includes $0 annualized capital or operation and maintenance costs.

Changes in estimates: There is an increase of 118 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to a higher reported burden by the two responses to consultation outreach. The higher burden reported by these past respondents was weighted against previous estimates for the latest burden estimate.

Dated: August 29, 2018.

Karl Simon,

Director, Transportation and Climate Division, Office of Air and Radiation.

[FR Doc. 2018–19762 Filed 9–10–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2004–0015; FRL–9983–60–OAR]

Proposed Information Collection Request; Comment Request; Part 70 State Operating Permit Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Part 70 State Operating Permit Program (Renewal)'' (EPA ICR No. 1587.14, OMB Control No. 2060.0243) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through March 31, 2019. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before November 13, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2004–0015, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Dylan C. Mataway-Novak, Air Quality Policy Division, Office of Air Quality Planning and Standards, C504–05, U.S. Environmental Protection Agency, Research Triangle Park, NC; telephone number: (919) 541–5795; fax number: (919) 541–5509; email address: *mataway-novak.dylan@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Avenue NW, Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about the EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Title V of the Clean Air Act (Act) requires states to develop and implement a program for issuing operating permits to all sources that fall under any Act definition of ''major'' and certain other non-major sources that are subject to federal air quality regulations. The Act further requires the EPA to develop regulations that establish the minimum requirements for those state operating permits programs and to oversee implementation of the state programs. The EPA regulations setting forth requirements for the state operating permit program are found at 40 CFR part 70. The part 70 program is designed to be implemented primarily by state, local and tribal permitting authorities in all areas where they have jurisdiction.

In order to receive an operating permit for a major or other source subject to the permitting program, the applicant must conduct the necessary research, perform the appropriate analyses and prepare the permit application with documentation to demonstrate that its facility meets all applicable statutory and regulatory requirements. Specific activities and requirements are listed and described in the Supporting Statement for the 40 CFR part 70 ICR.

Under 40 CFR part 70, state, local and tribal permitting authorities review permit applications, provide for public review of proposed permits, issue permits based on consideration of all technical factors and public input and review information submittals required of sources during the term of the permit. Also, under 40 CFR part 70, the EPA reviews certain actions of the permitting authorities and provides oversight of the programs to ensure that they are being adequately implemented and enforced. Consequently, information prepared and submitted by sources is essential for sources to receive permits, and for federal, state, local and tribal permitting authorities to adequately review the permit applications and thereby properly administer and manage the program.

Information that is collected is handled according to the EPA's policies set forth in title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (*see* 40 CFR part 2). *See* also section 114(c) of the Act.

Form Numbers: None.

Respondents/affected entities: Industrial plants (sources); state, local and tribal permitting authorities.

Respondent's obligation to respond: mandatory (*see* 40 CFR part 70).

Estimated number of respondents: 13,712 sources and 117 state, local and tribal permitting authorities.

Frequency of response: On occasion.

Total estimated burden: 4,738,925 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $321,878,589 (per year). There are no annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 429,890 hours per year for the estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to updated estimates of the number of sources and permits subject to the part 70 program, rather than any change in federal mandates.

Dated: August 29, 2018.

Anna Marie Wood,

Director, Air Quality Policy Division.

[FR Doc. 2018–19771 Filed 9–10–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2008–0150; FRL–9983–56–OW]

Proposed Information Collection Request; Comment Request; Establishing No-Discharge Zones (NDZs) Under Clean Water Act Section 312 (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency plans to submit an information collection request (ICR), ''Establishing No-Discharge Zones (NDZs) Under Clean Water Act section 312 (Renewal)'' (EPA ICR No. 1791.08, OMB Control No. 2040–0187) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA solicits public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through March 31, 2019. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before November 13, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2008–0150, online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

All comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information, or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Virginia Fox-Norse, Oceans, Wetlands and Communities Division, Office of Wetlands, Oceans and Watersheds, (4504T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–1266; fax number: 202–566–1337; email address: *fox-norse.virginia@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about the EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA solicits comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and, (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses). The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: (A) *Sewage No-Discharge Zones:* CWA section 312(f) and the implementing regulations in 40 CFR part 140 provide that information must be submitted to the EPA to establish a no-discharge zone (NDZ) for vessel sewage in state waters. No-discharge zones can be established to provide greater environmental protection of specified state waters from treated and untreated vessel sewage. This ICR addresses the information requirements associated with the establishment of NDZs for vessel sewage. The information collection activities discussed in this ICR do not require the submission of any confidential information.

(B) *Uniform National Discharge Standards (UNDS) No-Discharge Zones and Discharge Determination or Standard Review:* CWA section 312(n)(7) and the implementing regulations in 40 CFR part 1700 provide that information should be submitted to the EPA to establish a no-discharge zone in state waters for a particular discharge from a vessel of the Armed Forces. In addition, CWA section 312(n)(5) provides that that the Governor of any state may petition the EPA and the DoD to review any discharge determination or standard promulgated under CWA section 312 for vessels of the Armed forces if there is significant new information that could reasonably result in a change to the discharge determination or standard. This ICR addresses the information requirements associated with the establishment of an UNDS NDZ for a particular discharge from a vessel of the Armed Forces in addition to the information requirements associated with a request to the EPA and DoD to review a discharge determination or standard. UNDS NDZs for a particular discharge from a vessel of the Armed Forces cannot be requested or established until after the EPA and DoD promulgate vessel discharge performance standards for marine pollution control devices for that particular discharge and DoD

promulgates the corresponding regulations governing the design, construction, installation and use of marine pollution control devices for that particular discharge. The information collection activities discussed in this ICR do not require the submission of any confidential information.

Form numbers: None.

Respondents/affected entities: States.

Respondent's obligation to respond: The responses to this collection of information are required to obtain the benefit of a sewage NDZ (CWA section 312(f)). The responses to this collection of information are required to obtain the benefit of an UNDS NDZ or a review of an UNDS discharge determination or standard (CWA section 312(n)).

Estimated number of respondents: 16 (total).

Frequency of response: One time.

Total estimated burden: 1,083 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $54,938 (per year), includes $998 annualized capital or operation & maintenance costs.

Changes in estimates: It is anticipated that the burden hours will stay the same as the current estimate or decrease due to changes in respondent universe when we revise them for this ICR extension. Cost estimates will likely remain the same or rise at the time of revision because of changes in the state and federal labor costs.

Dated: August 31, 2018.

John Goodin,

Acting Director, Office of Wetlands, Oceans and Watersheds.

[FR Doc. 2018–19763 Filed 9–10–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2003–0052; FRL—9982–93–OLEM]

Proposed Information Collection Request; Comment Request; Risk Management Program Requirements and Petitions To Modify the List of Regulated Substances Under Section 112(r) of the Clean Air Act (CAA); EPA ICR Number 1656.16, OMB Control Number 2050–0114

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Risk Management Program Requirements and Petitions to Modify the List of Regulated Substances under section 112(r) of the Clean Air Act (CAA)'', EPA ICR No. 1656.16, OMB Control No. 2050–0144 to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through January 31, 2019. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before November 13, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2003–0052, online using *www.regulations.gov* (our preferred method), by email to *superfund.docket@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Wendy Hoffman, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–8794; fax number: (202) 564–2625; email address: *hoffman.wendy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The authority for these requirements is section 112(r) of the 1990 CAA Amendments, which provides for the prevention and mitigation of accidental releases. Section 112(r) mandates that EPA promulgate a list of ''regulated substances'' with threshold quantities and establish procedures for the addition and deletion of substances from the list of regulated substances. Processes at stationary sources that contain more than a threshold quantity of a regulated substance are subject to accidental release prevention regulations promulgated under CAA section 112(r)(7). These two rules are codified as 40 CFR part 68.

Part 68 requires that sources with more than a threshold quantity of a regulated substance in a process develop and implement a risk management program and submit a risk management plan (RMP) to EPA. EPA uses RMPs to conduct oversight of regulated sources, and to communicate information concerning them to federal, state, and local agencies and the public, as appropriate.

The compliance schedule for the part 68 requirements was established by rule on June 20, 1996. The burden to sources that are currently covered by part 68, for initial rule compliance, including rule familiarization and program implementation was accounted for in previous ICRs. Sources submitted their first RMPs by June 21, 1999. For most sources, the next compliance deadlines occurred (and will occur) thereafter at five-year intervals—in 2004, 2009, 2014 and 2019. Therefore, resubmissions tend to occur in ''waves'' peaking each fifth

year. A source submitting an RMP update to comply with its five-year compliance deadline will often submit its updated RMP several days or weeks early to ensure it is received by EPA before its deadline, and other sources revised and resubmitted their RMPs between the five-year deadlines because of changes occurring at the source that triggered an earlier resubmission. These sources were then assigned a new five-year compliance deadline based on the date of their most recent revised plan submission. However, because most sources are not required to resubmit earlier than their five-year compliance deadline, the next RMP submission deadline for most sources occurs in 2019. The remaining sources have been assigned a different deadline in 2020, 2021, 2022 or 2023, based on the date of their most recent submission. Only the first three years are within the period covered by this ICR.

In this ICR, EPA has accounted for burden for new sources that may become subject to the regulations, currently covered sources with compliance deadlines in this ICR period (2019 to 2021), sources that are out of compliance since the last regulatory deadline but are expected to comply during this ICR period, and sources that have deadlines beyond this ICR period but are required to comply with certain prevention program documentation requirements during this ICR period.

Form Numbers: Risk Management Plan Form: EPA Form 8700–25; CBI Substantiation Form: EPA Form 8700–27; CBI Unsanitized Data Element Form: EPA Form 8700–28.

Respondents/affected entities: Entities potentially affected by this action are chemical manufacturers, petroleum refineries, water treatment systems, agricultural chemical distributors, refrigerated warehouses, chemical distributors, non-chemical manufacturers, wholesale fuel distributors, energy generation facilities, etc.

Respondent's obligation to respond: Mandatory (40 CFR part 68).

Estimated number of respondents: 12,500 (total). This figure will be updated as needed during the 60-day OMB review period.

Frequency of response: Sources must resubmit RMPs at least every five years and update certain on-site documentation more frequently.

Total estimated burden: 80,546 hours (per year). This figure will be updated as needed during the 60-day OMB review period. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $6,736,212 (per year), includes $0 annualized capital or operation maintenance costs. This figure will be updated with most recent available wage rates from BLS and to account for any changes in O&M costs, burden and number of respondents.

Changes in estimates: The above burden estimates are based on the current approved ICR. In the final notice for the renewed ICR, EPA will publish revised burden estimates based on updates to respondent data and unit costs. The revised burden estimates may increase from the current ICR, because the new ICR period will include a five-year reporting cycle year, whereas the current approved ICR period did not include a five-year reporting cycle year. Any change in burden will be described and explained in this section when the updated ICR Supporting Statement is completed during the 60-day OMB review period.

Dated: August 20, 2018.

Reggie Cheatham,

Director, Office of Emergency Management.

[FR Doc. 2018–19770 Filed 9–10–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2011–0439; EPA–HQ–OW–2011–0442; EPA–HQ–OW–2011–0443; FRL–9983–54–OW]

Proposed Information Collection Requests; Comment Request: Microbial Rules Renewal Information Collection Request; Public Water System Supervision Program Renewal Information Collection Request; Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules Renewal Information Collection Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) will be submitting renewals of information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). The ICRs included in this renewal are the Microbial Rules Renewal Information Collection Request, EPA ICR No. 1895.10, OMB Control No. 2040–0205, which expires on April 30, 2019; the Public Water System Supervision Program Renewal Information Collection Request, EPA ICR No. 0270–47, OMB Control No. 2040–0090, which expires on March 31, 2019; and the Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules Renewal Information Collection Request (ICR), EPA ICR No. 1896.11, OMB Control No. 2040–0204, which expires on August 31, 2019. The EPA is soliciting public comments on specific aspects of the proposed information collections as described in this renewal notice. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before November 13, 2018.

ADDRESSES: Submit your comments, referencing the Docket ID numbers provided for each item in the text, online using *www.regulations.gov* (our preferred method), by email *OW-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

The EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Kevin Roland, Drinking Water Protection Division, Office of Ground Water and Drinking Water, (4606M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–4588: fax number: 202–564–3755; email address: *roland.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public dockets for these ICRs. The dockets can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about the EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the

burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The EPA will consider the comments received and amend the ICRs as appropriate. The final ICR packages will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** document to announce the submission of the ICRs to OMB and the opportunity to submit additional comments to OMB.

Microbial Rules Renewal Information Collection Request (EPA ICR No. 1895.10, EPA–HQ–OW–2011–0442)

Abstract: The Microbial Rules Renewal ICR examines public water system and primacy agency burden and costs for recordkeeping and reporting requirements in support of the microbial drinking water regulations. These recordkeeping and reporting requirements are mandatory for compliance with 40 CFR parts 141 and 142. The following microbial regulations are included: The Surface Water Treatment Rule (SWTR), the Total Coliform Rule (TCR), the Revised Total Coliform Rule (RTCR), the Interim Enhanced Surface Water Treatment Rule (IESWTR), the Filter Backwash Recycling Rule (FBRR), the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR), the Ground Water Rule (GWR) and the Aircraft Drinking Water Rule (ADWR). Future microbial-related rulemakings will be added to this consolidated ICR after the regulations are promulgated and the initial, rule-specific, ICRs are due to expire.

Form numbers: None.

Respondents/affected entities: Entities potentially affected by this action are public water systems and primacy agencies.

Respondent's obligation to respond: Mandatory for compliance with 40 CFR parts 141 and 142.

Estimated number of respondents: 149,864 (total).

Frequency of response: Varies by requirement (*i.e.,* on occasion, monthly, quarterly, semi-annually, and annually).

Total estimated burden: 14,683,598 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $652,507,000 (per year), includes $110,017,000 annualized capital or operation and maintenance costs.

Changes in estimates: There is no estimated increase or decrease of hours in the total estimated respondent burden compared to what was identified in the ICR currently approved by OMB.

Public Water System Supervision Program Renewal Information Collection Request (EPA ICR No. 0270.47, EPA–HQ–OW–2011–0443)

Abstract: The Public Water System Supervision (PWSS) Program Renewal ICR examines the burden to public water systems, primacy agencies, and tribal operator certification providers and costs for ''cross-cutting'' recordkeeping and reporting requirements (*i.e.,* the burden and costs for complying with drinking water information requirements that are not associated with contaminant-specific rulemakings). The following activities have recordkeeping and reporting requirements that are mandatory for compliance with 40 CFR parts 141 and 142: the Consumer Confidence Report Rule (CCRs), the Variance and Exemption Rule (V/E Rule), General State Primacy Activities, the Public Notification Rule (PN), and Proficiency Testing Studies for Drinking Water Laboratories. The information collection activities for both the Operator Certification and the Capacity Development Program are driven by the grant withholding and reporting provisions under Sections 1419 and 1420, respectively, of the Safe Drinking Water Act. Although the Tribal Operator Certification Program is voluntary, the information collection is driven by grant eligibility requirements outlined in the Drinking Water Infrastructure Grant Tribal Set-Aside Program Final Guidelines and the Tribal Drinking Water Operator Certification Program Guidelines.

Form numbers: None.

Respondents/affected entities: Entities potentially affected by this action are new and existing public water systems and primacy agencies.

Respondent's obligation to respond: Mandatory for compliance with 40 CFR parts 141 and 142.

Estimated number of respondents: 151,724 (total).

Frequency of response: Varies by requirement (*i.e.,* on occasion, monthly, quarterly, semi-annually, and annually).

Total estimated burden: 3,769,213 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $187,603,000 (per year), includes $42,103,000 annualized capital or operation and maintenance costs.

Changes in estimates: There is an expected decrease of hours in the total estimated respondent burden compared to what was identified in the ICR currently approved by OMB, due to use of centralized software for data entry and rule compliance calculations. The updated, estimated burden will be incorporated into a revised supporting statement (which will be available in the docket) and in a second **Federal Register** document (for public comment) at a later date, to be determined, before the ICR package is sent to OMB for approval.

The Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules Renewal Information Collection Request (EPA ICR No. 1896.11, EPA–HQ–OW–2011–0439)

Abstract: The Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules ICR examines burden to public water systems and primacy agencies and costs for recordkeeping and reporting requirements in support of the chemical drinking water regulations. These recordkeeping and reporting requirements are mandatory for compliance with 40 CFR parts 141 and 142. The following chemical regulations are included: The Stage 1 Disinfectants/Disinfection Byproducts Rule (Stage 1 DBPR), the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR), the Chemical Phase Rules (Phases II/IIB/V), the Radionuclides Rule, the Total Trihalomethanes (TTHM) Rule, Disinfectant Residual Monitoring and Associated Activities under the Surface Water Treatment Rule (SWTR), the Arsenic Rule, the Lead and Copper Rule (LCR), and the Lead and Copper Rule Short Term Revisions Rule. Future chemical-related rulemakings will be added to this consolidated ICR after the regulations are promulgated and the initial, rule-specific, ICRs are due to expire.

Form numbers: None.

Respondents/affected entities: Entities potentially affected by this action are new and existing public water systems primacy agencies.

Respondent's obligation to respond: Mandatory for compliance with 40 CFR parts 141 and 142.

Estimated number of respondents: 149,822 (total).

Frequency of response: Varies by requirement (*i.e.,* on occasion, monthly, quarterly, semi-annually, and annually).

Total estimated burden: 5,305,696 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $464,896,000 (per year), includes $258,937,000 annualized capital or operation and maintenance costs.

Changes in estimates: There is no estimated increase or decrease of hours in the total estimated respondent burden compared to what was identified in the ICR currently approved by OMB.

Dated: August 31, 2018.

Peter Grevatt,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 2018–19761 Filed 9–10–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2004–0016; FRL–9983–61–OAR]

Proposed Information Collection Request; Comment Request; Part 71 Federal Operating Permit Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Part 71 Federal Operating Permit Program (Renewal)'' (EPA ICR No. 1713.12, OMB Control No. 2060.0336) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through May 31, 2019. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before November 13, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2004–0016, at *http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Joanna W. Gmyr, Air Quality Policy Division, Office of Air Quality Planning and Standards, C504–05, U.S. Environmental Protection Agency, Research Triangle Park, NC; telephone number: (919) 541–9782; fax number: (919) 541–5509; email address: *gmyr.joanna@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Avenue NW, Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about the EPA's public docket, visit *http://www.epa.gov/dockets*.

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Title V of the Clean Air Act (Act) requires the EPA to operate a federal operating permits program in areas not subject to an approved state program. The EPA regulations setting forth the requirements for the federal (EPA) operating permit program are at 40 CFR part 71. The part 71 program is designed to be implemented primarily by the EPA in all areas where state and local agencies do not have jurisdiction, such as Indian country and offshore, beyond states' seaward boundaries. The EPA may also delegate authority to implement the part 71 program on its behalf to a state, local or tribal agency, if the agency requests delegation and makes certain showings regarding its authority and ability to implement the program. One such delegate agency for the part 71 program exists at present.

In order to receive an operating permit for a major or other source subject to the permitting program, the applicant must conduct the necessary research, perform the appropriate analyses, and prepare the permit application with documentation to demonstrate that its facility meets all applicable statutory and regulatory requirements. Specific activities and requirements are listed and described in the Supporting Statement for the part 71 ICR.

Under part 71, the permitting authority (the EPA or a delegate agency) reviews permit applications, provides for public review of proposed permits, issues permits based on consideration of all technical factors and public input, and reviews information submittals required of sources during the term of the permit. Under part 71, the EPA reviews certain actions and performs oversight of any delegate agency, consistent with the terms of a delegation agreement. Consequently, information prepared and submitted by sources is essential for sources to receive permits, and for federal and tribal permitting agencies to adequately review the permit applications and issue the permits, oversee implementation of the permits, and properly administer and manage the program.

Information that is collected is handled according to the EPA's policies set forth in title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (*see* 40 CFR part 2). *See* also section 114(c) of the Act.

Form Numbers: The forms are 5900–01, 5900–02, 5900–03, 5900–04, 5900–

05, 5900–06, 5900–79, 5900–80, 5900–81, 5900–82, 5900–83, 5900–84, 5900–85 and 5900–86.

Respondents/affected entities: Industrial plants (sources) and tribal permitting authorities.

Respondent's obligation to respond: Mandatory (*see* 40 CFR part 71).

Estimated number of respondents: 94 (total); 93 industry sources and one tribal delegate permitting authority (the EPA serves as a permitting authority but is not a respondent).

Frequency of response: On occasion.

Total estimated burden: 22,702 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,587,810 (per year). There are no annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 2,998 hours per year for the estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to updated estimates of the number of sources and permits subject to the part 71 program, rather than any change in federal mandates.

Dated: August 29, 2018.

Anna Marie Wood,

Director, Air Quality Policy Division.

[FR Doc. 2018–19786 Filed 9–10–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[CERCLA–04–2018–3755; FRL–9983–48—Region 4]

J.J. Seifert Machine Shop Superfund Site, Sun City, Hillsborough County, Florida; Notice of Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of settlement.

SUMMARY: Under 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement concerning the J.J. Seifert Machine Shop Superfund Site located in Sun City, Hillsborough County, Florida with the following parties: U B Corp, the Robert J. Upcavage Family Trust and Lawrence J. Bauer, Jr. The settlement addresses recovery of CERCLA costs for a cleanup action performed by the EPA at the Site.

DATES: The Agency will consider public comments on the settlement until October 11, 2018. The Agency will consider all comments received and may modify or withdraw its consent to the proposed settlement if comments received disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Program Analyst, using the contact information provided in this notice. Comments may also be submitted by referencing the Site's name through one of the following methods:

Internet: https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices.

- *U.S. Mail:* U.S. Environmental Protection Agency, Superfund Division, Attn: Paula V. Painter, 61 Forsyth Street SW, Atlanta, Georgia 30303.
- *Email: Painter.Paula@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at 404/562–8887.

Dated: July 30, 2018.

Greg Armstrong,

Acting Chief, Enforcement and Community Engagement Branch, Superfund Division.

[FR Doc. 2018–19768 Filed 9–10–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

[Docket No. 18–07]

Marine Transport Logistics, Inc. v. CMA–CGM (America), LLC; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by Marine Transport Logistics, Inc., hereinafter ''Complainant'', against CMA–CGM (America), LLC, hereinafter ''Respondent''. Complainant states that it is a Non-Vessel Operating Common Carrier (NVOCC) located in Bayonne, New Jersey and is licensed with the Commission. Complainant asserts that Respondent is a Vessel Operating Common Carrier (VOCC) located in East Rutherford, New Jersey.

Complainant states that Respondent was contracted to ship nine containers of cars to Yemen in December 2017 and those containers were not delivered.

Specifically, Complainant alleges that the Respondent violated:

a. ''. . . Section 41102(c) of the Shipping Act in that such respondent failed to establish, observe, and enforce just reasonable regulations and practices relating to or connected with receiving, handling, or delivering of property . . .'';

b. ''. . . Section 41104(9) of the Shipping Act in that, such Respondent imposed undue and unreasonable prejudice or disadvantage . . .''; and

c. ''. . . Section 41104 (10) of the Shipping Act in that, such Respondent unreasonably refused to deal or negotiate . . .''

Complainant seeks reparations and other relief. The full text of the complaint can be found in the Commission's Electronic Reading Room at *www.fmc.gov/18–07/.* This proceeding has been assigned to the Office of Administrative Law Judges.

The initial decision of the presiding officer in this proceeding shall be issued by September 6, 2019, and the final decision of the Commission shall be issued by March 20, 2020.

Rachel E. Dickon,

Secretary.

[FR Doc. 2018–19638 Filed 9–10–18; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 25, 2018.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *FSB Holding Company, Inc., Trimont, Minnesota;* to engage de novo in extending credit and servicing loans,

pursuant to section 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, September 6, 2018.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2018–19702 Filed 9–10–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0075; Docket No. 2018–0003; Sequence No. 12]

Information Collection; Government Property

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning government property.

DATES: Submit comments on or before November 13, 2018.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching for Information Collection 9000–0075—Government Property. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0075: Government Property''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0075; Government Property'' on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0075.

Instructions: Please submit comments only and cite Information Collection 9000–0075, in all correspondence related to this collection. Comments received generally will be posted without change to *regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *regulations.gov,* approximately two-to-three business days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Camara Francis, Procurement Analyst, Office of Acquisition Policy, GSA 202–550–0935 or email *camara.francis@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Government property, as used in FAR Part 45, means all property owned or leased by the Government. Government property includes both Government-furnished property and contractor-acquired property. Government property includes material, equipment, special tooling, special test equipment, and real property. Government property does not include intellectual property and software.

This part prescribes policies and procedures for providing Government property to contractors; contractors' management and use of Government property; and reporting, redistributing, and disposing of contractor inventory. This clearance covers the following requirements:

(a) FAR 52.245–1(f)(1)(ii) requires contractors to document the receipt of Government property.

(b) FAR 52.245–1(f)(1)(ii)(A) requires contractors to submit report if overages, shortages, or damages and/or other discrepancies are discovered upon receipt of Government-furnished property.

(c) FAR 52.245–1(f)(1)(iii) requires contractors to create and maintain records of all Government property accountable to the contract.

(d) FAR 52.245–1(f)(1)(iv) requires contractors to periodically perform, record, and report physical inventories during contract performance, including upon completion or termination of the contract.

(e) FAR 52.245–1(f)(1)(vii)(B) requires contractors to investigate and report all incidents of Government property loss as soon as the facts become known.

(f) FAR 52.245–1(f)(1)(viii) requires contractors to promptly disclose and report Government property in its possession that is excess to contract performance.

(g) FAR 52.245–1(f)(1)(ix) requires contractors to disclose and report to the Property Administrator the need for replacement and/or capital rehabilitation.

(h) FAR 52.245–1(f)(1)(x) requires contractors to perform and report to the Property Administrator contract property closeout.

(i) FAR 52.245–1(f)(2) requires contractors to establish and maintain source data, particularly in the areas of recognition of acquisitions and dispositions of material and equipment.

(j) FAR 52.245–1(j)(2) requires contractors to submit inventory disposal schedules to the Plant Clearance Officer via the Standard Form 1428, Inventory Disposal Schedule.

(k) FAR 52.245–9(d) requires a contractor to identify the property for which rental is requested.

B. Annual Reporting Burden

Number of Respondents: 11,375.
Responses per Respondent: 1,057.
Total Responses: 12,023,375.
Average Burden Hours Per Response: .3092.
Total Burden Hours: 3,717,627.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulations (FAR), and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20006, telephone 202–501–4755. Please cite OMB Control No. 9000–0075, Government Property, in all correspondence.

William Clark,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2018–19671 Filed 9–10–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB No.: 0970–0466]

Submission for OMB Review; Comment Request

Title: Initial Medical Exam Form and Initial Dental Exam Form.

Description: The Administration for Children and Families' Office of Refugee Resettlement (ORR) places unaccompanied minors in their custody in licensed care provider facilities until reunification with a qualified sponsor. Care provider facilities are required to provide children with services such as classroom education, mental health services, and health care. Pursuant to Exhibit 1, part A.2 of the *Flores* Settlement Agreement (*Jenny Lisette Flores, et al.* v. *Janet Reno, Attorney General of the United States, et al.,* Case No. CV 85–4544–RJK (C.D. Cal. 1996), care provider facilities, on behalf of ORR, shall arrange for appropriate routine medical and dental care and emergency health care services, including a complete medical examination and screening for infectious diseases within 48 hours of admission, excluding weekends and holidays, unless the minor was recently examined at another facility; appropriate immunizations in accordance with the U.S. Public Health Service (PHS), Center for Disease Control; administration of prescribed medication and special diets; appropriate mental health interventions when necessary for each minor in their care.

The forms are to be used as worksheets for clinicians, medical staff, and health departments to compile information that would otherwise have been collected during the initial medical or dental exam. Once completed, the forms will be given to shelter staff for data entry into ORR's secure, electronic data repository known as 'The UAC Portal'. Data will be used to record UC health on admission and for case management of any identified illnesses/conditions.

Respondents: Office of Refugee Resettlement Grantee staff.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Initial Medical Exam Form (including Appendix A: Supplemental TB Screening Form)	150	297	0.20	8,910
Initial Dental Exam Form	150	30	0.07	315

Estimated Total Annual Burden Hours: 9,225.

ESTIMATED RESPONDENT BURDEN FOR RECORDKEEPING

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Initial Medical Exam Form (including Appendix A: Supplemental TB Screening Form)	150	297	0.08	3,564
Initial Dental Exam Form	150	30	0.08	360

Estimated Total Annual Burden: 3,924.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW, Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–19709 Filed 9–10–18; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3223]

Joint Meeting of the Gastrointestinal Drugs Advisory Committee and the Drug Safety and Risk Management Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Gastrointestinal Drugs Advisory Committee and the Drug Safety and Risk Management Advisory

Committee. The general function of the committees is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on October 17, 2018, from 8 a.m. to 5 p.m.

ADDRESSES: Bethesda Marriott, 5151 Pooks Hill Rd., the Grand Ballroom, Bethesda, MD 20814. The conference center's telephone number is 301–897–9400. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.* Information about the Bethesda Marriott can be accessed at: *https://www.marriott.com/hotels/travel/wasbt-bethesda-marriott/.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2018–N–3223. The docket will close on October 16, 2018. Submit either electronic or written comments on this public meeting by October 16, 2018. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 16, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of October 16, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before October 9, 2018, will be provided to the committees. Comments received after that date will be taken into consideration by FDA.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2018–N–3223 for ''Joint Meeting of the Gastrointestinal Drugs Advisory Committee and the Drug Safety and Risk Management Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see the **ADDRESSES** section), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, 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: Jay R. Fajiculay, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *GIDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committees will discuss supplemental new drug application (sNDA) 021200, supplement 015, for ZELNORM (tegaserod maleate) tablets for oral administration, submitted by Sloan Pharma S.à.r.l, Bertrange, Cham Branch, proposed for the treatment of women with irritable bowel syndrome with constipation who do not have a history of cardiovascular ischemic disease, such as myocardial infarction, stroke, transient ischemic attack, or angina, and who do not have more than one risk factor for cardiovascular disease.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committees. All electronic and written submissions submitted to the Docket (see the **ADDRESSES** section) on or before October 9, 2018, will be provided to the committees. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 1, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 2, 2018.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Jay Fajiculay (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 4, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–19669 Filed 9–10–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0055]

Gastrointestinal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Gastrointestinal Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on October 18, 2018, from 8 a.m. to 5 p.m.

ADDRESSES: Bethesda Marriott, 5151 Pooks Hill Rd., the Grand Ballroom, Bethesda, MD 20814. The conference center's telephone number is 301–897–9400. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.* Information about the Bethesda Marriott can be accessed at: *https://www.marriott.com/hotels/travel/wasbt-bethesda-marriott/.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2018–N–0055. The docket will close on October 16, 2018. Submit either electronic or written comments on this public meeting by October 16, 2018. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 16, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of October 16, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before October 9, 2018, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2018–N–0055 for ''Gastrointestinal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public

Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, 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: Jay R. Fajiculay, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *GIDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committee will discuss new drug application (NDA) 210166 for prucalopride tablets for oral administration, submitted by Shire Development, LLC, proposed for the treatment of chronic idiopathic constipation in adults.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before October 9, 2018, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 1, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 2, 2018.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Jay Fajiculay (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 4, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–19670 Filed 9–10–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3031]

Agency Information Collection Activities; Proposed Collection; Comment Request; Tobacco Products, User Fees, Requirements for the Submission of Data Needed To Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection for tobacco product user fees.

DATES: Submit either electronic or written comments on the collection of information by November 13, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before November 13, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of November 13, 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–3031 for ''Tobacco Products, User Fees, Requirements for the Submission of Data Needed to Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Tobacco Products, User Fees, Requirements for the Submission of Data Needed To Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products

OMB Control Number 0910–0749—Extension

On June 22, 2009, the President signed the Family Smoking Prevention and Tobacco Control Act (the Tobacco Control Act) (Pub. L. 111–31) into law. The Tobacco Control Act amended the Federal Food, Drug, and Cosmetic Act (FD&C Act) and granted FDA authority to regulate the manufacture, marketing, and distribution of tobacco products to protect public health generally and to reduce tobacco use by minors.

FDA issued a final rule that requires domestic manufacturers and importers of cigars and pipe tobacco to submit information needed to calculate the amount of user fees assessed under the

FD&C Act. FDA expanded its authority over tobacco products by issuing another final rule, ''Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products'' (Deeming rule), deeming all products that meet the statutory definition of ''tobacco product,'' except accessories of the newly deemed tobacco products, to be subject to the FD&C Act. The Deeming rule, among other things, subjected domestic manufacturers and importers of cigars and pipe tobacco to the FD&C Act's user fee requirements. Consistent with the Deeming rule and the requirements of the FD&C Act, the user fee final rule requires the submission of the information needed to calculate user fee assessments for each manufacturer and importer of cigars and pipe tobacco to FDA.

As noted, FDA issued a final rule that requires domestic tobacco product manufacturers and importers to submit information needed to calculate the amount of user fees assessed under the FD&C Act. The U. S. Department of Agriculture (USDA) had been collecting this information and provided FDA with the data the Agency needed to calculate the amount of user fees assessed to tobacco product manufacturers and importers. USDA ceased collecting this information in fiscal year 2015 (October 2014). USDA's information collection did not require OMB approval, per an exemption by Public Law 108–357, section 642(b)(3). Consistent with the requirements of the FD&C Act, FDA requires the submission of this information to FDA now instead of USDA. FDA took this action to ensure that the Agency continues to have the information needed to calculate, assess, and collect user fees from domestic manufacturers and importers of tobacco products.

Section 919(a) of the FD&C Act (21 U.S.C. 387s(a)) requires FDA to ''assess user fees on, and collect such fees from, each manufacturer and importer of tobacco products'' subject to the tobacco product provisions of the FD&C Act (chapter IX of the FD&C Act). The total amount of user fees to be collected for each fiscal year is specified in section 919(b)(1) of the FD&C Act, and under section 919(a) FDA is to assess and collect a proportionate amount each quarter of the fiscal year. The FD&C Act provides for the total assessment to be allocated among the classes of tobacco products. The class allocation is based on each tobacco product class' volume of tobacco product removed into commerce. Within each class of tobacco products, an individual domestic manufacturer or importer is assessed a user fee based on its share of the market for that tobacco product class.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Hours per response	Total hours
1150.5(a), (b)(1) and (2), and Form FDA 3852; General identifying information provided by manufacturers and importers of FDA regulated tobacco products and identification and removal information (monthly)	658	12	7,896	3	23,688
1150.5(b)(3); Certified copies (monthly)	658	12	7,896	1	7,896
1150.13; Submission of user fee information (Identifying information, fee amount, etc. (quarterly)	329	4	1,316	1	1,316
1150.15(a); Submission of user fee dispute (annually)	5	1	5	10	50
1150.15(d); Submission of request for further review of dispute of user fee (annually)	3	1	3	10	30
Total					32,980

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA estimates that 658 entities will submit tobacco product user fees. The entity count was derived from aggregate data provided by the Alcohol and Tobacco Tax and Trade Bureau (TTB), and reflects that in 2017 there were 192 total permitted manufacturers and 466 permitted importers over all tobacco product types for which TTB collects excise taxes (including cigarettes, cigars, snuff, chewing tobacco, pipe tobacco, and roll-your-own tobacco, excluding electronic nicotine delivery systems).

The estimate of 658 respondents to provide the information requested from § 1150.5(a), (b)(1) and (2) (21 CFR 1150.5(a), (b)(1) and (2)), and Form FDA 3852 reflects both reports of no removal of tobacco products into domestic commerce and reports of removal of tobacco product into domestic commerce. FDA estimates it will take 3 hours for each of these submission types for a total of 23,688 hours. Under § 1150.5(b)(3), these respondents are also expected to provide monthly certified copies of the returns and forms that relate to the removal of tobacco products into domestic commerce and the payment of Federal excise taxes imposed under chapter 52 of the Internal Revenue Code of 1986 to FDA. We estimate that each monthly report will take 1 hour for a total of 7,896 hours. The estimate of 329 respondents to submit payment of user fee information under § 1150.13 reflects an average of half the number of domestic manufacturers and importers who may be subject to fees each fiscal quarter. FDA estimates the quarterly submission will take approximately 1 hour for a total of 1,316 hours.

FDA estimates that five of those respondents assessed user fees will dispute the amounts under § 1150.15(a), for a total amount of 50 hours. FDA also estimates that three respondents who dispute their user fees will ask for further review by FDA under § 1150.15(d), for a total amount of 30 hours. FDA has only received one dispute submission since fiscal year 2015. Based on this data, the Agency does not believe we will receive more than five disputes and three requests for further reviews in the next 3 years.

FDA estimates the total annual burden for this collection of information is 32,980 hours. The estimated burden for the information collection reflects an overall increase of 16,058 hours. We

attribute this adjustment to an increase in the number of entities submitting tobacco user fee information to FDA.

Dated: September 4, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–19664 Filed 9–10–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3262]

Determination That CEFZIL (Cefprozil) Tablets, 250 Milligrams and 500 Milligrams, and for Oral Suspension, 125 Milligrams/5 Milliliters and 250 Milligrams/5 Milliliters, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that CEFZIL (cefprozil) tablets, 250 milligrams (mg) and 500 mg and CEFZIL (cefprozil) for oral suspension, 125 mg/5 milliliters (mL) and 250 mg/5 mL were not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to continue to approve abbreviated new drug applications (ANDAs) that refer to these drugs as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Diana J. Pomeranz, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6288, Silver Spring, MD 20993–0002, 240–402–4654.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

Under § 314.161(a)(2), the Agency must also determine whether a listed drug was withdrawn from sale for reasons of safety or effectiveness if ANDAs that referred to the listed drug have already been approved prior to its market withdrawal. If the Agency determines that a listed drug was withdrawn from sale for reasons of safety or effectiveness, and there are approved ANDAs that reference that listed drug, FDA will initiate a proceeding to determine whether the suspension of the ANDAs is also required (21 CFR 314.153(b)).

CEFZIL (cefprozil) tablets, 250 mg and 500 mg, are the subject of NDA 050664 held by Corden Pharma Latina S.p.A., and initially approved on December 23, 1991. CEFZIL (cefprozil) for oral suspension, 125 mg/5 mL and 250 mg/5 mL, is the subject of NDA 050665 held by Corden Pharma Latina S.p.A., and initially approved on December 23, 1991. CEFZIL is indicated for the treatment of patients with mild to moderate infections caused by susceptible strains of the designated microorganisms in the conditions listed below:

- Upper respiratory tract: Pharyngitis/tonsillitis caused by *Streptococcus pyogenes;* otitis media caused by *Streptococcus pneumoniae, Haemophilus influenzae* (including β-lactamase-producing strains), and *Moraxella (Branhamella) catarrhalis* (including β-lactamase-producing strains); and acute sinusitis caused by *Streptococcus pneumoniae, Haemophilus influenzae* (including β-lactamase-producing strains), and *Moraxella (Branhamella) catarrhalis* (including β-lactamase-producing strains);
- Lower respiratory tract: Acute bacterial exacerbation of chronic bronchitis caused by *Streptococcus pneumoniae, Haemophilus influenzae* (including β-lactamase-producing strains), and *Moraxella (Branhamella) catarrhalis* (including β-lactamase-producing strains); and
- Skin and skin structure: Uncomplicated skin and skin-structure infections caused by *Staphylococcus aureus* (including penicillinase-producing strains) and *Streptococcus pyogenes.* Abscesses usually require surgical drainage.

In a letter dated September 7, 2010, Bristol-Myers Squibb [1] notified FDA that CEFZIL (cefprozil) tablets, 250 mg and 500 mg and CEFZIL (cefprozil) for oral suspension, 125 mg/5 mL and 250 mg/5 mL, were discontinued from sale, and FDA moved the drug products to the ''Discontinued Drug Product List'' section of the Orange Book. Later, Corden Pharma Latina S.p.A. notified the Agency in writing that these drug products were no longer marketed and requested that the approval of the applications be withdrawn. In the **Federal Register** of June 21, 2017 (82 FR 28322 at 28326), the Agency issued a notice withdrawing approval of the applications, effective July 21, 2017.

After reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that CEFZIL (cefprozil) tablets, 250 mg and 500 mg, and CEFZIL (cefprozil) for oral suspension, 125 mg/5 mL and 250 mg/5 mL, were not withdrawn from sale for reasons of safety or effectiveness.

We note that CEFZIL (cefprozil) tablets, 250 mg and 500 mg, and CEFZIL (cefprozil) for oral suspension, 125 mg/5 mL and 250 mg/5 mL, previously were approved with an indication for secondary bacterial infection of acute bronchitis (SBIAB). On October 3, 2016, FDA sent Corden Pharma Latina S.p.A. a Prior Approval Supplement Request letter seeking removal of the SBIAB indication from the labeling of these drug products. In response, on October 28, 2016, Corden Pharma Latina S.p.A. submitted supplements proposing to remove the indication. On November 22, 2016, FDA approved these supplements and the indication was

[1] On May 26, 2011, Bristol-Myers Squibb transferred ownership of NDA 050664 and NDA 050665 to Corden Pharma Latina S.p.A.

removed. The ANDA applicants referencing these NDAs subsequently followed suit and submitted supplements proposing to remove the SBIAB indication from their labeling. The Agency approved these supplements.

Further, based on a review of relevant information, FDA concluded that the SBIAB indication is not appropriate because most cases of SBIAB are considered to be viral or non-infectious. As an antibacterial drug, CEFZIL (cefprozil) is not considered to be effective to treat SBIAB. Such use of CEFZIL (cefprozil) would likely result in inappropriate antibacterial drug use. Accordingly, the risk benefit balance for the treatment of SBIAB with CEFZIL (cefprozil) is unfavorable and does not support approval of these products (or ANDAs referencing them) for this indication.

The Agency will continue to list CEFZIL (cefprozil) tablets, 250 mg and 500 mg, and CEFZIL (cefprozil) for oral suspension, 125 mg/5 mL and 250 mg/5 mL, in the ''Discontinued Drug Product List'' section of the Orange Book. FDA will continue to accept and, where appropriate, approve ANDAs that refer to these drug products, but does not intend to do so if they propose to include the SBIAB indication (see, *e.g.,* section 505(j)(2)(A)(v) and (j)(4)G) of the FD&C Act and 21 CFR 314.94(a)(8)(iv) and 314.127(a)(7)). If FDA determines that labeling for this drug product should be revised, the Agency will advise ANDA applicants to submit such labeling.

Dated: September 4, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–19663 Filed 9–10–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3276]

Anesthetic and Analgesic Drug Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Anesthetic and Analgesic Drug Products Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on October 11, 2018, from 8 a.m. to 5 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31, Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2018–N–3276. The docket will close on October 10, 2018. Submit either electronic or written comments on this public meeting by October 10, 2018. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 10, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of October 10, 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.

Comments received on or before October 3, 2018, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2018–N–3276 for ''Anesthetic and Analgesic Drug Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not

in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, 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: Moon Hee V. Choi, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *AADPAC@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committee will be asked to discuss new drug application (NDA) 210730, for oliceridine 1 milligram/milliliter injection, submitted by Trevena, Inc., for the management of moderate-to-severe acute pain in adult patients for whom an intravenous opioid is warranted. The committee will also be asked to discuss the efficacy and safety data and benefit-risk considerations.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before October 3, 2018, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 25, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 26, 2018.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Moon Hee V. Choi (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 4, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–19667 Filed 9–10–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0286]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry: Formal Meetings Between the Food and Drug Administration and Biosimilar Biological Product Sponsors or Applicants

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by October 11, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0802. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry: Formal Meetings between the Food and Drug Administration and Biosimilar Biological Product Sponsors or Applicants.

OMB Control No. 0910–0802—Extension.

This information collection supports the above captioned Agency guidance. The Biologics Price Competition and Innovation Act of 2009, the Biosimilar User Fee Act of 2012, and the recent passage of the Biosimilar User Fee Amendments of 2017 (BsUFA II) under Title IV of the FDA Reauthorization Act of 2017, authorize user fees for biosimilar biological products. FDA has committed to meeting certain performance goals in connection with the reauthorized biosimilar user fee program. To provide recommendations to industry on formal meetings between FDA and sponsors or applicants relating to the development and review of biosimilar biological products regulated by the Center for Drug Evaluation and Research (CDER) or the Center for Biologics Evaluation and Research (CBER) and assist sponsors and applicants in generating and submitting meeting requests and the associated meeting packages to FDA for biosimilar biological products, we developed guidance for industry entitled ''Formal Meetings Between FDA and Biosimilar Biological Products Sponsors or Applicants.'' The guidance describes our current thinking on how we intend to interpret and apply certain provisions of BsUFA II and provides information on specific performance goals for the management of meetings associated with the development and review of biosimilar biological products. The guidance document includes two types of information collection: (1) The submission of a meeting request containing certain information and (2) the submission of the information package(s) that accompany the meeting request.

A. Request for a Meeting

Under the guidance, a sponsor or applicant interested in meeting with CDER or CBER should submit a meeting request to the sponsor's or applicant's application (*i.e.,* investigational new drug application, biologics license application). If there is no application, a sponsor or applicant should submit the request to either the appropriate CDER division director, with a copy sent to the division's chief of project management staff, or to the division director of the appropriate product office within CBER, but only after first contacting the appropriate review division or the Biosimilars Program staff, CDER, Office of New Drugs to determine to whom the request should be directed, how it should be submitted, and the appropriate format for the request and to arrange for confirmation of receipt of the request. Under the guidance, FDA requests that sponsors and applicants incorporate certain information in the meeting request, including:

1. Product name,
2. application number (if applicable), proposed proper name or proper name (post licensure),
4. structure,
5. reference product name,
6. proposed indication(s) or context of product development,
7. meeting type being requested (the rationale for requesting the meeting type should be included),
8. a brief statement of the purpose of the meeting, including a brief background of the issues underlying the agenda. It can also include a brief summary of completed or planned studies and clinical trials or data the sponsor or applicant intends to discuss at the meeting, the general nature of the critical questions to be asked, and where the meeting fits in the overall development plans.
9. a list of specific objectives/outcomes expected from the meeting,
10. a proposed agenda, including times required for each agenda item,
11. a list of questions grouped by discipline and a brief explanation of the context and purpose of each question,
12. a list of all individuals with their titles and affiliations who will attend the requested meeting from the requestor's organization and consultants,
13. a list of FDA staff, if known, or disciplines asked to participate in the requested meeting,
14. suggested dates and times for the meeting, and
15. the proposed format of the meeting (*i.e.,* face to face meeting, teleconference, or videoconference).

This information will be used by FDA to determine the utility of the meeting, to identify FDA staff necessary to discuss proposed agenda items, and to schedule the meeting.

B. Information Package

FDA requests that a sponsor or applicant submit a meeting package to the appropriate review division with the meeting request. FDA recommends that the information packages generally include:

1. Product name and application number (if applicable),
2. proposed proper name or proper name (post licensure),
3. structure,
4. reference product name,
5. proposed indication(s) or context of product development,
6. dosage form, route of administration, dosing regimen (frequency and duration), and presentation(s),
7. a list of all sponsor's or applicant's attendees and consultants with their titles and affiliations who will attend the requested meeting,
8. background that includes a brief history of the development program and the status of product development (*e.g.,* chemistry, manufacturing, and controls; nonclinical; and clinical, including any development outside the United States, as applicable),
9. a brief statement summarizing the purpose of the meeting,
10. the proposed agenda,
11. a list of questions for discussion grouped by discipline and with a brief summary for each question to explain the need or context for the question, and
12. data to support discussion organized by discipline and question.

The purpose of the meeting package is to provide FDA staff the opportunity to adequately prepare for the meeting, including the review of relevant data concerning the product.

Description of Respondents: A sponsor or applicant for a biosimilar biological product who requests a formal meeting with FDA regarding the development and review of a biosimilar biological product.

In the **Federal Register** of June 18, 2018 (83 FR 28234), we published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

GFI: Formal meetings between FDA and biosimilar biological product sponsors or applicants	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
CDER Meeting Requests	36	2.5	89	15	1,335
CBER Meeting Requests	2	1	2	15	30
CDER Information Packages	29	2.2	64	30	1,920

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

GFI: Formal meetings between FDA and biosimilar biological product sponsors or applicants	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
CBER Information Packages	2	2	4	30	120
Total					3,405

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Since last OMB approval, there has been an increase in meeting requests with CDER and a corresponding increase in the number of information packages. Accordingly, we have adjusted our estimate upward by six respondents to CDER meeting requests. We attribute this change to an increase in biosimilar product development.

Dated: September 4, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–19674 Filed 9–10–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–3151]

Postapproval Changes to Drug Substances; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Postapproval Changes to Drug Substances.'' This draft guidance provides recommendations to holders of approved new drug applications, abbreviated new drug applications, new animal drug applications, abbreviated new animal drug applications, and holders of drug master files and veterinary master files who may want to make a change to the drug substance manufacturing process during the drug product application postapproval period. The draft guidance applies to synthetic drug substances and the synthetic steps involved in the preparation of semisynthetic drug substances. The draft guidance covers facility, scale, and equipment changes associated with all steps of drug substance manufacturing; specification changes to starting materials, raw materials, intermediates, and the unfinished and final drug substance; synthetic manufacturing process changes; changes in the source of drug substance; and change to container closure system of the drug substance.

DATES: Submit either electronic or written comments on the draft guidance by November 13, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2018–D–3151 for ''Postapproval Changes to Drug Substances.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the

''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave, Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Carolyn Cohran, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm 4151, Silver Spring, MD 20993–0002, 240–402–8612; Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg.71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911; or Dennis Bensley, Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Place, Rm. E334, Rockville, MD 20855, 240–402–0696.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Postapproval Changes to Drug Substances.'' As part of the reauthorization of the Generic Drug User Fee Amendments (GDUFA II), FDA committed to issuing a guidance on postapproval changes to Type II Active Pharmaceutical Ingredients Drug Master Files (DMFs) and submission mechanisms for abbreviated new drug application holders who reference such DMFs (see GDUFA Reauthorization Performance Goals and Program Enhancements Fiscal Years 2018–2022, known as the GDUFA II Commitment Letter, at *https://www.fda.gov/downloads/ForIndustry/UserFees/GenericDrugUserFees/UCM525234.pdf*). This draft guidance is intended to fulfill that commitment by describing the documentation for master file holders or drug substance manufacturers, as appropriate. The documentation to be submitted by the approved application holder is also outlined, and references to the appropriate pathways for such submissions are provided.

A letter of authorization must be provided for an applicant to reference a DMF for the proposed drug substance § 314.420(b) (21 CFR 314.420(b)). Any addition, change, or deletion of information in the master file must be submitted to the master file in the form of an amendment (see § 314.420(c)). Further, the master file holder must notify each person authorized to reference the DMF of the nature of the changes, and should provide as much detail as is consistent with the confidentiality agreement between the master file holder and the authorized person, so that the authorized person can determine how to report the changes in the approved application (see § 314.420(c)). In turn, application holders must notify FDA of each change in each condition established in an approved application, excluding the variations already provided for in the application (§§ 314.70, 314.97, 514.8).

When drug substance information is contained in an application, rather than in a referenced DMF, such changes must be submitted to FDA in the form of a supplement to the approved application or in an annual report (§§ 314.70, 314.97, 514.8).

This draft guidance addresses how the risk of one or more change(s) to the drug substance should be assessed and provides recommendations regarding the documentation needed to support such changes for the drug substance, and where applicable, for the drug product made with modified drug substance. The draft guidance covers the following changes: (1) facility, scale, and equipment changes associated with all steps of drug substance manufacturing; (2) specification changes to starting materials, raw materials, intermediates, and the unfinished and final drug substance; (3) synthetic manufacturing process changes; (4) changes in the source of drug substance; and (5) change to container closure system of the drug substance.

This draft guidance does not address postapproval changes to peptides, oligonucleotides, radiopharmaceuticals; or drug substances isolated from natural sources or produced by procedures involving biotechnology; or nonsynthetic steps (such as fermentation) for semisynthetic drug substances. This draft guidance also does not address complex active ingredients as defined in the GDUFA II Commitment Letter.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on Postapproval Changes to Drug Substances. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in § 314.70 have been approved under OMB control number 0910–0001; the collections of information in 21 CFR part 211 have been approved under OMB control number 0910–0139; and the collections of information in 21 CFR 514.8 have been approved under OMB control number 0910–0032. In accordance with the PRA, prior to publication of any final guidance document, FDA intends to solicit public comment and obtain OMB approval for any information collections recommended in this draft guidance that are new or that would represent material modifications to those previously approved collections of information found in FDA regulations or guidances.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm,* or *https://www.regulations.gov.*

Dated: September 4, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–19666 Filed 9–10–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3276]

Anesthetic and Analgesic Drug Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Anesthetic and Analgesic Drug Products Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on October 12, 2018, from 8 a.m. to 5 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2018–N–3276. The docket will close on October 11, 2018. Submit either electronic or written comments on this public meeting by October 11, 2018. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 11, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of October 11, 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.

Comments received on or before October 4, 2018, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2018–N–3276 for ''Anesthetic and Analgesic Drug Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, 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: Moon Hee V. Choi, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *AADPAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committee will be asked to discuss new drug application (NDA) 209128, sufentanil sublingual tablets, submitted by AcelRx Pharmaceuticals, Inc., for the management of moderate-to-severe acute pain severe enough to require an opioid analgesic and for which alternative treatments are inadequate, in adult patients in a medically supervised setting. The committee will also be asked to discuss risk-benefit considerations and whether this product should be approved.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before October 4, 2018, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 26, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 27, 2018.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Moon Hee V. Choi (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 4, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–19668 Filed 9–10–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Photoactivatable Liposomal Nanoparticle for the Delivery of an Immunotherapeutic or Immunotherapeutic-Enabling Agent

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Supplementary Information section of this notice to Nano Red LLC (''Nano Red'') located in Milwaukee, Wisconsin.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before September 26, 2018 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated an Exclusive Patent License should be directed to: Jasmine Yang, Sr. Licensing and Patenting Manager, NCI Technology Transfer Center, 9609 Medical Center Drive, RM 1E530 MSC 9702, Bethesda, MD 20892–9702 (for business mail), Rockville, MD 20850–9702 Telephone: (240) 276–5530; Facsimile: (240) 276–5504 Email: *jasmine.yang@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

1. U.S. Provisional Patent Application (Application No. 61/845,861) filed July 12, 2013, HHS Reference No.: E–482–2013/0–US–01
2. PCT Application (Application No. PCT/US2014/045922) filed July 09, 2014, HHS Reference No.: E–482–2013/0–PCT–02
3. Canada Patent Application (Application No. 2917545) filed 09 July 2014, HHS Reference No.: E–482–2013/0–CA–03
4. European Patent Application (Application No. 14745037.3) filed 09 July 2014, HHS Reference No.: E–482–2013/0–EP–04
5. U.S. Patent Application (Allowed Application No. 14/904,385) filed January 11, 2016, HHS Reference No.: E–482–2013/0–US–05

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be where patent applications are filed and the field of use may be limited to ''Photoactivatable liposomal nanoparticle for the delivery of an immunotherapeutic or immunotherapeutic-enabling agent''. Additional licensable fields of use are available (*e.g.* encapsulating imaging agent).

This technology discloses a photoactivatable, lipid-based nanoparticles containing at least one hydrophilic agent, wherein the agent could be an anti-cancer agent, an imaging agent, or an anti-inflammatory agent and the lipid bilayer wall of the nanoparticle is comprised of (i) a lipid bilayer comprising (a) 1,2-bis(tricosa-10,12-diynoyl)-sn-glycero-3-phosphocholine (DC8,9PC), (b) 1,2-distearoyl-sn-glycero-3-phosphoethanolamine-N-methoxy(polyethylene glycol) (DSPE–PEG) and (c) dipalmitoylphosphatidylcholine (DPPC), and (ii) a tetrapyrollic photosensitizer, 2-[1-hexyloxyethyl]-2-devinyl pyropheophorbide-a (HPPH), and wherein the encapsulated agent is released by exposure to near-infrared light.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: August 31, 2018.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2018–19604 Filed 9–10–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Eye Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and 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 Eye Council.

Date: October 12, 2018.

Open: 8:30 a.m. to 12:00 p.m.

Agenda: Following opening remarks by the Director, NEI, there will be presentations by the staff of the Institute and discussions concerning Institute programs.

Place: NIH, National Eye Institute, 6700B Rockledge Drive, First Floor Conference Rooms, Bethesda, MD 20817.

Closed: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, National Eye Institute, 6700B Rockledge Drive, First Floor Conference Rooms, Bethesda, MD 20817.

Contact Person: Paul A. Sheehy, Ph.D., Director, Division of Extramural Affairs, National Eye Institute, National Institutes of Health, 5635 Fishers Lane, Suite 12300, Bethesda, MD 20892, 301–451–2020, *ps32h@nih.gov*.

Information is also available on the Institute's/Center's home page: *www.nei.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: *September 5, 2018.*

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–19606 Filed 9–10–18; 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; NIAID Peer Review Meeting.

Date: October 10, 2018.

Time: 10:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Chelsea D. Boyd, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9823, Rockville, MD 20852–9834, 240–669–2081, *chelsea.boyd@nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01 Clinical Trial Required) and NIAID SBIR Phase II Clinical Trial Implementation Cooperative Agreement (U44 Clinical Trial Required).

Date: October 10, 2018.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Brenda Lange-Gustafson, Ph.D., Scientific Review Officer, NIAID/NIH/DHHS, Scientific Review Program,5601 Fishers Lane, Room 3G13, Rockville, MD 20852, 240–669–5047, *bgustafson@niaid.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: September 5, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–19607 Filed 9–10–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Drug Abuse Special Emphasis Panel, September 25, 2018, 10:00 a.m. to September 25, 2018, 12:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on August 15, 2018, 83 159 FR 2018–17674.

The meeting date was changed to October 9, 2018. The meeting time did not change. The meeting is closed to the public.

Dated: September 5, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–19608 Filed 9–10–18; 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: Immunology Integrated Review Group; Transplantation, Tolerance, and Tumor Immunology Study Section.

Date: October 4, 2018.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Washington, DC Franklin Square, 815 14th Street NW, Washington, DC 20005.

Contact Person: Jin Huang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4199, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Synapses, Cytoskeleton and Trafficking Study Section.

Date: October 4–5, 2018.

Time: 9:00 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Alexandria Old Town, 1900 Diagonal Road, Alexandria, VA 22314.

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: Vascular and Hematology Integrated Review Group; Molecular and Cellular Hematology Study Section.

Date: October 9–10, 2018.

Time: 8:00 a.m. to 4:00 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: Luis Espinoza, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6183, MSC 7804, Bethesda, MD 20892, 301–495–1213, *espinozala@mail.nih.gov*.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Injury, Repair, and Remodeling Study Section.

Date: October 9–10, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240–498–7546, *diramig@csr.nih.gov*.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Instrumentation and Systems Development Study Section.

Date: October 10–11, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Ross D. Shonat, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7849, Bethesda, MD 20892, 301–435–2786, *ross.shonat@nih.gov*.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Biomedical Imaging Technology B Study Section.

Date: October 10–11, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.

Contact Person: Mehrdad Mohseni, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7854, Bethesda, MD 20892, 301–435–0484, *mohsenim@csr.nih.gov*.

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Cellular and Molecular Technologies Study Section.

Date: October 10–11, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National 4–H Conference Center, 7100 Connecticut Ave., Chevy Chase, MD 20815.

Contact Person: Tatiana V. Cohen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–455–2364, *tatiana.cohen@nih.gov*.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Tissue Engineering Study Section.

Date: October 10–11, 2018.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Zoe Fisherman's Wharf, 425 North Point Street, San Francisco, CA 94133.

Contact Person: Baljit S. Moonga, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7806, Bethesda, MD 20892, 301–435–1777, *moongabs@mail.nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function D Study Section.

Date: October 10, 2018.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: James W. Mack, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, (301) 435–2037, *mackj2@csr.nih.gov*.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Behavioral Genetics and Epidemiology Study Section.

Date: October 10, 2018.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW, Washington, DC 20036.

Contact Person: Suzanne Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 435–1712, *ryansj@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 5, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–19605 Filed 9–10–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 Neurological Disorders and Stroke Special Emphasis Panel; R13 Review (Virtual Meeting).

Date: October 11–12, 2018.

Time: 9:00 a.m. to 5:00 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: Ernest W. Lyons, Ph.D., Chief, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 496–4056, *lyonse@ninds.nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Translational and Next Generation Brain Device Review.

Date: October 22, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Arlington Capital View, 2800 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Joel A. Saydoff, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3205, MSC 9529, Bethesda, MD 20892–9529, (301) 496–9223, *joel.saydoff@nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders B.

Date: October 25–26, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Alexandrian, 480 King Street, Alexandria, VA 22314.

Contact Person: Birgit Neuhuber, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3202, MSC 9529, Bethesda, MD 20892–9529, (301) 496–9223, *neuhuber@ninds.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: September 4, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–19609 Filed 9–10–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–B–1848]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

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 specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 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.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, 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. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository

address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(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	Online location of letter of map revision	Date of modification	Community No.
Alabama:						
Madison	City of Madison (17–04–4981P).	The Honorable Paul Finley, Mayor, City of Madison, 100 Hughes Road, Madison, AL 35758.	Engineering Department, 100 Hughes Road, Madison, AL 35758.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 8, 2018	010308
Shelby	City of Helena (18–04–2020P).	The Honorable Mark R. Hall, Mayor, City of Helena, 816 Highway 52 East, Helena, AL 35080.	City Hall, 816 State Route 82, Helena, AL 35080.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 10, 2018	010294
Colorado:						
Boulder	City of Boulder, (17–08–1389P).	The Honorable Suzanne Jones, Mayor, City of Boulder, P.O. Box 791, Boulder, CO 80306.	City Hall, 1777 Broadway Street, Boulder, CO 80302.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 5, 2018	080024
Boulder	Unincorporated areas of Boulder County, (17–08–1389P).	The Honorable Cindy Domenico, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Transportation Department, 2525 13th Street, Suite 203, Boulder, CO 80304.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 5, 2018	080023
Douglas	Unincorporated areas of Douglas County, (17–08–1321P).	The Honorable Lora Thomas, Chair, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Public Works Department, Engineering Division, 100 3rd Street, Castle Rock, CO 80104.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 9, 2018	080049
Connecticut: Fairfield	Town of Darien, (18–01–1237P).	The Honorable Jayme J. Stevenson, First Selectwoman, Town of Darien Board of Selectmen, 2 Renshaw Road, Darien, CT 06820.	Planning and Zoning Department, 2 Renshaw Road, Darien, CT 06820.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 13, 2018	090005
Florida:						
Monroe	Unincorporated areas of Monroe County, (18–04–4286P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 31, 2018	125129
Monroe	Unincorporated areas of Monroe County, (18–04–4294P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 13, 2018	125129
Orange	City of Orlando (17–04–3097P).	The Honorable Buddy Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32802.	Information Technology Division, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 9, 2018	120186
Sarasota	Unincorporated areas of Sarasota County, (18–04–3612P).	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.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 14, 2018	125144
Kentucky:						
Hopkins	City of Mortons Gap, (18–04–0717P).	The Honorable Chris Phelps, Mayor, City of Mortons Gap, P.O. Box 367, Mortons Gap, KY 42440.	Hopkins County Joint Planning Commission, 10 South Main Street, Room 12, Madisonville, KY 42431.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 18, 2018	210116
Hopkins	Unincorporated areas of Hopkins County (18–04–0717P).	The Honorable Donald E. Carroll, Hopkins County Judge-Executive, 56 North Main Street, Madisonville, KY 42431.	Hopkins County Joint Planning Commission, 10 South Main Street, Room 12, Madisonville, KY 42431.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 18, 2018	210112

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Jefferson	Louisville-Jefferson County Metro Government (18–04–3582P).	The Honorable Greg Fischer, Mayor, Louisville-Jefferson County Metro, Government, 527 West Jefferson Street, Louisville, KY 40202.	Louisville-Jefferson County Metropolitan Sewer District, 700 West Liberty Street, Louisville, KY 40203.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 13, 2018	210120
Massachusetts: Norfolk	City of Quincy, (18–01–0033P).	The Honorable Thomas P. Koch, Mayor, City of Quincy, 1305 Hancock Street, Quincy, MA 02169.	City Hall, 1305 Hancock Street, Quincy, MA 02169.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 9, 2018	255219
New Mexico:						
Bernalillo	City of Albuquerque, (18–06–2124P).	The Honorable Timothy M. Keller, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Planning Department, 600 2nd Street Northwest, Albuquerque, NM 87102.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 20, 2018	350002
Santa Fe	Unincorporated areas of Santa Fe County, (18–06–0707P).	Ms. Katherine Miller, Manager, Santa Fe County, 102 Grant Avenue, Santa Fe, NM 87501.	Santa Fe County Building and Development Services Department, 102 Grant Avenue, Santa Fe, NM 87501.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 13, 2018	350069
North Carolina:						
Duplin	Unincorporated areas of Duplin County, (18–04–2016P).	The Honorable Jesse Dowe, Chairman, Duplin County Board of Commissioners, 224 Seminary Street, Kenansville, NC 28349.	Duplin County Planning, Department, 117 Beasley Street, Kenansville, NC 28349.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 26, 2018	370083
Greene	Unincorporated areas of Greene County, (18–04–2055P).	The Honorable Bennie Heath, Chairman, Greene County Board of Commissioners, 229 Kingold Boulevard, Suite D, Snow Hill, NC 28580.	Greene County Department of Building Inspections, 104 Hines Street, Snow Hill, NC 28580.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2018	370378
Macon	Unincorporated areas of Macon County, (17–04–8013P).	The Honorable James P. Tate, Chairman, Macon County, Board of Commissioners, 5 West Main Street, Franklin, NC 28734.	Macon County Planning Department, 5 West Main Street, Franklin, NC 28734.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 8, 2018	370150
Pitt	Unincorporated areas of Pitt County, (18–04–2055P).	The Honorable Mark W. Owens, Jr., Chairman, Pitt County Board of Commissioners, 1717 West 5th Street, Greenville, NC 27834.	Pitt County Planning Department, 1717 West 5th Street, Greenville, NC 27834.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 5, 2018	370372
Ohio:						
Warren	Unincorporated areas of Warren County, (18–05–0549P).	The Honorable Tom Grossmann, Chairman, Warren County Board of Commissioners, 406 Justice Drive, Lebanon, OH 45036.	Warren County Building Department, 406 Justice Drive, Lebanon, OH 45036.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 15, 2018	390757
Warren	Village of Corwin, (18–05–0549P).	The Honorable Dennis R Oszakiewski, Mayor, Village of Corwin, 946 Corwin Avenue, Corwin, OH 45068.	Zoning Department, 6050 North Clarksville Road, Waynesville, OH 45068.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 15, 2018	390555
Warren	Village of Waynesville, (18–05–0549P).	The Honorable Dave Stubbs, Mayor, Village of Waynesville, 1400 Lytle Road, Waynesville, OH 45068.	Municipal Building, 1400 Lytle Road, Waynesville, OH 45068.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 15, 2018	390565
Pennsylvania:						
Lebanon	Township of Jackson, (18–03–1094P).	The Honorable Thomas M. Houtz, Chairman, Township of Jackson Board of Supervisors, 60 North Ramona Road, Myerstown, PA 17067.	Township Hall, 60 North Ramona Road, Myerstown, PA 17067.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 2, 2018	421805
Lebanon	Township of Millcreek, (18–03–1094P).	The Honorable Donald Leibig, Chairman, Township of Millcreek Board of Supervisors, 81 East Alumni Avenue, Newmanstown, PA 17073.	Township Hall, 81 East Alumni Avenue, Newmanstown, PA 17073.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 2, 2018	420574

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Rhode Island: Washington	Town of Narragansett, (18–01–0820P).	The Honorable Susan Cicilline-Buonanno, President, Town of Narragansett Council, 25 5th Avenue, Narragansett, RI 02882.	Department of Community Development, 25 5th Avenue, Narragansett, RI 02882.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 19, 2018	445402
South Carolina:						
Berkeley	Unincorporated areas of Berkeley County, (17–04–6038P).	The Honorable William W. Peagler, III, Supervisor, Berkeley County, P.O. Box 6122, Moncks Corner, SC 29461.	Berkeley County Planning and Zoning Department, 1003 Highway 52, Moncks Corner, SC 29461.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 10, 2018	450029
Berkeley	Unincorporated areas of Berkeley County, (18–04–3971P).	The Honorable William W. Peagler, III, Supervisor, Berkeley County, P.O. Box 6122, Moncks Corner, SC 29461.	Berkeley County Planning and Zoning Department, 1003 Highway 52, Moncks Corner, SC 29461.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 10, 2018	450029
South Dakota:						
Pennington	City of Rapid City, (18–08–0082P).	The Honorable Steve Allender, Mayor, City of Rapid City, 300 6th Street, Rapid City, SD 57701.	Public Works Department, Engineering Services Division, 300 6th Street, Rapid City, SD 57701.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 2, 2018	465420
Pennington	Unincorporated areas of Pennington County, (18–08–0082P).	The Honorable Lloyd LaCroix, Chairman, Pennington County Board of Commissioners, 130 Kansas City Street, Suite 100, Rapid City, SD 57701.	Pennington County Planning Department, 130 Kansas City Street, Suite 200, Rapid City, SD 57701.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 2, 2018	460064
Texas:						
Bexar	City of San Antonio, (17–06–3967P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 22, 2018	480045
Bexar	City of San Antonio, (18–06–0180P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 22, 2018	480045
Bexar	Unincorporated areas of Bexar County, (18–06–2600X).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecas-La Trinidad Street, Suite 420, San Antonio, TX 78207.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 5, 2018	480035
Dallas	City of Coppell, (18–06–0712P).	The Honorable Karen Hunt, Mayor, City of Coppell, 255 Parkway Boulevard, Coppell, TX 75019.	Engineering Department, 255 Parkway Boulevard, Coppell, TX 75019.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 22, 2018	480170
Dallas	City of Dallas, (17–06–4026P).	The Honorable Michael S. Rawlings, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, TX 75201.	Floodplain and Drainage Management Department, 320 East Jefferson Street, Suite 307, Dallas, TX 75203.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 22, 2018	480171
Dallas	City of University Park, (18–06–0033P).	The Honorable Olin Burnett Lane, Jr., Mayor, City of University Park, 3800 University Boulevard, University Park, TX 75205.	Peek Service Center, 4420 Worcola Street, Dallas, TX 75206.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 5, 2018	480189
Dallas	Town of Highland Park (18–06–0033P).	The Honorable Margo Goodwin, Mayor, Town of Highland Park, 4700 Drexel Drive, Highland Park, TX 75205.	Engineering Department, 4700 Drexel Drive, Highland Park, TX 75205.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 5, 2018	480178
Denton	City of Denton, (18–06–0017P).	The Honorable Chris A. Watts, Mayor, City of Denton, 215 East McKinney Street, Suite 100, Denton, TX 76201.	Engineering Services Department, 901–A Texas Street, Denton, TX 76509.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 7, 2018	480194
Denton	Town of Bartonville, (18–06–0630P).	Mr. Michael Montgomery, Town of Bartonville Administrator, 1941 East Jeter Road, Bartonville, TX 76226.	Town Hall, 1941 East Jeter Road, Bartonville, TX 76226.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 26, 2018	481501

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Denton	Town of Flower Mound, (18–06–0630P).	The Honorable Steve Dixon, Mayor, Town of Flower Mound, 2121 Cross Timbers Road, Flower Mound, TX 75028.	Town Hall, 1001 Cross Timbers Road, Suite 2330, Flower Mound, TX 75028.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 26, 2018	480777
Harris	Unincorporated areas of Harris County, (18–06–0774P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Department, 10555 Northwest Freeway, Suite 120, Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 29, 2018	480287
Harris	Unincorporated areas of Harris County, (18–06–1830P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Department, 10555 Northwest Freeway, Suite 120, Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 29, 2018	480287
McLennan	City of Waco, (17–06–4092P).	Mr. Wiley Stem III, Manager, City of Waco, 300 Austin Avenue, Waco, TX 76702.	Public Works Department, 300 Austin Avenue, Waco, TX 76702.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 13, 2018	480461
Midland	City of Midland, (18–06–1903P).	Mr. Courtney Sharp, Manager, City of Midland, 300 North Loraine Street, Midland, TX 79701.	City Hall, 300 North Loraine Street, Midland, TX 79701.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 5, 2018	480477
Midland	Unincorporated areas of Midland County, (18–06–1903P).	The Honorable Michael R. Bradford, Midland County Judge, 500 North Loraine Street, Suite 1100, Midland, TX 79701.	Midland County Department of Emergency Management, 500 North Loraine Street, Suite 1100, Midland, TX 79701.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 5, 2018	481239
Montgomery	Unincorporated areas of Montgomery County, (18–06–1830P).	The Honorable Craig B. Doyal, Montgomery County Judge, 501 North Thompson Street, Suite 401, Conroe, TX 77301.	Montgomery County Commissioners Court Building, 501 North Thompson Street, Suite 103, Conroe, TX 77301.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 29, 2018	480483
Tarrant	City of Grapevine, (18–06–0712P).	The Honorable William D. Tate, Mayor, City of Grapevine, P.O. Box 95104, Grapevine, TX 76099.	City Hall, 200 South Main Street, Grapevine, TX 76099.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 22, 2018	480598
Wilson	Unincorporated areas of Wilson County, (18–06–2146P).	The Honorable Richard L. Jackson, Wilson County Judge, 1420 3rd Street, Suite 101, Floresville, TX 78114.	Wilson County Emergency Management Division, 800 10th Street, Building B, Floresville, TX 78114.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 23, 2018	480230
Virginia: Prince William	Unincorporated areas of Prince William County, (18–03–0611P).	Mr. Christopher E. Martino, Prince William County Executive, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works, Watershed Management Branch, 5 County Complex Court, Prince William, VA 22192.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 15, 2018	510119
Wyoming: Teton	Unincorporated areas of Teton County, (18–08–0225P).	The Honorable Mark Newcomb, Chairman, Teton County Board of Commissioners, P.O. Box 3594, Jackson, WY 83001.	Teton County Public Works Department, 320 South King Street, Jackson, WY 83001.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 1, 2018	560094

[FR Doc. 2018–19616 Filed 9–10–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7006–N–09]

60-Day Notice of Proposed Information Collection: Public Housing Reform Act: Changes to Admission and Occupancy Requirements

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* November 13, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to

the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Public Housing Reform Act: Changes to Admission and Occupancy Requirements.

OMB Approval Number: 2577–0230.

Type of Request: Revision of currently approved collection.

Form Number: N/A.

Description of the need for the information and proposed use:

This collection of information implements changes to the admission and occupancy requirements for the public housing program made by the Quality Housing and Work Responsibility (QHWRA) Act of 1998 (Title V of the FY 1999 HUD appropriations Act, Pub. L. 105–276, 112 Stat. 2518, approved October 21, 1998), and the Housing Opportunity Through Modernization Act of 2016 (HOTMA), section 103, which amends the United States Housing Act of 1937. Both QHWRA and HOTMA made comprehensive changes to HUD's public housing program. These changes include defining an 'over-income family' as one having an annual income 120 percent above the median income for the area for two consecutive years and includes new mandatory annual reporting requirements on the number of over-income families residing in public housing and the total number of families on the public housing waiting lists at the end of each reporting year.

The purpose of the admission and occupancy policy requirement is to ensure that public housing agencies have written documentation of their respective admission and occupancy policies for both the public and the Department of Housing and Urban Development (HUD). Public housing authorities must have on hand and available for inspection, policies related to admission and occupancy, to respond to inquiries from tenants, legal-aid services, HUD, and other interested parties informally or through the Freedom of Information Act of policies relating to eligibility for admission and continued occupancy, local preferences, income limitations, and rent determination. HOTMA now requires PHAs to make a one-time update to their Admission and Occupancy policy to apply local over-income limits, and annually report on the number of over-income families living in their public housing units as well as the number of families on the public housing waiting list.

Revisions are made to this collection to reflect adjustments in calculations based on the total number of current, active public housing agencies (PHAs) to date. The number of active public housing agencies has changed from 3,946 to 2,897 since the last approved information collection which inadvertently also included voucher only PHAs. In general, the number of PHAs can fluctuate due to many factors, including but not limited to the merging of two or more PHAs or the termination of the public housing programs due to the Rental Assistance Demonstration.

Respondents (*i.e., affected public):* State, Local or Tribal Government.

Estimated Number of Respondents: 2,897.

Estimated Number of Responses: 2,897.

Frequency of Response: 1.

Average Hours per Response: 24.

Total Estimated Burdens: 69,528.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 27, 2018.

Merrie Nichols-Dixon,

Director, Office of Policy, Program and Legislative Initiatives.

[FR Doc. 2018–19706 Filed 9–10–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7007–N–04]

60-Day Notice of Proposed Information Collection: 2019 American Housing Survey

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The Department of Housing and Urban Development (HUD) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* November 13, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone (202) 402–5534 (this is not a toll-free number) or email at *Anna.P.Guido@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or

speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410–5000; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone (202) 402–5535 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the proposed collection of information described in Section A.

A. Overview of Information Collection

Title of Information Collection: 2019 American Housing Survey.

OMB Approval Number: 2528–0017.

Type of Request: Revision.

Form Number: None.

Description of the need for the information and proposed use: The purpose of the American Housing Survey (AHS) is to supply the public with detailed and timely information about housing quality, housing costs, and neighborhood assets, in support of effective housing policy, programs, and markets. Title 12, United States Code, Sections 1701Z–1, 1701Z–2(g), and 1710Z–10a mandates the collection of this information.

Like the previous surveys, the 2019 AHS will collect ''core'' data on subjects, such as the amount and types of changes in the housing inventory, the physical condition of the housing inventory, the characteristics of the occupants, housing costs for owners and renters, the persons eligible for and beneficiaries of assisted housing, remodeling and repair frequency, reasons for moving, the number and characteristics of vacancies, and characteristics of resident's neighborhood. In addition to the ''core'' data, HUD plans to collect supplemental data on post-secondary education, modifications made to assist occupants living with disabilities, and information on people's concerns regarding the availability and affordability of food.

The AHS national longitudinal sample consists of approximately 85,200 housing units, and includes oversample from the largest 15 metropolitan areas, and approximately 5,200 HUD-assisted housing units. In addition to the national longitudinal sample, HUD plans to conduct 10 additional metropolitan area longitudinal samples, each with approximately 3,000 housing units (for a total 30,000 metropolitan area housing units). The 10 additional metropolitan area longitudinal samples were last surveyed in 2015.

To help reduce respondent burden on households in the longitudinal sample, the 2019 AHS will make use of dependent interviewing techniques, which will decrease the number of questions asked. Policy analysts, program managers, budget analysts, and Congressional staff use AHS data to advise executive and legislative branches about housing conditions and the suitability of public policy initiatives. Academic researchers and private organizations also use AHS data in efforts of specific interest and concern to their respective communities.

HUD needs the AHS data for two important uses.

1. With the data, policy analysts can monitor the interaction among housing needs, demand and supply, as well as changes in housing conditions and costs, to aid in the development of housing policies and the design of housing programs appropriate for different target groups, such as first-time home buyers and the elderly.

2. With the data, HUD can evaluate, monitor, and design HUD programs to improve efficiency and effectiveness.

In addition to the core 2019 AHS, HUD plans to collect supplemental data on housing insecurity in a follow-on survey to the AHS. Housing insecurity is defined as a significant lapse for a given household of one or more elements of secure housing. These elements include affordability, stable occupancy, and whether the housing is decent and safe. ''Affordability'' implies that shelter costs are manageable over the long term without severely burdening or compromising other consumption that normally is essential for health and well-being. The second element, ''stable occupancy'', implies that the household does not face substantial risk of involuntary displacement for economic or non-economic reasons. The final element, ''decent and safe'', implies that a unit has physical attributes that satisfy functional needs for well-being related to health, security, and support for activities of daily living. Such attributes include appropriate facilities for excluding external threats, providing climate control, storing and preparing food, maintaining physical and mental hygiene, and developing human potential. Not included are aspects of the neighborhood or environment that one encounters beyond the confines of the structure or property.

HUD plans to conduct the Housing Insecurity Follow-On survey concurrently with the 2019 AHS. Respondents who meet certain criteria based on their responses to the 2019 AHS will be recruited at the end of the production questionnaire and offered an incentive of $40 to participate. Of the respondents who agree to participate in the follow-on survey, a total of 4,000 responses will be collected via telephone. Once the follow-on interview has been completed, respondents will receive the incentive for their participation. Data collected from this follow-on survey will be used for research and scale development purposes.

HUD needs the AHS Housing Insecurity Follow-On data for two important uses. With the data:

1. HUD can evaluate the feasibility of collecting data on housing insecurity and better define housing insecurity.

2. HUD can measure the quality of the questions asked regarding housing insecurity and develop a composite housing insecurity scale.

Members of affected public: Households.

Estimated number of respondents: 119,200.

Estimated time per response: 38.8 minutes.

Frequency of response: One time every two years.

Estimated total annual burden hours: 77,800.

Estimated total annual cost: The only cost to respondents is that of their time. The total estimated cost is $66,800,000.

Respondent's obligation: Voluntary.

Legal authority: This survey is conducted under Title 12, U.S.C., Section 1701z–1 *et seq.*

B. Solicitation of Public Comment

This notice solicits comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

1. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. The accuracy of the agency's estimate of the burden of the proposed collection of information;

3. Ways to enhance the quality, utility, and clarity of the information to be collected; and

4. Ways to minimize the burden of the collection of information on those who are to respond; including the use of

appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 30, 2018.

Todd M. Richardson,

General Deputy Assistant, Secretary for Policy Development and Research.

[FR Doc. 2018–19707 Filed 9–10–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7001–N–49]

30-Day Notice of Proposed Information Collection: Assessment of Additional Resource Needs for Smoke-Free Policy

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* October 11, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *Colette.Pollard@hud.gov,* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 31, 2018 at 83 FR 4506.

A. Overview of Information Collection

Title of Information Collection: Assessment of Additional Resource Needs for Smoke-Free Policy.

OMB Approval Number: 2577—New.

Type of Request: New Collection.

Form Number: None.

Description of the need for the information and proposed use: In December of 2016, HUD finalized a rule requiring each and every public housing agency (PHA) to implement a Smoke-Free policy by July 30, 2018 (effective date). The Smoke-Free public housing rule is codified under 24 CFR parts 965.651, 965.653, 965.655, and 966.4. PHAs are required to have amended all resident leases by the effective date, at which point the policy must be enforced in full. Smoking of ''lit tobacco products'' such as cigarettes and hookahs is banned indoors and in outdoor areas within 25 feet of buildings. PHAs have the option of modifying the policy to expand the scope to e-cigarettes and/or additional areas on the property (*e.g.,* playgrounds). PHAs may also opt to provide designated smoking areas (DSAs) outside the 25-foot boundary to provide shelter for smokers who reside in their public housing units. Residents who smoke are not required to quit, but if they wish to do so, then cessation services may be provided to them. HUD may issue other policies in the future that pertain to health or otherwise affect public housing agency operations. This survey will gather data on policies and programs pertaining to smoke-free policies. The information will be collected via online survey such as Qualtrics or SurveyMonkey, and will consist of approximately 40 questions, including Likert-type survey items and free response boxes. The submissions will be accessed by the Office of Public and Indian Housing (PIH) in order to evaluate the overall implementation effectiveness and identify areas that are experiencing difficulty in their implementation of policies. PIH may develop additional resources and/or target local resources that may be able to assist in their efforts.

Respondents (i.e., affected public): PHA leadership and staff.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Total burden hours	Hourly cost per responses	Total annualized cost
Completing online questionnaire	870.00	1.00	870.00	0.25	217.50	30.47	$6,627.22
Total	870.00	1.00	870.00	0.25	217.500	30.47	6,627.22

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond: including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 30, 2018.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2018–19705 Filed 9–10–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/A0A501010.999900253G]

Indian Gaming; Approval of Tribal-State Class III Gaming Compact Amendments in the State of Oklahoma

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Correction; notice.

SUMMARY: The Bureau of Indian Affairs (BIA) published a notice in the **Federal Register** of August 17, 2018, containing a list of approved Tribal-State Class III gaming compacts (83 FR 41101) that inadvertently omitted one Tribe from the second list.

DATES: The compact amendments took effect on August 17, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of August 17, 2018, in 83 FR 41101, on page 41101, in the third column, correct the Summary caption to read:

The State of Oklahoma entered into compact amendments with the Absentee Shawnee Tribe, Cherokee Nation, Chickasaw Nation, Citizen Potawatomi Nation, Eastern Shawnee Tribe of Oklahoma, Iowa Tribe of Oklahoma, Kaw Nation, Muscogee (Creek) Nation, Seneca-Cayuga Nation, Wichita and Affiliated Tribes, and Wyandotte Nation of Oklahoma governing certain forms of class III gaming; this notice announces the approval of the State of Oklahoma Gaming Compact Non-House-Banked Table Games Supplement between the State of Oklahoma and the Absentee Shawnee Tribe, Cherokee Nation, Chickasaw Nation, Citizen Potawatomi Nation, Eastern Shawnee Tribe of Oklahoma, Iowa Tribe of Oklahoma, Kaw Nation, Muscogee (Creek) Nation, Seneca-Cayuga Nation, Wichita and Affiliated Tribes, and Wyandotte Nation.

Dated: August, 24, 2018.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2018–19732 Filed 9–10–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/A0A51010.999900]

Notice To Acquire Land Into Trust for the Tohono O'odham Nation of Arizona

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of final agency determination.

SUMMARY: The Assistant Secretary—Indian Affairs made a final determination to acquire 81.31 acres, more or less into trust for the Tohono O'odham Nation of Arizona on August 22, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene M. Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, telephone (202) 208–3615.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual, and is published to comply with the requirement of 25 CFR 151.12(c)(2)(ii) that notice of the decision to acquire land in trust be promptly published in the **Federal Register**.

On August 22, 2018, the Assistant Secretary—Indian Affairs issued a decision to accept approximately 81.31 acres, more or less, of land in trust for Tohono O'odham Nation of Arizona under the authority of the Gila Bend Indian Reservation Lands Replacement Act, Public Law 99–503, 100 Stat. 1798 (1986). Subject lands will become part of the Gila Bend Indian Reservation.

The Western Regional Director, on behalf of the Secretary of the Interior, will immediately acquire title in the name of the United States of America in trust for the Tohono O'odham Nation of Arizona upon fulfillment of Departmental requirements.

Legal Description

Parcel No. 1

THAT PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4;

THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 4, 1052.24 FEET;

THENCE SOUTH 01 DEGREES 44 MINUTES 12 SECONDS WEST, 40.02 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE WESTERLY AND SOUTHERLY LINES OF THAT PARCEL DESCRIBED IN INSTRUMENT RECORDED MARCH 07, 1984 IN RECORDING NO. 84–094506 OF OFFICIAL RECORDS, SOUTH 01 DEGREES 44 MINUTES 12 SECONDS WEST, 1319.58 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 32 SECONDS EAST, 386.11 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE SOUTH HALF OF SAID NORTHEAST QUARTER;

THENCE LEAVING THE SOUTHERLY LINE OF THE AFOREMENTIONED PARCEL, SOUTH 01 DEGREES 45 MINUTES 56 SECONDS WEST, ALONG THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE SOUTH HALF OF SAID NORTHEAST QUARTER, 1206.09 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER;

THENCE SOUTH 89 DEGREES 45 MINUTES 05 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, 994.48 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF THE WEST HALF OF SAID NORTHEAST QUARTER;

THENCE NORTH 01 DEGREES 40 MINUTES 44 SECONDS EAST, ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE WEST HALF OF SAID NORTHEAST QUARTER, AND ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF LOT 2 OF SAID SECTION 4, 2528.82 FEET TO A POINT ON A LINE THAT IS 40.00 FEET SOUTH OF, AND PARALLEL TO, THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 4;

THENCE EAST, ALONG A LINE THAT IS 40.00 FEET SOUTH OF, AND PARALLEL TO, THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 4, 611.42 FEET TO THE POINT OF BEGINNING;

EXCEPT A PARCEL OF LAND LYING WITHIN SAID NORTHEAST QUARTER OF SECTION 4, AND BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN RECORDING NO. 87–251242 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 4;

THENCE NORTH 88 DEGREES 40 MINUTES 25 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 998.19 FEET;

THENCE SOUTH 00 DEGREES 09 MINUTES 14 SECONDS WEST, 40.01 FEET TO THE NORTHWEST CORNER OF SAID PARCEL ON THE SOUTH LINE OF THE NORTH 40.00 FEET OF SAID NORTHEAST QUARTER AND THE POINT OF BEGINNING;

THENCE NORTH 88 DEGREES 40 MINUTES 25 SECONDS EAST, ALONG SAID SOUTH LINE, 611.23 FEET TO THE NORTHEAST CORNER OF SAID PARCEL;

THENCE SOUTH 00 DEGREES 24 MINUTES 37 SECONDS WEST, ALONG THE EAST LINE OF SAID PARCEL, 11.65 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 51.64 FEET OF SAID NORTHEAST QUARTER;

THENCE SOUTH 88 DEGREES 40 MINUTES 25 SECONDS WEST, ALONG SAID SOUTH LINE, 545.56 FEET;

THENCE SOUTH 66 DEGREES 15 MINUTES 59 SECONDS WEST, 43.03 FEET;

THENCE SOUTH 88 DEGREES 40 MINUTES 25 SECONDS WEST, 26.26 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL;

THENCE NORTH 00 DEGREES 09 MINUTES 14 SECONDS EAST, ALONG SAID WEST LINE, 28.05 FEET TO THE POINT OF BEGINNING, AS CONVEYED TO MARICOPA COUNTY IN DEED RECORDED IN RECORDING NO. 99–649780 OF OFFICIAL RECORDS; AND

EXCEPT THAT PARCEL OF LAND LYING WITHIN SAID NORTHEAST QUARTER OF SECTION 4 AND BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN RECORDING NO. 95–490799 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 4;

THENCE NORTH 88 DEGREES 40 MINUTES 25 SECONDS EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, 998.19 FEET;

THENCE SOUTH 00 DEGREES 09 MINUTES 14 SECONDS WEST, 40.01 FEET TO THE NORTHEAST CORNER OF SAID PARCEL ON THE SOUTH LINE OF THE NORTH 40.00 FEET OF SAID NORTHEAST QUARTER AND THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 09 MINUTES 14 SECONDS WEST, ALONG THE EAST LINE OF PARCEL, 28.05 FEET;

THENCE NORTH 68 DEGREES 29 MINUTES 09 SECONDS WEST, 42.26 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 51.64 FEET OF SAID NORTHEAST QUARTER;

THENCE SOUTH 88 DEGREES 40 MINUTES 25 SECONDS WEST, ALONG SAID SOUTH LINE, 455.83 FEET TO A POINT ON THE EAST LINE OF THAT PARCEL CONVEYED TO ARIZONA DEPARTMENT OF TRANSPORTATION IN RECORDING NO. 86–652262 OF OFFICIAL RECORDS;

THENCE NORTH 01 DEGREES 19 MINUTES 35 SECONDS WEST, ALONG SAID EAST LINE, 11.64 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 40.00 FEET OF SAID NORTHEAST QUARTER;

THENCE NORTH 88 DEGREES 40 MINUTES 25 SECONDS EAST, ALONG SAID SOUTH LINE, 495.50 FEET TO THE POINT OF BEGINNING, AS CONVEYED TO MARICOPA COUNTY IN DEED RECORDED IN RECORDING NO. 99–332877 OF OFFICIAL RECORDS; AND

EXCEPT THAT PORTION LYING WITHIN THE NORTH 33 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 4, AS CONVEYED TO MARICOPA COUNTY, RECORDED IN BOOK 96 OF DEEDS, PAGE 375.

Parcel No. 2

THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT A TRACT OF LAND FOR A WELL SITE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT, 33.00 FEET WEST OF THE EAST QUARTER CORNER OF SAID SECTION 4;

THENCE NORTH 36.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT;

THENCE WEST 30.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT;

THENCE SOUTH 36.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT;

THENCE EAST 30.00 FEET TO THE POINT OF BEGINNING; AND

EXCEPT THAT PARCEL OF LAND LYING WITHIN SAID NORTHEAST QUARTER OF SECTION 4, AND BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN RECORDING NO. 88–089216 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4:

THENCE SOUTH 88 DEGREES 40 MINUTES 25 SECONDS WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 665.46 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 25 SECONDS WEST, 55.01 FEET TO THE NORTHWEST CORNER OF SAID PARCEL ON THE SOUTH LINE OF THE NORTH 55.00 FEET OF SAID NORTHEAST QUARTER AND THE POINT OF BEGINNING;

THENCE NORTH 88 DEGREES 40 MINUTES 25 SECONDS EAST, ALONG SAID SOUTH LINE, 32.81 FEET;

THENCE SOUTH 67 DEGREES 10 MINUTES 25 SECONDS WEST, 35.59 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL;

THENCE NORTH 00 DEGREES 01 MINUTES 25 SECONDS EAST, ALONG THE WEST LINE OF SAID PARCEL, 13.05 FEET TO THE POINT OF BEGINNING, AS CONVEYED TO MARICOPA COUNTY IN FINAL JUDGMENT IN CONDEMNATION IN CV 99–10315 RECORDED IN RECORDING NO. 2000122430, RECORDING NO. 20000209504, AND IN RECORDING NO. 20000218264; AND

EXCEPT THE NORTH 33.00 FEET AS CONVEYED TO MARICOPA COUNTY IN BOOK 96 OF DEEDS, PAGE 375; AND

EXCEPT THE EAST 33.00 FEET AS CONVEYED TO MARICOPA COUNTY IN DEED RECORDED AS BOOK 105 OF DEEDS, PAGE 382; AND

EXCEPT THE WEST 22.00 FEET OF THE EAST 55.00 FEET, AND THE SOUTH 22.00 FEET OF THE NORTH 55.00 FEET, AND BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE NORTH 55.00 FEET AND THE WEST LINE OF THE EAST 55.00 FEET OF SAID EAST ONE–HALF OF THE EAST ONE–HALF OF THE NORTHEAST ONE–QUARTER OF SECTION 4;

THENCE SOUTH 15.00 FEET ALONG SAID WEST LINE OF THE EAST 55.00 FEET TO A POINT;

THENCE IN A NORTHWESTERLY DIRECTION TO A POINT ON SAID SOUTH LINE OF THE NORTH 55.00 FEET THAT IS 15.00 FEET WEST FROM SAID POINT OF INTERSECTION;

THENCE EAST TO THE POINT OF INTERSECTION AS CONVEYED TO MARICOPA COUNTY AS RECORDED IN RECORDING NO. 88–089217 OF OFFICIAL RECORDS.

Parcel No. 3

THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 33.00 FEET AS CONVEYED TO MARICOPA COUNTY IN BOOK 96 OF DEEDS, PAGE 375; AND

EXCEPT THE SOUTH 7.00 FEET OF THE NORTH 40.00 FEET THEREOF, AS

DEEDED TO MARICOPA COUNTY BY QUIT CLAIM DEED RECORDED JULY 16 IN DOCKET 2539, PAGE 134; AND ALSO

EXCEPT A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4;

THENCE WEST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 715.49 FEET;

THENCE SOUTH 01 DEGREES 46 MINUTES 37 SECONDS WEST (MEASURED) SOUTH 01 DEGREES 45 MINUTES 56 SECONDS WEST (RECORD) A DISTANCE OF 40.02 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF NORTHERN AVENUE AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 01 DEGREES 46 MINUTES 37 SECONDS WEST (MEASURED) SOUTH 01 DEGREES 45 MINUTES 56 SECONDS WEST (RECORD) A DISTANCE OF 362.00 FEET;

THENCE EAST A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4;

THENCE SOUTH 01 DEGREES 46 MINUTES 37 SECONDS WEST (MEASURED) SOUTH 01 DEGREES 45 MINUTES 56 SECONDS WEST (RECORD) ALONG SAID EAST LINE A DISTANCE OF 864.48 FEET TO THE SOUTHEAST CORNER OF SAID WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER;

THENCE SOUTH 89 DEGREES 51 MINUTES 13 SECONDS WEST (MEASURED) SOUTH 89 DEGREES 50 MINUTES 32 SECONDS WEST (RECORD) A DISTANCE OF 10.00 FEET;

THENCE SOUTH 01 DEGREE 45 MINUTES 56 SECONDS WEST A DISTANCE OF 92.05 FEET;

THENCE SOUTH 89 DEGREES 51 MINUTES 13 SECONDS WEST, A DISTANCE OF 376.13 FEET (MEASURED) SOUTH 89 DEGREES 50 MINUTES 32 SECONDS WEST A DISTANCE OF 376.11 FEET (RECORD);

THENCE NORTH 01 DEGREES 44 MINUTES 53 SECONDS EAST (MEASURED) NORTH 01 DEGREES 44 MINUTES 12 SECONDS EAST (RECORD) A DISTANCE OF 1319.58 FEET TO A POINT 40.02 FEET SOUTH OF THE NORTH SECTION LINE AND ON THE SOUTH RIGHT OF WAY LINE OF SAID NORTHERN AVENUE;

THENCE EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 336.74 FEET TO THE TRUE POINT OF BEGINNING.

Parcel No. 4

BEING A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 2 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4;

THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 715.49 FEET;

THENCE SOUTH 01 DEGREES 46 MINUTES 37 SECONDS WEST (MEASURED), (SOUTH 01 DEGREES 45 MINUTES 56 SECONDS WEST RECORD) A DISTANCE OF 402.02 FEET;

THENCE EAST, A DISTANCE OF 50.02 FEET (MEASURED) (50.00 FEET RECORD) TO A POINT IN THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 4;

THENCE ALONG SAID EAST LINE, SOUTH 01 DEGREES 46 MINUTES 37 SECONDS WEST, (MEASURED) (SOUTH 01 DEGREES 45 MINUTES 56 SECONDS WEST RECORD) A DISTANCE OF 864.48 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 51 MINUTES 13 SECONDS WEST, (MEASURED) (SOUTH 89 DEGREES 50 MINUTES 32 SECONDS WEST RECORD) A DISTANCE OF 10.00 FEET;

THENCE SOUTH 01 DEGREES 46 MINUTES 37 SECONDS WEST (MEASURED), (SOUTH 01 DEGREES 45 MINUTES 56 SECONDS WEST RECORD) A DISTANCE OF 92.13 FEET (MEASURED) (92.05 FEET RECORD);

THENCE NORTH 89 DEGREES 51 MINUTES 13 SECONDS EAST, A DISTANCE OF 10.00 FEET TO A POINT IN SAID EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 4;

THENCE ALONG SAID EAST LINE, NORTH 01 DEGREES 46 MINUTES 37 SECONDS EAST, A DISTANCE OF 92.13 FEET TO THE POINT OF BEGINNING.

Dated: August 22, 2018.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2018–19730 Filed 9–10–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/A0A501010.999900 253G]

Craig Tribal Association of Craig, Alaska's Alcohol Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the liquor control ordinance of the Craig Tribal Association of Craig, Alaska. The liquor control ordinance regulates and controls the possession, sale, manufacture, and distribution of alcohol in conformity with the laws of the State of Alaska.

DATES: This Ordinance takes effect September 11, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Jolene John, Tribal Operations Officer, Alaska Regional Office, Bureau of Indian Affairs, 3601 C Street, Suite 1200, Anchorage, Alaska 99503, telephone: (907) 271–4043, fax: (907) 271–4083.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 82–277, 67 Stat. 5856, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice V. Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor control ordinances for the purpose of regulating liquor transactions in Indian Country. The Craig Tribal Association of Craig, Alaska duly adopted the Craig Tribal Association of Craig, Alaska's Alcohol Control Ordinance on November 14, 2017, and subsequently amended it on March 21, 2018, April 18, 2018, and June 14, 2018.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Craig Tribal Association of Craig, Alaska duly adopted by resolution the Craig Tribal Association of Craig, Alaska's Alcohol Control Ordinance enacted November 14, 2017, by Res. No. CTA 2017–43 and amended March 21, 2018, April 18, 2018, and June 14, 2018 by vote of the council to clarify language and to correct organizational errors.

Dated: August 22, 2018.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

Craig Tribal Association of Craig, Alaska's Alcohol Control Ordinance

Article I. Introduction

Section 1.1. Title

This Ordinance shall be known as the ''Craig Tribal Association of Craig, Alaska's Alcohol Control Ordinance.''

Section 1.2. Authority

This Ordinance is enacted in accordance with the inherent governmental powers of the Craig Tribal Association, a federally recognized tribe of Indians through its Constitution and Bylaws of the Craig Tribal Association of Craig, Alaska, and in conformance with the laws of the State of Alaska, as required by the Act of August 15, 1953, Public Law 83–177, 67 Stat. 586, 18 U.S.C. 1161.

Section 1.3. Purpose

The purpose of this Ordinance is to regulate and control the possession and sale of Alcohol on Tribal lands of the Craig Tribal Association. The enactment of this Ordinance will enhance the ability of the Craig Tribal Association to control all such alcohol ·related activities within the jurisdiction of the Tribe and will provide an important source of revenue for the continued operation and strengthening of the Craig Tribal Association and the delivery of important governmental services.

Section 1.4. Application of Federal Law

Federal Law prohibits the introduction, possession, and sale of liquor in Indian Country (18 U.S.C. 1154 and other statutes), except when in conformity both with the laws of the State and the Tribe (18 U.S.C. 1161).

Section 1.5. Administration of Ordinance

The Tribal Council, through its powers vested under the Constitution of the Craig Tribal Association and this Ordinance, delegates to the Tribal Council the authority to exercise all of the powers and accomplish all of the purposes as set forth in this Ordinance, which may include, but are not limited to, the following actions:

A. Adopt and enforce rules and regulations for the purpose of effectuating this Ordinance, which includes the setting of fees, fines and other penalties;

B. Execute all necessary documents; and

C. Perform all matters of actions incidental to and necessary to conduct its business and carry out its duties and functions under this Ordinance.

Section 1.6. Sovereign Immunity Preserved

A. The Tribe is immune from suit in any jurisdiction except to the extent that the Tribal Council of the Craig Tribal Association or the United States Congress expressly and unequivocally waives such immunity by approval of written tribal resolution or Federal statute.

B. Nothing in this Ordinance shall be construed as waiving the sovereign immunity of the Craig Tribal Association or the Tribal Council as an agency of the Craig Tribal Association.

Section 1. 7. Applicability

This Ordinance shall apply to all persons or entities operating or conducting activities involving the possession, sale or distribution of Alcohol on Tribal land of the Craig Tribal Association.

Section 1.8. Computation of Time

Unless otherwise provided in this Ordinance, in computing any period of time prescribed or allowed by this Ordinance, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday. For the purposes of this Ordinance, the term ''legal holiday'' shall mean all legal holidays under Tribal or Federal law. All documents mailed shall be deemed served at the time of mailing.

Section 1.9. Liberal Construction

The provisions of this Ordinance shall be liberally construed to achieve the purposes set forth, whether clearly stated or apparent from the context of the language used herein.

Section 1.10. Collection of Applicable Fees, Taxes or Fines

The Tribal Council shall have the authority to collect all applicable and lawful fees, taxes, and or fines from any person or Licensee as imposed by this Ordinance. The failure of any Licensee to deliver applicable taxes collected on the sale of Alcoholic Beverages shall subject the Licensee to penalties, including, but not limited to the revocation of said License.

Article II. Declaration of Public Policy

Section 2.1. Matter of Special Interest

The possession, sale and consumption of Alcoholic Beverages within the jurisdiction of the Craig Tribal Association are matters of significant concern and special interest to the Tribe. The Tribal Council hereby declares that the policy of the Craig Tribal Association is to eliminate the problems associated with unlicensed, unregulated, and unlawful importation, distribution, possession, and sale of Alcoholic Beverages for commercial purposes and to promote temperance in the use and consumption of Alcoholic Beverages by increasing the Tribe's control over such activities on Tribal lands.

Section 2.2. Federal Law

The introduction of Alcohol within the jurisdiction of the Tribe is currently prohibited by federal law (18 U.S.C. 1154), except as provided for therein, and the Tribe is expressly delegated the right to determine, in conformance with applicable state law, when and under what conditions Alcohol, including Alcoholic Beverages, shall be permitted therein (18 U.S.C. 1161).

Section 2.3. Need for Regulation

The Tribe finds that the Federal Liquor Laws prohibiting the introduction, distribution, possession, sale, and consumption of Alcoholic Beverages within the Tribal lands should be addressed by laws of the Tribe, with all such business activities related thereto subject to the taxing and regulatory authority of the Tribal Council.

Section 2.4. Geographic Locations

The Tribe finds that the introduction, distribution, possession, sale, and consumption of Alcohol, including Alcoholic Beverages, shall be regulated under this Ordinance only where such activity will be conducted within or upon Tribal lands.

Section 2.5. Definitions

As used in this Ordinance, the following words shall have the following meanings unless the context clearly requires otherwise:

A. ''Alcohol'' means the product of distillation of fermented liquid, whether or not rectified or diluted with water, including, but not limited to Alcoholic Beverages as defined herein, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for purposes or consumption by humans.

B. ''Alcoholic Beverage(s)'' when used in this Ordinance means, and shall include any liquor, beer, spirits, or wine, by whatever name they may be called, and from whatever source and by whatever process they may have been produced, and which contain a sufficient percent of alcohol by volume

which, by law, makes said beverage subject to regulation as an intoxicating beverage under the laws of the State of Alaska. Alcoholic Beverages include all forms of ''low-point beer'' as defined under the laws of the State of Alaska.

C. ''Applicant'' means any person or entity submitting an application to the Tribal Council for an Alcoholic Beverage License and who has not yet received such a License.

D. ''Constitution'' means the Constitution of the Craig Tribal Association.

E. ''Tribal Council'' means the duly elected legislative body of the Craig Tribal Association authorized to act in and on all matters and subjects upon which the Tribe is empowered to act, now or in the future.

F. ''Federal Liquor Laws'' means all laws of the United States of America, including, but not limited to 18 U.S.C. 1154 & 1161, that apply to or regulate in any way the introduction, distribution, possession, or sale of any form of Alcohol on Indian lands.

G. ''Legal Age'' means twenty-one (21) years of age.

H. ''License'' or ''Alcoholic Beverage License'' means a license issued by the Tribal Council authoring the introduction, or sale of Alcoholic Beverages for commercial purposes under the provisions of the Ordinance.

I. ''Licensee'' means a person or entity that holds an Alcohol Beverage License issued by the Tribal Council and includes any employee or agent of the License.

J. ''Liquor Store'' means any business, store, or commercial establishment at which Alcohol is sold and shall include any and all business engaged in the sale of Alcoholic Beverages, whether sold as packaged or by the drink.

K. ''Alaska Liquor License'' means any license or permit issued by the State of Alaska, including any agency, subdivision, or borough thereof, regulating any form of Alcohol, including, but not limited to any form of Alcoholic Beverage.

L. ''Ordinance'' means this Craig Tribal Association Alcohol Control Ordinance, as hereafter amended.

M. The words ''package'' or ''packaged'' means the sale of any Alcoholic Beverage by delivery of same by a seller to a purchaser in any container, bag, or receptacle for consumption beyond the premises or location designated on the seller's License.

N. The words ''sale(s)'', ''sell'', or ''sold'' means the exchange, barter, traffic, furnishing, or giving away of any Alcoholic Beverage by any and all means, by whatever name commonly used to describe the same, by any entity or person to another person.

O. ''Tribal Council'' shall mean the Craig Tribal Association Council and will include its duly authorized delegees.

P. ''Tribal lands'' shall mean and reference the geographic area that includes all land included within the definition of ''Indian Country'' as established and described by federal law and that is under the jurisdiction of the Craig Tribal Association, including, but not limited to all lands held in trust by the federal government, located within the same, as are now in existence or may hereafter be added to.

Q. ''Tribal law'' means the Constitution of the Craig Tribal Association, and all laws, ordinances, codes, resolutions, and regulations now and hereafter duly enacted by the Tribe.

R. ''Tribe'' shall mean the Craig Tribal Association.

Article III. Sales of Alcoholic Beverages

Section 3.1. Prohibition of the Unlicensed Sale of Alcoholic Beverages

This Ordinance prohibits the introduction, distribution, or sale of Alcoholic Beverages, other than where conducted by a Licensee in possession of a lawfully issued License in accordance with this Ordinance. The Federal Liquor Laws are intended to remain applicable to any act or transaction that is not authorized by this Ordinance, and violators shall be subject to all penalties and provisions of any and all applicable Federal, Tribal and State laws.

Section 3.2. License Required

A. Any and all sales of Alcoholic Beverages conducted upon Tribal lands must be Licensed and the Licensee must: (i) Hold a current Alcoholic Beverage License, duly issued by the Tribal Council; and (ii) prominently and conspicuously display the License on the premises or location designated on the license.

B. A Licensee has the right to engage only in those activities involving Alcoholic Beverages expressly authorized by such License in accordance with this Ordinance.

Section 3.3. Sales for Cash

All sales of Alcoholic Beverages conducted by any person or entity upon Tribal lands shall be conducted on a cash-only basis, and no ''account for credit with Licensee'' for said purchase and consumption of same shall be extended to any person, organization, or entity, except that this provision does not prohibit the payment of same by use of credit cards acceptable to the seller (including but not limited to VISA, MasterCard or American Express).

Section 3.4. Personal Consumption

All sales of Alcoholic Beverages shall be for the personal use and consumption of the purchaser and his/her guest(s) of Legal Age. The re-sale by any entity not licensed as required by this Ordinance is prohibited.

Section 3.5. Tribal Enterprise

No employee or operator of an entity owned by the Tribe shall sell or permit any person to open or consume any Alcoholic Beverage on any premises or location, or any premises adjacent thereto, under his or her control, unless such activity is properly licensed as provided in this Ordinance.

Article IV. Licensing

Section 4.1. Eligibility

Only Applicants operating upon Tribal lands shall be eligible to receive a License for the sale of any Alcoholic Beverage under this Ordinance.

Section 4.2. Application Process

A. The Tribal Council may cause a License to be issued to any Applicant as it may deem appropriate, but not contrary to the best interests of the Tribe and its Tribal members. Any applicant that desires to receive any Alcohol Beverage License, and that meets the eligibility requirements pursuant to this Ordinance, must apply to the Tribal Council for the desired class of License. Applicants shall (i) Fully and accurately complete the application provided by the Tribal Council; (ii) pay the Tribal Council such application fee as may be required; and (iii) submit such application to the Tribal Council for consideration.

B. All application fees paid to the Tribal Council are nonrefundable upon submission of any such application. Each application shall require the payment of a separate application fee. The Tribal Council may waive fees at its discretion.

Section 4.3. Term and Renewal of Licenses

A. With the exception of a Temporary License, the term of all Licenses issued under this Ordinance shall be for a period not to exceed two (2) years from the original date of issuance and may be renewed thereafter on a year-to-year basis, in compliance with this Ordinance and any rules and regulations hereafter adopted by the Tribal Council.

B. Each License may be considered for renewal by the Tribal Council annually

upon the Licensee's submission of a new application and payment of all required fees. Such renewal application shall be submitted to the Tribal Council at least sixty (60) days and no more than ninety (90) days prior to the expiration of an existing License. If a License is not renewed prior to its expiration, the Licensee shall cease and desist all activity as permitted under the License, including the sale of any Alcoholic Beverages, until the renewal of such License is properly approved by the Tribal Council.

Section 4.4. Classes of Licenses

The Tribal Council shall have the authority to issue the following classes of Alcoholic Beverage License:

A. ''Retail On-Site Beer and Wine License'' authorizing the Licensee to sell only beer and wine at retail at the location designated in the License.

B. ''Temporary or Provisional License'' authorizing the sale of Alcoholic Beverages on a temporary basis for premises or at a location temporarily occupied by the Licensee for a picnic, social gathering, or similar occasion, as allowed by Federal and State law. A Temporary or Provisional License may not be renewed upon expiration. A new application must be submitted for each such License.

Section 4.5. Application Form and Content

An application for any License shall be made to the Tribal Council and shall contain at least the following information:

A. The name and address of the Applicant, including the names and addresses of the principal officers, directors, managers and other employees with primary management responsibility related to the sale of Alcoholic Beverages;

B. The specific area, location and or premise(s) for which the License is applied;

C. The hours that the Applicant will sell the Alcoholic Beverages;

D. For Temporary Licenses, the dates for which the License is sought to be in affect;

E. The class of Alcoholic Beverage License applied for, as set forth in Section 4.4 herein;

F. Whether the Applicant has an Alaska Liquor License; a copy of such License, and any other applicable license, shall be submitted to and retained by the Tribal Council;

G. A sworn statement by the Applicant to the effect that none of the Applicant's officers, directors, managers, and or employees with primary management responsibility related to the sale of Alcoholic Beverages, have ever been convicted of a felony under the law of any jurisdiction, and have not violated and will not violate or cause or permit to be violated any of the provisions of this Ordinance; and

H. The application shall be signed and verified by the Applicant under oath and notarized by a duly authorized representative.

Section 4.6. Action on the Application

The Tribal Council shall have the authority to deny or approve the application, consistent with this Ordinance and the laws of the Tribe. Upon approval of an application, the Tribal Council shall issue a License to the Applicant in a form to be approved from time to time by the Tribal Council. The Tribal Council shall have the authority to issue a temporary or provisional license pending the foregoing approval process.

Section 4.7. Denial of License or Renewal

An application for a new License or License Renewal may be denied for one or more of the following reasons:

A. The Applicant materially misrepresented facts outlined contained in the application;

B. The Applicant is currently not in compliance with this Ordinance or any other Tribal or Federal laws;

C. Granting of the License, or renewal thereof, would create a threat to the peace, safety, morals, health or welfare of the Tribe;

D. The Applicant has failed to complete the application properly or has failed to tender the appropriate fee.

E. A verdict or judgment has been entered against or a plea of nolo contendere has been entered by an Applicant's officer, director, manager, or any other employee with primary management responsibility related to the sale of Alcoholic Beverages, to any offense under Tribal, Federal, or State laws prohibiting or regulating the sale, use, possession, or giving away of Alcoholic Beverages. No person who has been convicted of a felony shall be eligible to hold license.

Section 4.8. Temporary Denial

If the application is denied solely on the basis of Section 4.7(D), the Tribal Council shall, within fourteen (14) days of such action, deliver in person or by mail a written notice of temporary denial to the Applicant. Such notice of temporary denial shall: (i) Set forth the reason(s) for denial; and (ii) state that the temporary denial will become a permanent denial if the reason(s) for the denial or not corrected within fifteen (15) days following the mailing or personal delivery of such notice.

Section 4.9. Cure

If an applicant is denied a License for any reason stated in Section 4. 7 ''Denial of License or Renewal'', the Applicant may cure the deficiency and resubmit the application for consideration. Each re-submission will be treated as a new application for License or renewal of License, and the appropriate fee shall be due upon re-submission.

Section 4.10. Investigation

Upon receipt of an application for the issuance, or renewal of a License, the Tribal Council shall make a thorough investigation to determine whether the Applicant and the premises or location for which a License is applied for qualifies for a License, and whether the provisions of this Ordinance have been complied with. The Tribal Council shall investigate all matters connected herewith which may affect the public health, welfare and morals of the Tribe, community, etc.

Section 4.11. Procedures for Appealing a Denial or Condition of Application

Any Applicant for a License or Licensee who believes the denial of their License or request for renewal of their License is wrongfully determined in accordance with the Rules, Regulations and Enforcement of this Ordinance which are outlined in Article VI, Sections 6.1 through 6.11, may appeal the decision of the Tribal Council.

Section 4.12. Revocation of License

The Tribal Council may initiate action to revoke a License whenever it is brought to the attention of the Tribal Council that a Licensee:

A. Has materially misrepresented facts contained in any License application;

B. Is not in compliance with this Ordinance or any other Tribal, State or Federal laws material to the issue of Alcohol licensing;

C. Failed to comply with any condition of a License, including failure to pay taxes on the sale of Alcoholic Beverages or failure to pay any fee required under this Ordinance;

D. Has a verdict, or judgement entered against, or has a plea of nolo contendere entered by any of its officers, directors, managers or any employees with primary responsibility over the sale of Alcoholic Beverages, as to any offense under Tribal, Federal or State laws prohibiting or regulating the sale, use, or

possession, of Alcoholic Beverages or a felony of any kind.

E. Failed to take reasonable steps to correct objectionable conditions constituting a nuisance on the premises or location designated in the License, or any adjacent area under their control, within a reasonable time after receipt of a notice to make such corrections has been mailed or personally delivered by the Tribal Council; or

F. Has had an Alaska Liquor License suspended or revoked.

Section 4.13. Initiation of Revocation Proceedings

Revocation proceedings may be initiated by either: (i) The Tribal Council, on its own motion and through the adoption of an appropriate resolution meeting the requirements of this section; or (ii) by any person who files a complaint with the Tribal Council. The complaint shall be in writing and signed by the maker. Both the complaint and resolution shall state facts showing that there are specific grounds under this Ordinance which would authorize the Tribal Council to revoke the License(s).

Section 4.14. Revocation Hearing

If a Complaint is made stating facts which specify grounds to revoke a License under this Ordinance, a hearing held on this complaint shall be held under such rules and regulations as the Tribal Council may prescribe. Both the Licensee and the person filing the complaint shall have the right to present witnesses to testify and to present written documents in support of their positions to the Tribal Council. The Tribal Council shall render its decision within sixty (60) days after the date of the hearing. The decision of the Tribal Council shall be final.

Section 4.15. Delivery of License

Upon revocation of a License, the Licensee shall forthwith deliver their License to the Tribal Council.

Section 4.16. Transferability of Licenses

Alcoholic Beverage Licenses shall be issued to a specific Licensee for use at a single premises or specific location and shall not be transferable for use by any other premises or location.

Section 4.17. Posting of License

Every Licensee shall post and keep posted its License(s) in a prominent and conspicuous place(s) on the premises or location designated in the License. Any License posted on a premises or location not designated in such License shall not be considered valid and shall constitute a separate violation of this Ordinance.

Article V. Powers of Enforcement

Section 5.1. Tribal Council

In furtherance of this Ordinance, the Tribal Council shall have exclusive authority to administer and implement this Ordinance and shall have the following powers and duties hereunder:

A. To adopt and enforce rules and regulations governing the sale, distribution, and possession of Alcoholic Beverages within the Tribal lands of the Craig Tribal Association;

B. To employ such persons as may be reasonably necessary to perform all administrative and regulatory responsibilities of the Tribal Council hereunder. All such employees shall be employees of the Tribe;

C. To issue Licenses permitting the sale, distribution, and possession of Alcoholic Beverages within the Tribal lands;

D. To give reasonable notice and to hold hearings on violations of this Ordinance;

E. To deny applications and renewals for Licenses and revoke issued Licenses as provided in this Ordinance;

F. To bring such other actions as may be required by applicable Tribal or Federal law or regulation; and

G. To collect taxes, fees, and penalties as may be required, imposed, or allowed by applicable Tribal or Federal law or regulation, and to keep accurate books, records, and accounts of the same.

Section 5.2. Right of Inspection

Any premises or location of any person or entity licensed to, distribute, or sell Alcoholic Beverages pursuant to this Ordinance shall be open for inspection by the Tribal Council for the purpose of ensuring the compliance or noncompliance of the License with all provisions of this Ordinance and any applicable Tribal laws or regulations.

Section 5.3. Limitation of Powers

In the exercise of its powers and duties under this Ordinance, agents, employees, or any other affiliated persons of the Tribal Council shall not, whether individually or as a whole accept any gratuity, compensation, or other thing of value from any Alcoholic Beverage wholesaler, retailer, or distributor, or from any Applicant or Licensee.

Article VI. Rules, Regulations, and Enforcement

Section 6.1. Sale or Distribution on Tribal Lands Without a License

Any person or entity who sells or offers for sale or distribution any Alcoholic Beverage in violation of this Ordinance, or who operates any business on Tribal lands that has Alcoholic Beverages for sale or in their possession without a proper License properly posted as required in Section 4.17, shall be in violation of this Ordinance.

Section 6.2. Unlawful Purchase

Any person who purchases any Alcoholic Beverage on Tribal lands from a person or entity that does not have a License to sell Alcoholic Beverages properly posted shall be in violation of this Ordinance.

Section 6.3. Intent To Sell

Any persons who keeps or possesses, or causes another to keep or possess, upon his person or on premises within his control, any Alcoholic Beverage, with the intent to sell or to distribute the same contrary to the provisions of this Ordinance shall be in violation of this Ordinance.

Section 6.4. Sale to Intoxicated Person

Any person who knowingly sells an Alcoholic Beverage to a person who is visibly intoxicated shall be in violation of this Ordinance and shall be subject to the penalties of a court with jurisdictional authority.

Section 6.5. Age of Consumption

No person under the age of twenty-one (21) years may possess, purchase or consume any Alcoholic Beverage on Tribal lands, and any such possession or consumption shall be in violation of this Ordinance and shall be subject to the penalties of a court with jurisdictional authority.

Section 6.6. Serving Underage Person

No person shall sell, or serve any Alcoholic Beverage to a person under the age of twenty-one (21) years, or permit any such person to possess or consume any Alcoholic Beverage on the premises or on any premises under their control. Any Licensee violating this section shall be guilty of a separate violation of this Ordinance for each and every Alcoholic Beverage sold or served and or consumed by such an underage person.

Section 6.7. False Identification

Any person who purchases or who attempts to purchase any Alcoholic Beverage through the use of false, or altered identification that falsely purports to show such person to be over the age of twenty-one (21) years shall be in violation of this Ordinance.

Section 6.8. Documentation of Age

Any seller or server of any Alcoholic Beverage shall be required to request

proper and satisfactory documentation of age of any person who appears to be thirty (30) years of age or younger. When requested by a seller or server of Alcoholic Beverages, every person shall be required to present proper and satisfactory documentation of the bearer's age, signature, and photograph prior to the purchase or delivery of any Alcoholic Beverage. For purposes of this Ordinance, proper and satisfactory documentation shall include one or more of the following:

A. A Driver's License or personal identification card issued by any state department of motor vehicles;

B. United States active duty military credentials;

C. Passport.

Any seller, server, or person attempting to purchase Alcoholic Beverages who does not comply with the requirements of this section shall be in violation of this Ordinance and subject to penalties, as determined by the court with jurisdictional authority.

Section 6.9. General Penalties

A. Any person or entity determined by the Tribal Council to be in violation of this Ordinance, including any unlawful regulation promulgated pursuant thereto, shall be subject to a civil penalty of not more than Five Hundred Dollars ($500.00) for each such violation, except as provided herein. The Tribal Council may adopt by resolution a separate written schedule for fines for each type of violation, taking into account the seriousness and threat the violation may pose to the general public health and welfare. Such schedule may also provide, in the case of repeated violations, for imposition of monetary penalties greater than Five Hundred Dollars ($500.00) per violation limitation set forth above. The civil penalties provided herein shall be in addition to any criminal penalties that may be imposed under any other Tribal, Federal, or State laws.

B. Any person or entity determined by the Tribal Council to be in violation of this Ordinance, including any lawful regulation promulgated pursuant thereto, may be subject to ejection or exclusion from Tribal land or any Tribal facility.

Section 6.10. Initiation of Action

Any violation of this Ordinance shall constitute a public nuisance. The Tribal Council may initiate and maintain in a court with jurisdictional authority, an action to abate and permanently enjoin any nuisance declared under this Ordinance. Any action taken under the section shall be in addition to any other civil penalties provided for in this Ordinance.

Section 6.11. Contraband; Seizure; Forfeiture

All Alcoholic Beverages held, owned, or possessed within Tribal lands by any person, entity, or Licensee operating in violation of this Ordinance are hereby declared to be contraband and subject to seizure and forfeiture to the Tribe.

A. Seizure of contraband as defined in this Ordinance shall be done by the Tribal Council, with the assistance of law enforcement upon request; and all such contraband seized shall be inventoried and maintained by the Tribal Council, the governing body of the tribe that will serve as an Administrative Court for these proceedings, pending a final order of the Tribal Council. The owner of the contraband seized may alternatively request that the contraband seized be sold and the proceeds received there from be maintained by law enforcement pending a final order of the Tribal Council. The proceeds from such a sale are subject to forfeiture in lieu of the seized contraband.

B. Within ten (10) days following the seizure of such contraband, a hearing shall be held by the Tribal Council, at which time the operator or owner of the contraband shall be given an opportunity to present evidence in defense of his or her activities.

C. Notice of the hearing of at least ten (10) days shall be given to the person from whom the property was seized and the owner, if known. If the owner is unknown, notice of the hearing shall be posted at the place where the contraband was seized and at the other public places on Tribal lands. The notice shall describe the property seized, and the time, place, and cause of the seizure, and list the name and place of residence, if known, of the person from whom the property was seized. If upon the hearing, the evidence warrants, or, if no person appears as a claimant, the Tribal Council shall thereupon enter a judgment of forfeiture, and all such contraband shall become the property of the Craig Tribal Association. If upon the hearing the evidence does not warrant forfeiture, the seized property shall be immediately returned to the owner. The judgment of the Tribal Council shall be final and non·appealable.

Article VII. Nuisances

Section 7.1. Nuisance

Under a determination by the Tribal Council that any such place or activity is a nuisance under any provision of this Ordinance, the Tribal Council may impose injunctive relief which may include a closure of any business or other use of the property for up to one (1) year from the date of the such injunctive relief.

Arcticle VIII. Revenue and Reporting

Section 8.1. Use and Appropriation of Revenue Received

All fees, taxes, payments, fines, costs, assessment, and any other revenues collected by the Craig Tribal Association under this Ordinance, from whatever sources, shall be expended first for the administrative costs incurred in the administration and enforcement of this Ordinance. Any excess funds shall be subject to and available for appropriation by the Tribal Council to the Tribe for essential governmental services.

Section 8.2. Audit

The Craig Tribal Association and its handling of all funds collected under this Ordinance is subject to review and Audit as part of the annual financial audit of the Tribe.

Section 8.3. Reports

Reports shall be submitted to the Tribal Council consisting of: quarterly reports and an accounting of all fees, taxes, payments, fines, costs, assessments, and all other revenues collected and expended pursuant to this Ordinance.

Article IX. Miscellaneous

Section 9.1. Severability

If any provision or application of this Ordinance is found invalid and or unenforceable by a court of competent jurisdiction, such determination shall not be held to render ineffectual any of the remaining provisions or applications of this Ordinance not specifically identified thereby, or to render such provisions to be inapplicable to other persons or circumstances.

Section 9.2. Construction

Nothing in this Ordinance shall be construed to diminish or impair in any way the rights or sovereign powers of the Craig Tribal Association.

Section 9.3. Effective Date

This Ordinance shall be effective after the Secretary of the Interior certifies the Ordinance and on the date it is published in the **Federal Register**.

Section 9.4. Prior Law Repealed

Any and all prior enactments of the Craig Tribal Association that are inconsistent with the provisions of this Ordinance are hereby rescinded.

Section 9.5. Amendment

Amendments must be approved and published in the **Federal Register**. The effective date of an amendment is 30 days after publication.

Section 9.6. Sovereign Immunity

The Sovereign Immunity of the Craig Tribal Association shall not be waived by this Ordinance.

[FR Doc. 2018–19731 Filed 9–10–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAAA003010/A0T602020.999900]

Ponca Tribe of Nebraska Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Ponca Tribe of Nebraska's Liquor Control Ordinance. This Liquor Control Ordinance is to regulate and control the possession, sale, manufacture, and distribution of alcohol in conformity with the laws of the State of Nebraska for the purpose of generating new Tribal revenues. Enactment of this Ordinance will help provide a source of revenue to strengthen Tribal government, provide for the economic viability of Tribal enterprises, and improve delivery of Tribal government services.

DATES: This Ordinance takes effect on September 11, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. Todd Gravelle, Supervisory Tribal Operations Specialist, Great Plains Regional Office, Bureau of Indian Affairs, 115 Fourth Avenue South East, Suite 400, Aberdeen, South Dakota 57401 Telephone: (605) 226–7376, Fax: (605) 226–7379.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor control laws for the purpose of regulating liquor transactions in Indian country. The Ponca Tribe of Nebraska duly adopted the Liquor Control Ordinance on July 21, 2018.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Ponca Tribe of Nebraska Tribal Council duly adopted by Resolution this Liquor Control Ordinance by Resolution No. 18–43, on July 21, 2018.

Dated: August 22, 2018.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

The Ponca Tribe of Nebraska's Liquor Control Ordinance shall read as follows:

PONCA TRIBE OF NEBRASKA

TITLE XVI

LIQUOR CONTROL

CHAPTER 1

GENERAL PROVISIONS

Section 16–1–1. Authority. This Title is enacted by the Tribal Council:

1. Pursuant to and in accordance with Article V, Section 1(j), (l), (o) and (p) of the Constitution;

2. Pursuant to and in accordance with federal statutes and other laws, including the Act of August 15, 1953, 67 Stat. 586, codified at 18 U.S.C. 1161, which provide a federal legal basis for the Tribe to regulate liquor on Tribal lands; and

3. In conformity with applicable state laws.

Section 16–1–2. Purpose. The Tribe wishes to exercise its sovereignty and federal delegated authority to control liquor on Tribal lands and, therefore, the purpose of this Title is:

1. To control liquor distribution, sale and possession on Tribal lands;

2. To establish procedures for the licensing of the manufacture, distribution and sale of liquor on Tribal lands; and

3. To otherwise regulate the manufacture, distribution, sale and consumption of liquor.

Section 16–1–3. Definitions. Unless the context requires otherwise or another definition is provided for a particular chapter or section, in this Title:

1. ''Alcohol'' means the product of distillation of any fermented liquid, whether rectified or diluted, whatever the origin, and includes synthetic ethyl alcohol and alcohol processed or sold in a gaseous form, but excludes denatured alcohol or wood alcohol.

2. ''Beer'' means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water and includes, but is not limited to, beer, ale, malt liquor, stout, lager beer, porter, near beer, flavored malt beverage, and hard cider.

3. ''Board'' means the Ponca Tribe of Nebraska Liquor Control Board.

4. ''Board member'' means a member of the Board.

5. ''Brewer'' means any person engaged in the business of manufacturing beer.

6. ''Distiller'' means any person engaged in the business of distilling spirits.

7. ''Distribute'' means to deliver or sell liquor products prior to retail sale.

8. ''Liquor'' means alcohol, beer, spirits, wine, all other fermented, spirituous, vinous, or malt liquors, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor or otherwise intoxicating, and includes every liquid, solid, semi-solid or other substance, patented or not, containing alcohol, beer, spirits, or wine and all preparations or mixtures of liquor capable of human consumption.

9. ''Manufacturer'' means a person engaged in the preparation of liquor for sale in any form whatsoever, including brewers, distillers, and wineries.

10. ''On-sale'' means the sale of liquor for consumption upon the premises where sold.

11. ''Off-sale'' means the sale of liquor for consumption off the premises where sold.

12. ''Retailer'' means any person who acquires liquor from a wholesaler or otherwise sells, distributes, or gives away any liquor from any location or facility for any purpose other than resale or further processing.

13. ''Sale'' means the transfer of ownership of, title to, or possession of goods for money, other goods, services, or other valuable consideration, including bartering, trading, exchanging, renting, leasing, conditional sales, and any sales where possession of goods is given to the buyer but title is retained by the seller as security for the payment of the purchase price.

14. ''Spirits'' means any beverage which contains alcohol obtained by distillation, whether mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances.

15. ''Tribal Court'' means the Ponca Tribe of Nebraska Tribal Court.

16. ''Tribal lands'' means:

a. All lands held in trust by the United States for the benefit of the Tribe or its members;

b. All fee lands owned by the Tribe and located within one or more of the Tribe's service areas as defined by Public Law 101–484 and any amendments thereto; and

c. All lands of the Tribe or its members defined as Indian country by 18 U.S.C. 1151, including dependent Indian communities.

17. ''Wholesaler'' means any person who acquires or otherwise possesses liquor for resale or otherwise sells, distributes, resells or gives away liquor to a retailer.

18. ''Wine'' means any alcoholic beverage obtained by fermentation of fruits, vegetables or other agricultural products containing sugar, including such beverages when fortified by the addition of alcohol or spirits.

Section 16–1–4. Consent to Jurisdiction. Any person who resides on Tribal lands or conducts business or engages in a business transaction on Tribal lands or with the Tribe, enters into a consensual relationship with Tribe, acts under Tribal authority, or enters on Tribal lands shall be deemed to have consented to the following:

1. To be bound by the terms of this Title; and

2. To the exercise of jurisdiction by the Tribal Court over him or her in an action arising under this Title.

Section 16–1–5. Non-Liability. There shall be no liability on the part of the Tribe, its agencies, departments, enterprises, agents, officers, officials or employees for any damages which may occur as a result of reliance upon or conformity with the provisions of this Title.

Section 16–1–6. Severability. If any chapter, section or provision of this Title or amendment made by this Title is held invalid, the remaining chapters, sections and provisions of this Title and amendments made by this Title shall continue in full force and effect.

Section 16–1–7. Sovereign Immunity. Except where expressly waived by a section of this Title specifically referring to a waiver of sovereign immunity, nothing in this Title shall be construed as limiting, waiving or abrogating the sovereignty or the sovereign immunity of the Tribe or any of its agencies, departments, enterprises, agents, officers, officials or employees.

CHAPTER 2

LIQUOR CONTROL BOARD

Section 16–2–1. Establishment.

1. There is hereby established a liquor control board to be known as the Ponca Tribe of Nebraska Liquor Control Board as an agency of the Tribe, under the authority of the Tribe, and delegated the powers, duties, and responsibilities set forth in this Title and as otherwise provided by the laws of the Tribe.

2. The Board may employ such other personnel and employees as may be required for the proper discharge of its duties under this Title, provided that, to the maximum extent feasible, the Board shall first use personnel and employees of the Tribal administration as authorized in this Chapter.

Section 16–2–2. Composition. The Board shall consist of five (5) members as follows:

1. One (1) Tribal Council member designated by the Tribal Council, who shall serve as the Chairperson of the Board; and

2. Four (4) individuals who shall be appointed by the Tribal Council.

Section 16–2–3. Qualifications. To be qualified to be appointed a Board member, a person shall:

1. Be at least the age of majority;

2. Have no conflicts of interest, as defined in this Chapter;

3. Not have been convicted of any felony or any crime involving or related to alcohol or drugs in any court of any jurisdiction in the five (5) years prior to appointment unless pardoned and fully restored of his or her civil rights by the proper authorities prior to appointment;

4. Be willing and able to comply with the ethical duties of Board members, as defined in this Chapter;

5. Be willing and able to perform the Board's duties in compliance with the laws of the Tribe;

6. Have or acquire knowledge of this Title;

7. Have the time available to actively fulfill the duties of a Board member; and

8. Be willing to receive orientation and training regarding the duties of the Board.

S*ection 16–2–4. Term of Office.*

1. The Tribal Council member designated by the Tribal Council to serve on the Board shall hold office until he or she no longer holds office on the Tribal Council regardless of whether there is a successor in the office, but a former Tribal Council member designated by the Tribal Council to serve on the Board may be appointed to another position on the Board in accordance with this Chapter.

2. Upon the selection of the initial Board members, the Tribal Council shall choose from the members other than the Tribal Council member designated by the Tribal Council to serve on the Board, by lot, one (1) Board member who will serve an initial term of one (1) year, one Board member who will serve an initial term of two (2) years, and two (2) Board members who will serve an initial term of three (3) years. Thereafter, the term of office for Board members shall be three (3) years.

3. Except as otherwise provided herein, each Board member shall serve until he or she resigns, is removed, or the Tribal Council appoints his or her successor.

Section 16–2–5. Compensation. Board members shall be compensated at a rate set by the Tribal Council. In addition, Board members shall be paid for mileage for every Board meeting attended in accordance with the rules applicable to and at the standard rate established for Tribal officers and employees.

Section 16–2–6. Resignation and Removal.

1. Any Board member may resign from his or her position by delivering a written resignation to the Tribal Council.

2. Any Board member who is a Tribal Council member designated by the Tribal Council to serve on the Board shall automatically be removed from the Board upon the Tribal Council member's resignation or removal from the Tribal Council.

3. The Tribal Council may, by majority vote, remove a Board member for any the following:

a. Violating or permitting violation of this Title;

b. Neglect of duty;

c. Malfeasance or misfeasance in the handling of liquor control matters;

d. Acceptance or solicitation of bribes;

e. Violation of the ethical duties or conflict of interest provisions of this Chapter;

f. Unexcused absence from three (3) or more consecutive Board meetings;

g. Any crime committed against the Tribe which results in a conviction or admission of guilt; or

h. Upon the happening of any event which would have made the Board member ineligible for appointment if the event had occurred prior to appointment.

4. The Tribal Council's decision to remove a Board member shall be final and not subject to challenge, review or appeal.

Section 16–2–7. Vacancies. In the event of a vacancy on the Board, whether by removal, resignation, or otherwise, the Tribal Council shall appoint a replacement to serve the remaining term of the Board member being replaced. In the event of an emergency vacancy, the Tribal Council may hold a special meeting to fill the vacancy.

Section 16–2–8. Officers.

1. The Chairperson of the Board shall call and preside over Board meetings. The Chairperson shall report to the Tribal Council as required.

2. The Board shall elect from its members a Secretary at its first meeting in each calendar year or at the next meeting of the Board if a vacancy occurs in the office of Secretary.

3. The Secretary shall be responsible for assuring the timely and proper production, distribution and storage of all written records of the Board, including administrative and financial documents. The Secretary shall keep minutes of all meetings of the Board and shall keep informed about the Board's expenditures and budget.

Section 16–2–9. Ethics and Conflicts.

1. No person may be appointed to the Board who:

a. Is employed by, an officer of, or has a private ownership interest, whether direct or indirect, in any entity or organization that is a retailer, wholesaler, manufacturer, brewer or distiller;

b. Is engaged in litigation against the Tribe in a matter related to the subject matter of the Board; or

c. Has a similar interest that would necessarily conflict with the impartial performance of a Board member's duties.

2. The Tribal Council's determination whether an applicant for the Board is barred from appointment by a conflict of interest shall be final and not subject to challenge, review or appeal.

3. Board members shall:

a. Not accept or request any gift, gratuity, compensation, employment or other thing of value from any manufacturer, wholesaler, retailer, holder or applicant for a liquor license, or other person subject to this Title;

b. Avoid the appearance of impropriety;

c. Not act in an official capacity when a matter before the Board directly and specifically affects a Board member's own interests or the interests of his or her immediate family;

d. Not attempt to exceed the authority granted to Board members by this Title;

e. Recognize that the authority delegated by this Title is to the Board as a whole, not to individual Board members and, accordingly, the powers of the Board may only be exercised by the Board acting through the procedures established by this Title;

f. Not take action on behalf of the Board unless authorized to do so by the Board;

g. Not involve the Board in any controversy outside the Board's duties; and

h. Hold all confidential information revealed during the course of Board business in strict confidence and discuss or disclose such information only to persons who are entitled to the information and only for the purpose of conducting official Board business.

Section 16–2–10. Recusal.

1. No Board member shall participate in any action or decision by the Board directly involving:

a. Himself or herself;

b. A member of his or her immediate family;

c. Any person, business or other entity of which he or she or a member of his or her immediate family is an employee;

d. Any business or other entity in which he or she or a member of his or her immediate family has a substantial ownership interest; or

e. Any business or other entity with which he or she or a member of his or her immediate family has a substantial contractual relationship.

2. Nothing in this Section shall preclude a Board member from participating in any action or decision by the Board which:

a. Generally affects a class of persons, regardless of whether the Board member or a member of his or her immediate family is a member of the affected class; and

b. Affects the Tribe, an economic enterprise of the Tribe, or a person or entity in a contractual relationship with the Tribe or an economic enterprise of the Tribe, regardless of whether the Board member is also a member of the Tribe.

3. A Board member may voluntarily recuse himself or herself and decline to participate in any action or decision by the Board when the Board member, in his or her own discretion, believes:

a. That he or she cannot act fairly or without bias; or

b. That there would be an appearance that he or she could not act fairly or without bias.

Section 16–2–11. Quorum. Three (3) Board members shall constitute a quorum for conducting business.

Section 16–2–12. Meetings.

1. The Board may hold meetings as it deems necessary.

2. The Chairperson of the Board shall have the authority to call a meeting of the Board as he or she sees fit upon forty-eight (48) hours written notice. Written notice to a Board member may be dispensed with as to any Board member who is actually present at the meeting at the time it convenes.

3. The Board may conduct a meeting exclusively by telephone, video conference or other electronic means provided that the notice of the Board meeting provides the manner in which the meeting will be conducted and includes information on how a person may attend the meeting, such as a telephone number for participation in the meeting.

4. All decisions of the Board shall be made by a majority vote of the Board members attending the meeting, provided a quorum is present, unless otherwise provided in this Title.

5. Matters dealing with personnel or other confidential matters shall be conducted in executive session and shall not be open to the public.

Section 16–2–13. Powers and Duties of Board. The power, authority and duties of the Board shall be as follows:

1. To administer, implement and enforce this Title;

2. To make recommendations to the Tribal Council concerning amendments to this Title;

3. To receive applications for and issue to and suspend, cancel and revoke licenses of manufacturers, wholesalers, and retailers in accordance with this Title and the rules and regulations of the Board;

4. To obtain information and conduct background investigations to determine the suitability of an applicant for a license;

5. To bring legal action in the name of the Tribe to enforce this Title;

6. To inspect any premises where liquor is manufactured, distributed, or sold as provided in this Title;

7. To conduct an audit to inspect any licensee's records and books as provided in this Title;

8. To conduct hearings and hear appeals authorized by this Title, provided the Board shall have no authority to declare any portion of this Title or other law of the Tribe invalid for any reason;

9. In the conduct of any hearing or audit, to issue subpoenas, compel the attendance of witnesses, administer oaths, and require testimony under oath at any hearing conducted by the Board;

10. To examine, under oath, either orally or in writing, any person with respect to any matter subject of this Title;

11. To collaborate and cooperate with such other agencies of the Tribe, other tribes, the United States and the states as necessary to implement and enforce this Title;

12. To develop standard forms and to require by regulation the filing of any such forms or reports necessary for implementation of this Title;

13. To utilize or adopt forms from other appropriate jurisdictions to use as its own so long as such forms meet the requirements of the laws of the Tribe for which such forms are utilized;

14. To promulgate rules and regulations, subject to approval of the Tribal Council and consistent with the laws of the Tribe, which are necessary for carrying out this Title;

15. To delegate any of its power, authority and duties to an individual Board member or other personnel or employee of the Board, provided that the Board shall not delegate its power to

promulgate rules and regulations or to conduct hearings and hear appeals; and

16. To perform all other duties delegated or assigned to the Board by this Title or other laws of the Tribe or the Tribal Council and otherwise implement this Title.

Section 16–2–14. Obtaining Information.

1. The Board may request such information relevant and material to the enforcement of this Title from any and all persons who:

a. Are engaged in the introduction, sale, distribution, or possession of liquor on Tribal lands or with the Tribe; or

b. Are otherwise subject to the jurisdiction of the Tribe.

2. Upon a written request, such persons shall provide the information requested by the Board. The Board may issue a subpoena as provided in this Chapter or request the Court to issue a subpoena or other order, including ex parte without a hearing, to obtain the information required to be provided under this Section.

Section 16–2–15. Investigative Authority.

1. For the purpose of enforcing the provisions of this Title, the Board shall have the authority to inspect property during regular business hours, to examine and require the production of any pertinent records, books, information, or evidence, and to require the presence of any person and require testimony under oath concerning the subject matter of any inquiry of the Board, and to make a permanent record of the proceeding.

2. For the purpose of accomplishing the authority granted in this Section, the Board shall have the power to issue subpoenas and summons requiring attendance and testimony of witnesses and production of papers or other things at any hearing held pursuant to this Title.

3. If a person fails to comply with a subpoena issued by the Board, the Board may apply to the Tribal Court for issuance of an order to show cause which directs that the person against whom the subpoena was issued shall comply with the subpoena within ten (10) business days or show cause why he or she should not be held in contempt of court in accordance with the laws of the Tribe. The Tribal Court shall issue the order to show cause without notice or hearing, unless the Court finds that the subpoena was not lawfully issued or was not properly served in accordance with this Section.

4. Any subpoena, summons or notice issued by the Board shall be served in the manner provided for service of the same in the rules of procedure governing civil actions in Tribal Court.

Section 16–2–16. Rules and Regulations. The Board shall promulgate rules and regulations, not inconsistent with this Title and subject to the approval of Tribal Council, as it deems necessary or desirable in the public interest in carrying out the duties of the Board including, but not limited to:

1. Internal operational procedures;

2. The forms to be used for purposes of this Title;

3. Procedures for conducting investigations and inspections;

4. Procedures for all hearings conducted by the Board;

5. Conditions of sanitation of premises of licensees of the Board; and

6. Protection of the due process rights of all persons subject to the enforcement of this Title by the Board.

Section 16–2–17. Board Seal.

1. The Board shall acquire an official seal which shall be used on all original and/or certified copies of all documents of the Board to evidence their authenticity.

2. The seal of the Board shall:

a. Be circular in shape;

b. Contain the words ''Ponca Tribe of Nebraska'' around the top edge;

c. Contain the words ''Liquor Control Board'' around the bottom edge; and

d. Contain the words ''Official seal'' in the center.

3. The seal shall be secured at all times to prevent unauthorized use.

Section 16–2–18. Stamps and Licenses.

1. The Board shall provide for the form, size, color and identifying characteristics of all licenses, permits, stamps, tags, receipts or other instruments evidencing receipt of any license or payment of any fee administered by the Board or otherwise showing compliance with this Title.

2. Any instrument developed by the Board under this Section shall contain at least the following information:

a. The words ''Ponca Tribe'' or, if space allows, ''Ponca Tribe of Nebraska;''

b. If space allows, the words ''Liquor Control Board;''

c. If the instrument is a license or permit, an indication of the type of license or permit, its effective dates, and the name and address of the person to whom it is issued; and

d. If the instrument is a receipt, an indication of what the receipt is for, any amount the receipt is for, and the name and address of the person to whom it is issued.

3. The Board shall provide for the manufacture, delivery, storage and safeguarding of any instrument developed under this Section and shall safeguard such instruments against theft, counterfeiting and improper use.

Section 16–2–19. Records of Board.

1. The Board shall create and maintain accurate and complete records which contain information and documents necessary for the proper and efficient operation of the Board, including, but not limited to:

a. All licenses, permits, and the like issued and any fees received for the same;

b. All fees and penalties imposed, due and collected; and

c. Each and every official transaction, communication or action of the Board.

2. The records of the Board shall be maintained at the office of the Board and shall not be removed from said office without the written authorization of the Board.

3. Except where provided otherwise in the laws of the Tribe, the records and other information of the Board shall be considered public records of the Board and shall be provided or made available for inspection during regular business hours upon proper written request to the Board and payment of any copying costs set by the Board, provided that confidential personal information appearing in such records is rendered unreadable prior to provision or inspection.

4. The records of the Board shall be subject to audit at any time at the direction of the Tribal Council, but not less than once each year.

Section 16–2–20. Use of Other Resources. In carrying out its duties and responsibilities:

1. The Board may use the services, information or records of other departments and agencies of the Tribe or otherwise available to the Tribe, both from within and without the Tribe, and such departments, agencies and others shall furnish such services, information or records upon request of the Board; and

2. The Board may use personnel and employees of the Tribal administration as it would personnel and employees of the Board, provided the Board coordinates with and obtains approval from the Tribal administration.

CHAPTER 3

LIQUOR LICENSES

Section 16–3–1. License Required. No person may sell, distribute or manufacture liquor on Tribal lands except as specifically authorized by a license issued in accordance with this Chapter and compliance with all other applicable laws governing the same.

Section 16–3–2. Exemptions. The following liquor and activities shall be exempt from the provisions of this Title, including the requirement of a liquor license:

1. Any pharmaceutical preparation containing liquor which is prepared by a druggist according to a formula of the pharmacopeia or dispensatory of the United States;

2. Wine or beer manufactured in a residence for consumption therein and not for sale;

3. Alcohol used or intended for use:

a. For scientific research or manufacturing products other than liquor;

b. By a physician, medical or dental clinic, or hospital;

c. In tinctures or toilet, medicinal, and antiseptic preparations and solutions not intended for internal human use nor to be sold as beverages, and which are unfit for beverage purposes, such as cleaning compounds;

d. In food products known as flavoring extracts when manufactured and sold for cooking, culinary, or flavoring purposes, and which are unfit for use for beverage purposes; or

e. By persons exempt from regulation in accordance with the laws of the United States;

4. Ethanol or ethyl alcohol for use as fuel; and

5. Liquor used in a bona fide religious ceremony.

Section 16–3–3. Liquor Licenses.

1. Licenses issued by the Board shall be of the following types:

a. Manufacturer license;

b. Wholesale license;

c. Retail license; and

d. Special event license.

2. Except for special event licenses, a license issued by the Board shall be in force and effect for one (1) year following the date it is issued, unless sooner revoked.

3. Any person required to obtain a license under this Chapter who fails to obtain such license or who continues to manufacture, distribute or sell liquor after such license has been revoked shall forfeit his or her right to manufacture, distribute or sell liquor on Tribal lands until he or she complies with all of the provisions of this Title.

Section 16–3–4. Manufacturer License.

1. Any person who is a manufacturer, brewer or distiller located on Tribal lands shall be required to first obtain a manufacturer license from the Board. If a person manufactures liquor at two or more separate places of business on Tribal lands, a separate manufacturer license shall be required for each place of business.

2. A manufacturer license shall allow:

a. The manufacture, distilling, brewing, and storage of liquor on Tribal lands;

b. The sale of liquor to wholesale and retail licensees on Tribal lands without the requirement of any other license under this Chapter; and

c. The retail on-sale of liquor to individuals on the premises of the manufacturer without the requirement of any other license under this Chapter.

3. The annual fee for a manufacturer license shall be one thousand dollars ($1,000.00).

Section 16–3–5. Wholesale License.

1. Any person who engages in the sale of liquor to manufacturers, retailers or wholesalers on Tribal lands shall be required to first obtain a wholesale license from the Board. If a person sells or delivers from or stores liquor at two or more separate places of business on Tribal lands, a separate wholesale license shall be required for each place of business.

2. A wholesale license shall allow:

a. The wholesale purchase, importation, and storage of liquor and sale of liquor to licensees on Tribal lands; and

b. The sampling of liquor on the premises of the licensee or a licensed retailer by a licensee and his or her employees.

3. The annual fee for a wholesale license shall be seven hundred fifty dollars ($750.00).

Section 16–3–6. Retail License.

1. Any person who engages in the retail sale of liquor on Tribal lands shall be required to first obtain a retail license from the Board. If a person makes sales at two or more separate places of business on Tribal lands, a separate retail license shall be required for each place of business.

2. A retail license shall allow the licensee to sell and offer for sale liquor on the premises of the licensee specified in the retail license at retail for use or consumption but not for resale in any form.

3. A retail license shall designate whether the licensee is permitted to make on-sales or off-sales, but shall not permit both.

4. The annual fee for a retail license shall be two hundred fifty dollars ($250.00).

Section 16–3–7. Special Event License.

1. Any person who engages in the retail sale of liquor on Tribal lands for a period of less than seven (7) consecutive days for an event shall be required to first obtain a special event license from the Board. If a person makes sales at two or more separate locations or events on Tribal lands, a separate special event license shall be required for each location.

2. A special event license shall allow the licensee to sell and offer for sale liquor at retail for use or consumption on the premises of the event specified in the license, but not for resale in any form.

3. A special event license shall designate the precise day or period of days for which the license was issued and shall be valid only for such designated day or days.

4. The fee for a retail license shall be fifty dollars ($50.00) per day.

5. The Board may provide by regulation for issuing special event licenses with reduced or no fees and utilizing expedited applications and procedures exempt from the notice and hearing requirements of this Chapter to licensed retailers conducting on-sales, including caterers and the like, for the purpose of allowing such retailers to sell and offer for sale liquor at events on premises other than the premises designated in the retail license.

Section 16–3–8. Registration of Salesmen.

1. No person may take or solicit orders for liquor on Tribal lands without first registering with the Board and providing the following:

a. His or her name and address;

b. The name and address of his or her employer or principal; and

c. Such other information the Board may require.

2. There shall be no fee for registration under this Section, but registration shall require renewal each calendar year.

Section 16–3–9. Application for License.

1. Any person or entity desiring a license pursuant to this Chapter shall complete and file an application for the appropriate license with the Board and pay such application fee as may be set by the Board to defray the costs of processing the application.

2. In addition to any other items required by the Board, all applications for a license pursuant to this Chapter shall include the following:

a. The name, address and telephone number of the applicant;

b. Any other names used by the applicant, including trade names;

c. Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship or other entity and the jurisdiction where the applicant is organized or registered to conduct business;

d. The names, addresses, telephone numbers and social security numbers of the applicant's principals, which shall

include the applicant's officers, directors, managers, owners, partners, stockholders that own twenty-five percent (25%) or more of the applicant's business, and the ten (10) largest stockholders of applicant's business regardless of percentage of stock owned;

e. The identity of all persons, other than principals, who have an economic interest in the applicant's business;

f. The federal tax identification number or social security number of the applicant;

g. The location where the applicant intends to sell, distribute or manufacture liquor, as the case may be;

h. The type of application desired;

i. Whether the applicant will sell, distribute or manufacture liquor on Tribal lands;

j. Whether the applicant is licensed by the appropriate state within whose boundaries the applicant is located to sell, distribute, or manufacture liquor, as applicable;

k. Information on each liquor license which the applicant has held in any jurisdiction;

l. Whether the applicant or any of its principals have been convicted of or plead guilty to a felony or any criminal offense regarding liquor;

m. Whether the applicant or any of its principals have had a liquor license revoked or suspended in any jurisdiction; and

n. Agreement by the applicant to comply with the laws of the Tribe and all conditions of the license issued by the Board.

Section 16–3–10. Notice of Application.

1. Upon receipt of an application for a license, the Board shall issue a notice of the application which shall include:

a. The name of the applicant;

b. The location where the applicant intends to sell, distribute or manufacture liquor;

c. The date the Board intends to consider the application, which shall be no sooner than thirty (30) days after the notice is posted in accordance with this Section;

d. Information on submitting comments on the application to the Board by mail or electronic means; and

e. A statement that comments on the application must be received no later than the day prior to the Board considering the application.

2. The notice of the application shall be posted at all Tribal governmental offices and on the Tribe's website for at least thirty (30) days and, if an edition of the Tribal newsletter will be released prior to consideration of the application, published in the Tribal newsletter.

3. Persons may submit comments on the application in the manner prescribed by the Board any time prior to the Board considering the application.

Section 16–3–11. Processing Application.

1. Upon receipt of an application for a license, the Board shall conduct or cause to be conducted a background investigation of the applicant and each of its principals. The background investigation shall include, at a minimum:

a. Verification of the applicant's business organization and registration status;

b. Verification of the applicant's state liquor license, its status and any enforcement history; and

c. Conducting a criminal history check of the applicant and the applicant's principals.

2. The Board shall issue a license to an applicant only if it finds, after considering the application and any comments submitted by the public:

a. The applicant did not knowingly provide any false information to the Board regarding its application;

b. The applicant is or is expected to be licensed by the appropriate state within whose boundaries the applicant is located to sell, distribute, or manufacture liquor, as applicable;

c. If the applicant is a corporation or other entity, that it is organized under the laws of the Tribe or registered to conduct business on Tribal lands in accordance with the laws of the Tribe governing the same;

d. Neither the applicant nor any of its principles has been convicted of or plead guilty to a felony or any criminal offense related to liquor in any jurisdiction;

e. Neither the applicant nor any of its principals has had a liquor license revoked in any jurisdiction in the previous two (2) years;

f. The requirements of this Title and the Board's regulations have been met;

g. The applicant's capability, qualifications, and reliability are satisfactory; and

h. The best interests of the Tribe, its members, and the community as a whole will be served by the issuance of the license.

3. In reviewing an applicant's capability, qualifications and reliability, the Board shall consider:

a. The character and reputation of the applicant;

b. The suitability of the physical premises of the applicant;

c. The plan of operation of the applicant; and

d. Any other relevant consideration.

4. In reviewing the interests of the Tribe, its members and the community as a whole, the Board shall consider:

a. The need of the area to be served by the applicant;

b. The number of existing licensed businesses covering the area;

c. The desires of the community within the area to be served;

d. Any law enforcement problems which may arise because of the sale, distribution or manufacture of liquor by the applicant; and

e. Any other relevant consideration.

5. The Board, in its discretion and upon notice to the applicant and the public, may conduct a hearing regarding any application. Such hearing shall be open to the public and any interested persons shall be permitted to present information, including witnesses and evidence, to the Board regarding the application.

6. If an applicant has not obtained a liquor license from the appropriate state within whose boundaries the applicant is located, the Board may approve the applicant's license conditioned upon the receipt of such state liquor license. If the Board conditionally approves a license pursuant to this subsection, the Board shall not issue a license to the applicant unless and until the applicant provides satisfactory proof that it has received a state liquor license.

7. The Board shall issue a decision on the application in writing. The Board's decision shall be served on the applicant and posted at all Tribal governmental offices and on the Tribe's website for at least fifteen (15) days and published in the next edition of the Tribal newsletter.

Section 16–3–12. Form of License.

1. Each license issued pursuant to this Chapter shall specify:

a. The name and address of the licensee;

b. The type of license issued;

c. The premises to which the license applies;

d. If the license is a manufacturer license, the type of liquor the licensee is permitted to manufacture, distill, brew, store, and sell; and

e. If the license is a retail license, whether it permits on-sales or off-sales with respect to the premises to which the license applies.

2. The licensee must keep the license posted at all times in a conspicuous place on the premises for which it has been issued.

3. Licensees must pay all taxes assessed against it under the laws of the Tribe.

4. Licensees shall comply, as a condition of retaining such license, with all applicable laws of the Tribe and with all requests of the Board for inspection, examination and audit permitted under this Title.

5. Notwithstanding anything else in the laws of the Tribe, a license issued pursuant to this Chapter constitutes only a permit to the licensee to conduct the activities permitted by the license for the duration of the license and shall not be construed or deemed to constitute a property or other vested right of any kind or give rise to a legal entitlement to a license for any future period of time.

Section 16–3–13. Renewal of License.

1. A licensee may renew its license by filing an application for renewal with the Board and paying such renewal application fee as may be set by the Board to defray the costs of processing the application.

2. The renewal application shall identify any changes in information required on the licensee's application for a license since the issuance of the license or previous renewal, whichever is later, or the applicant shall certify that no such information has changed.

3. A license issued pursuant to this Chapter shall be automatically renewed upon submission of a renewal application and payment of the applicable annual license fee, unless:

a. Information required on the application for a license has changed in such a manner that it makes the licensee ineligible for a license under this Chapter; or

b. The Board determines in writing that renewal would not be in the best interests of the Tribe, its members or the community as a whole.

Section 16–3–14. Transfer and Modification of License.

1. No license issued pursuant to this Chapter may be assigned or transferred to any other person or entity.

2. Any change in ownership of the licensee that constitutes more than fifty percent (50%) of the ownership interest in a licensee shall require the issuance of a new license in accordance with this Chapter.

3. A licensee may request a change in the name and/or address of the licensee or a change in location of the premises to which the license applies by applying with the Board for a modification of the license in accordance with this Section and paying such fee as may be set by the Board to defray the costs of processing the modification.

4. The Board shall approve a change in the address of the licensee upon request, provided the change in address is not a change in location. The Board shall approve a change in the name of the licensee provided that the name is not the name of an individual and the change is not the result of any change in more than fifty percent (50%) of the ownership interest in the licensee.

5. If a licensee requests a change in location, the Board shall issue and post a notice of the modification of location and permit public comment the same as an application for a new license. The Board shall approve a change in location only if it finds, after considering the application and any comments submitted by the public:

a. The applicant has obtained or is in the process of obtaining a license or modification for the new location from the appropriate state within whose boundaries the applicant is located, provided that the Board may approve the change in location conditioned upon the receipt of such state license or modification so long as the Board does not issue the modified license unless and until the applicant provides satisfactory proof that it has received a state license or modification;

b. The physical premises of the new location is suitable for the license; and

c. The best interests of the Tribe, its members and the community as a whole will be served by the modification of the location.

6. If the Board approves a modification of a license pursuant to this Section, the Board shall issue a modified license to the licensee reflecting the modified information. The modified license shall expire on the same date as the original license.

7. Any modification of a license not provided for in this Section shall require the issuance of a new license in accordance with this Chapter.

Section 16–3–15. Appeal. An applicant or licensee may request a formal conference regarding or file an appeal of a decision of the Board denying an application for a license or any renewal or modification thereof in accordance with the provisions of this Title governing appeals before the Board.

Section 16–3–16. Sale of Stock.

1. Upon revocation, non-renewal or other termination of a license issued pursuant to this Chapter, a former licensee may dispose of any liquor in its stock within thirty (30) days of expiration of its former license by:

a. Selling such stock in whole or in part to a wholesaler or retailer licensed pursuant to this Chapter;

b. Selling such stock in whole or in part to a wholesaler or retailer located outside Tribal lands and authorized to purchase such liquor;

c. Moving such stock in whole or in part outside Tribal lands to a location where such liquor is authorized to be stored or held; or

d. Destroying such liquor under the supervision of the Board.

2. The Board may grant a former licensee an additional twenty (20) days to sell or otherwise dispose of its stock upon the former licensee showing good cause for such extension and no failure in due diligence to make such disposal.

3. Any liquor remaining in the possession of a former licensee and not disposed of in accordance with this Section shall be treated as contraband in accordance with this Title.

4. A former licensee shall submit to the Board a complete report of the disposition of all stock pursuant to this Section.

Section 16–3–17. Duty to Keep Records. Every licensee shall keep and maintain accurate records of the purchase and sale of liquor, including books of account, invoices, and bills. Such records shall be maintained for a period of at least two (2) years.

Section 16–3–18. Operation of Licensed Premises.

1. No licensee may reseal, reuse, or refill any package that contains or contained liquor.

2. No retail licensee may lock, or permit the locking of the entrances to the licensed premises until all persons other than the licensee and its employees have left.

3. No licensee may change the name of its licensed premises without first obtaining a modification of its license as provided in this Chapter.

4. A licensee shall conduct its business in a decent, orderly and respectable manner and shall not permit loitering by intoxicated persons, rowdiness, undue noise, or any other disturbance offensive to the residents of Tribal lands.

5. A retail licensee shall demand satisfactory evidence of a person's age upon such person's attempt to purchase any liquor from the retail licensee if such person appears to the retail licensee to be under the age of twenty-one (21) and shall refuse to sell liquor to any such person who fails or refuses to produce such satisfactory evidence. Satisfactory evidence of age shall include:

a. A driver's license or identification card validly issued by any state department of motor vehicles;

b. A United States active duty military identification;

c. A passport validly issued by any jurisdiction; and

d. Identification card issued by a federally recognized tribe which includes a photograph and date of birth.

Section 16–3–19. Insurance.

1. Licensees and their employees are liable for injuries or damage to property resulting from their negligent or reckless acts and omissions, whether in the

operation of the licensed premises or in their violation of this Title.

2. All manufacturers and retailers conducting on-sales shall maintain insurance coverage insuring against liability under this Section in the amount of at least $1,000,000.00 for bodily injury to any one (1) person, $500,000.00 for any one (1) accident or personal injury, and $100,000.00 for property damage.

CHAPTER 4

ENFORCEMENT AND VIOLATIONS

Section 16–4–1. Complaints.

1. Allegations of a violation of this Title shall be presented to the Board by submitting a complaint with such allegation in writing to the Chairperson of the Board or his or her designee.

2. A complaint may be submitted by any Board member or member of the public who believes that a person has committed a violation of this Title.

3. A complaint shall specify the person against whom the allegation is being made and the conduct that is alleged to be in violation of this Title.

4. Upon receipt of a complaint pursuant to this Section, the Board shall review the complaint to determine if the allegations made fall within the scope of this Title and whether, assuming the facts alleged are true, said facts would constitute a violation of this Title.

5. If the Board determines that the allegations do not fall within the scope of this Title or do not allege facts which, if true, would constitute a violation of this Title, the Board shall provide written notice to the complainant which shall state that:

a. The Board received the complaint;

b. The Board has reviewed the complaint in accordance with the provisions of this Chapter;

c. The Board has determined that the allegations do not fall within the scope of this Title and/or do not allege facts which would constitute a violation of this Title; and

d. The matter is closed.

6. If the Board determines that the allegations fall within the scope of this Title and allege facts which, if true, would constitute a violation of this Title, the Board shall make or cause to be made a preliminary investigation of the allegations in the complaint and, if there is reason to believe the allegations in the complaint, the Board shall issue a notice of violation as provided in this Chapter.

Section 16–4–2. Examination and Audit.

1. The Board may examine and audit any licensee for the purpose of enforcing this Title.

2. In conducting an examination and audit pursuant to this Section, the Board may:

a. Examine any books, records, papers, maps, documents, or other data which may be relevant and material to the inquiry upon reasonable notice:

i. During normal business hours;

ii. At any other time agreed to by the person having possession, custody or care for such data; or

iii. At any time pursuant to an order of the Tribal Court;

b. Summon the licensee, any officer or employee or agent of the licensee, or any person having possession, custody or care of the books of account containing entries relating to the business of the licensee or required to perform the act, or any other person the Board may deem proper, to appear before the Board at the time and place named in the summons and to produce such books, records, papers, maps, documents or other data, and to give such testimony, under oath, as may be relevant or material to the inquiry; and

c. Take testimony of any person, under oath, as may be relevant or material to the inquiry.

Section 16–4–3. Notice of Violation.

1. If the Board has reason to believe that a violation of this Title has occurred, the Board shall issue a notice of violation to all persons accused of the violation.

2. A notice of violation shall state:

a. The specific provisions of this Title alleged to have been violated;

b. The Board will consider any written response to the notice of violation from the accused before determining whether to proceed with the notice of violation; and

c. The accused may respond in writing to the notice of violation within fourteen (14) calendar days of service of the notice.

3. If a notice of violation is not delivered to a person accused of the violation personally at the time of issuance, it shall be served on such person in the manner provided for service of a summons in the rules of procedure governing civil actions in Tribal Court.

4. The accused shall have the right to respond to a notice of violation within the time stated in the notice of violation. The accused may include copies of any documents which the accused believes support his or her position.

5. After the time has expired for the accused to respond to a notice of violation, the Board shall consider any written response to the notice of violation and determine how to proceed with the notice of violation. Based on its review, the Board may:

a. Close the notice of violation if satisfied by the accused's response; or

b. Conduct or cause to be conducted a thorough investigation of the notice of violation.

6. If an investigation is conducted and such investigation reveals that there is evidence to support that a violation of this Title occurred, the Board shall determine an appropriate sanction for such violation as provided in this Chapter, including civil fine, license suspension or revocation, or both, and impose such sanction in accordance with the provisions of this Chapter.

7. Written notice shall be provided of the Board's decision under this Section.

Section 16–4–4. Formal Conference.

1. Within thirty (30) days of service of a decision of the Board, a person subject of the decision may request a conference with the Board to seek a review and redetermination of the decision.

2. A request for a conference shall:

a. Be made in writing to the Board or its designee;

b. Identify the decision of the Board;

c. Declare the redetermination sought; and

d. Include a complete statement of the facts relied on.

3. The Board, after an initial inquiry, may deny the request for a conference and direct the person to proceed to an appeal in accordance with this Chapter.

4. Upon request or its own initiative, the Board may stay any action on its decision until a time not more than thirty (30) days after issuance of a decision from the conference.

5. The Board may confer with the person by phone or in person, or may require the submission of additional written material and will issue a written decision. If the result sought is denied in whole or in part, the decision will state the basis for the denial.

6. After the Board issues its decision, the person may appeal the matters in dispute as provided in this Chapter. The person may request a stay of the decision within ten (10) days after issuance of the decision, provided the request is based upon an intention to request a hearing.

7. If no appeal is made within the time allowed, the decision from a formal conference is final and is not subject to any appeal before the Board or in any court.

Section 16–4–5. Appeal.

1. Within thirty (30) days of service of a decision of the Board or issuance of a decision from a formal conference, a party aggrieved by the decision may file an appeal with the Board.

2. A request for appeal shall:

a. Be made in writing to the Board;

b. Identify the decision of the Board;

c. Identify any conference decision;

d. Declare the redetermination sought; and

e. Include a complete statement of the facts relied on.

3. Upon request or its own initiative, the Board may stay any action on its decision until a time not more than thirty (30) days after issuance of a decision from the appeal.

4. The Board shall conduct a hearing on the applicant's appeal and take testimony and examine documentary evidence as necessary to determine the appeal.

5. After hearing an appeal, the Board shall issue a decision. The decision of the Board on an appeal under this Section shall be the final decision of the Board, provided that the Board shall have been deemed to have issued a final decision denying an appeal if the Board:

a. Fails to schedule and hold a hearing on the merits of an otherwise valid appeal within sixty (60) days after receipt of a notice of appeal; or

b. Fails to issue a written decision within thirty (30) days of the hearing on the merits of the appeal.

6. The Board may permit or require, pursuant to the rules and regulations of the Board, one or more levels of review by its employees or delegates in addition and prior to appeal to the Board, provided that the failure to proceed to a next required level of review shall constitute a waiver of any further appeal or judicial review.

7. The failure to file an appeal pursuant to this Section shall not prevent the aggrieved party from defending any action brought by the Board against the party in Tribal Court.

Section 16–4–6. Judicial Review.

1. If a party is aggrieved by a final decision of the Board on appeal, the party may challenge the decision by filing a petition requesting judicial review of the Board's decision in the Tribal Court.

2. Judicial review of the Board's decision shall proceed in accordance with the following:

a. The petition for judicial review shall be filed within thirty (30) days of the issuance of the Board's decision;

b. No new or additional evidence may be introduced, but the matter shall be heard on the record established before the Board;

c. No new or additional issues may be raised and only issues raised before the Board may be heard regardless of the Board's authority to hear the issue;

d. The Tribal Court shall uphold all factual findings of the Board unless the Tribal Court concludes that such findings are not supported by the substantive evidence in the record established before the Board;

e. In reviewing legal conclusions reached by the Board, the Tribal Court shall give proper weight to the Board's interpretation of this Title and any rules and regulations of the Board;

f. The Tribal Court shall affirm any determination by the Board that the issuance, renewal or modification of a license is not in the best interests of the Tribe, its members or the community as a whole unless such determination is clearly arbitrary and capricious;

g. The Tribal Court may affirm, reverse, modify or vacate and remand the Board's final decision, but shall affirm the final decision unless the Tribal Court concludes that the final decision of the Board is:

i. Not supported by the evidence;

ii. Arbitrary or capricious;

iii. An abuse of discretion;

iv. Beyond the Board's authority; or

v. Otherwise contrary to the laws of the Tribe.

3. The Tribal Court shall dismiss any action brought against the Board if the person filing the action has not exhausted all administrative remedies before the Board, including an appeal to the Board.

4. Notwithstanding anything to the contrary in this Title, the Tribal Court shall not have jurisdiction or authority to award or order the payment of damages or other monies or provide any remedy to a party except for affirming, reversing, modifying or vacating and remanding the decision of the Board.

5. The Tribal Court's jurisdiction to review a final decision of the Board shall be exclusive and a final decision of the Board shall not be subject to appeal, review, challenge, or other action in any court or tribunal except as provided in this Section.

Section 16–4–7. Storage, Sale and Manufacture Violations.

1. It shall be a violation of this Title:

a. To introduce, store, possess, sell, offer for sale, distribute, transport or manufacture liquor without first obtaining all necessary licenses or in any manner not authorized by this Title;

b. To store, sell, offer for sale, distribute, transport or manufacture liquor in violation of any provision of this Title or the terms of a license issued pursuant to this Title;

c. To deliver liquor to a manufacturer, wholesaler or retailer at any place other than the premises described in the license of such manufacturer, wholesaler or retailer;

d. For any manufacturer, wholesaler or retailer to keep or store any liquor at any place other than on the premises where such manufacturer, wholesaler or retailer is authorized to operate and except as otherwise provided in this Title;

e. For any retailer to take or solicit orders for the delivery of liquor from any person unless such person is registered as a salesman in accordance with this Title;

f. For any retailer to have any interest in the property or business of a manufacturer or wholesaler;

g. For any licensee to neglect or refuse to produce or submit for inspection, examination or audit any records lawfully requested by the Board in accordance with this Title;

h. For a retailer to obtain liquor in unbroken packages except from a manufacturer or wholesale licensee;

i. For a retailer or employee of a retailer to accept or give gifts of liquor in connection with its business, except for the sampling of liquor as provided by a wholesaler in the ordinary course of the trade;

j. For a manufacturer or retailer conducting on-sales to employ any person for the purpose of soliciting the purchase of liquor within the licensed premises on a percentage or commission basis;

k. For a manufacturer or retailer conducting on-sales to sell liquor without insurance coverage as required by this Title;

l. To knowingly employ a person under the age of majority in the sale, distribution or manufacture of liquor;

m. For a manufacturer conducting on-sales, a retailer, or an employee of either to consume liquor or be intoxicated while selling liquor on the licensed premises;

n. For a manufacturer conducting on-sales or a retailer to sell liquor for anything other than cash, check, or credit or debit card transaction or extend credit to any person, organization, or entity for the purchase of liquor;

o. For a retailer conducting off-sales or an employee of such a retailer to sell or give liquor in broken or refilled packages;

p. For a retailer conducting off-sales or an employee of such a retailer to permit the consumption of liquor on the retailer's premises;

q. For a retailer conducting on-sales or an employee of such a retailer to sell or give liquor for consumption off the retailer's premises;

r. To knowingly sell liquor to a person under the age of twenty-one (21) years;

s. For a manufacturer, retailer or employee of either to sell or give any liquor to any person or permit the consumption of liquor on the licensed premises between the hours of two 2:00 a.m. and 6:00 a.m., provided that a manufacturer may sell or give liquor in

unopened packages to wholesale and retail licensees during any hour;

t. For a manufacturer or retailer conducting on-sales or an employee of either to sell or give liquor to an intoxicated person within the licensed premises.

2. If an act is a violation of this Title when committed by a licensee, retailer, wholesaler or manufacturer, the licensee, retailer, wholesaler or manufacturer is also liable if the act is committed by one of its employees or agents.

3. In addition to any other consequences for a violation of this Title, including suspension or revocation of a license, a person who commits a violation under this Section shall be subject to a civil fine of up to five hundred dollars ($500) per occurrence, which may be imposed by the Board pursuant to a notice of violation and thereafter enforced and collected through a civil cause of action brought by the Board on behalf of the Tribe in the Tribal Court.

Section 16–4–8. Violations by Public.

1. It shall be a violation of this Title for any person:

a. Who is under the age of twenty-one (21) years, to:

i. Purchase or attempt to purchase liquor except at the direction and under the supervision of the Board, its designee, or other law enforcement official for the purpose of enforcing this Title or other applicable law governing liquor on Tribal lands;

ii. Consume or possess liquor except for possession as a part of employment to the extent permitted under this Title and any applicable state law, consumption or possession as part of a bona fide religious ceremony, or consumption or possession in his or her permanent place of residence; or

iii. Attempt to purchase liquor through the use of false or altered identification which purports to show the person to be over the age of twenty-one (21) years;

b. To consume liquor from a broken package in a public place, other than licensed premises specified in a manufacturer license, a retailer license which allows on-sales, or a special event license; or

c. To transfer in any manner an identification of age to a person under the age of twenty-one (21) years for the purpose of permitting such person to obtain liquor, provided that corroborative testimony of a witness other than the underage person shall be a requirement of finding a violation of this subsection.

2. In addition to any other consequences for a violation of this Title, a person who commits a violation of this Section shall be subject to a civil fine of up to one hundred dollars ($100) per occurrence, which may be imposed by the Board pursuant to a notice of violation and thereafter enforced and collected through a civil cause of action brought by the Board on behalf of the Tribe in the Tribal Court.

Section 16–4–9. Reporting of Violations. The Board may report any violation of this Title to the appropriate officials of other jurisdictions and request an investigation and, if appropriate, prosecution of such violation as a violation of the laws of that jurisdiction, including the criminal laws of that jurisdiction.

Section 16–4–10. Revocation and Suspension of License.

1. The Board may summarily suspend for up to fifteen (15) days the license of any person upon a finding of imminent danger to the public welfare caused by the licensee or any act or omission of the licensee.

2. The Board, after at least ten (10) days notice and a full hearing, may revoke the license of any person for any of the following:

a. Repeatedly violating or permitting the violation of any provision of this Title or the rules and regulations of the Board;

b. Failure or refusal to pay all taxes imposed on the sale, distribution or manufacture of liquor under the laws of the Tribe;

c. Misrepresentation of a material fact in the licensee's application for a license or any renewal thereof;

d. The occurrence of any event which would have made the licensee ineligible for a license if the event had occurred prior to the issuance of the license;

e. Failure to maintain insurance coverage as required by this Title for a continuous period of more than thirty (30) days;

f. Imminent danger to the public welfare caused by the licensee or any act or omission of the licensee which has not been corrected within a reasonable time after notice from the Board; or

g. Failure of the licensee to correct an unhealthy or unsafe condition on the licensed premises within a reasonable time after notice from the Board.

3. The Board may suspend the license of any licensee for a period not exceeding one-hundred eighty (180) days as an alternative to revoking the license if the Board is satisfied that the grounds giving rise to the revocation or the circumstances thereof are such that a suspension of the license would be adequate.

4. Any suspension of a license pursuant to this Section shall be effective twenty-four (24) hours after service of notice thereof upon the licensee. During any period of suspension of a license, the licensee shall have and exercise no rights or privileges whatsoever under the license.

5. After revocation of a license, the licensee's rights and privileges under such license shall terminate twenty-four (24) hours after service of notice thereof upon the licensee. Any licensee whose license is revoked shall not be granted any license under the provisions of this Title for a period of two (2) years from the date of revocation.

Section 16–4–11. Enjoining Business. In addition to any other remedies available to it, the Board may bring, in the name of the Tribe, an action in any appropriate court to enjoin the operation of any unlicensed business, activity, or function when this Title requires a license for the conduct of such business, activity or function. The enjoining of a business pursuant to this Section shall be deemed an exclusion of the business pursuant to the Tribe's power to exclude and other inherent powers and authority of the Tribe.

Section 16–4–12. Seizure of Contraband.

1. In addition to any other remedies available to it, the Board, pursuant to an order issued by the Board, may seize any liquor possessed contrary to the terms of this Title, including liquor possessed for manufacture or sale, as contraband.

2. Upon seizure of any liquor pursuant to this Section, the Board shall inventory all items seized and leave a written copy of such inventory with the person from whom it was seized or, if such person cannot be found, posted at the place from which the liquor was seized.

3. Any person who claims an ownership interest, right of possession to, or other interest in liquor seized pursuant to this Section may request a formal conference regarding or file an appeal of the Board's seizure of such liquor in accordance with the provisions of this Chapter governing appeals before the Board.

4. Upon the expiration or conclusion of any appeal permitted under this Chapter of seizure of liquor pursuant to this Section, including permitted judicial review, such liquor shall be forfeited and all title and ownership interest in such liquor shall vest in the Tribe unless an appeal or judicial review returns such liquor to the person from whom it was seized or other person entitled thereto.

5. If necessary, the Board may file a complaint for forfeiture against any liquor seized pursuant to this Section in the Tribal Court. Upon the Board showing by clear and convincing evidence that seized liquor is contraband under this Title, the Tribal Court shall enter an order that such liquor is forfeited and that all title and ownership interest in such liquor is vested in the Tribe.

6. Any liquor seized pursuant to this Section to which title has vested in the Tribe that is no longer required for evidence may be sold for the benefit of the Tribe or destroyed under the supervision of the Board.

Section 16–4–13. Sovereign Immunity in Enforcement.

1. Except for valid judicial review of a decision of the Board as provided in this Title, nothing in this Title shall be construed as limiting, waiving or abrogating the sovereignty or the sovereign immunity of the Board or any of its agents, officers, officials, personnel or employees.

2. An action brought or taken by the Board, including without limitation the bringing of suit for the collection of fines or enjoining a business, activity or function, shall not constitute a waiver of sovereign immunity as to any counterclaim, regardless of whether the asserted counterclaim arises out of the same transaction or occurrence or in any other respect.

3. No economic enterprise of the Tribe may claim sovereign immunity as a defense to any action brought or taken by the Board, including a suit for the collection of fines or the enjoining of a business, activity or function of such economic enterprise and, to the extent necessary, the Tribe waives the sovereign immunity of its economic enterprises in any action brought or taken by the Board against such economic enterprise.

[FR Doc. 2018–19733 Filed 9–10–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520; OMB Control Number 1029–0119]

Agency Information Collection Activities: Contractor Eligibility and the Abandoned Mine Land Contractor Information Form

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing our intention to request renewed approval for the collection of information that provides a tool for OSMRE and the States/Indian tribes to help them prevent persons with outstanding violations from conducting further mining or AML reclamation activities in the State. This information collection activity was previously approved by the Office of Management and Budget (OMB), and assigned control number 1029–0119.

DATES: Interested persons are invited to submit comments on or before October 11, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Mail Stop 4559, Washington, DC 20240; or by email to *jtrelease@osmre.gov.* Please reference OMB Control Number 1029–0119 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact John Trelease by email at *jtrelease@osmre.gov,* or by telephone at (202) 208–2783. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provides the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on July 3, 2018 (83 FR 31173). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of OSMRE; (2) is the estimate of burden accurate; (3) how might OSMRE enhance the quality, utility, and clarity of the information to be collected; and (4) how might OSMRE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Title of Collection: 30 CFR 874.16—Contractor Eligibility and the Abandoned Mine Land Contractor Information Form.

OMB Control Number: 1029–0119.

Abstract: 30 CFR 874.16 requires that every successful bidder for an AML contract must be eligible under 30 CFR 773.15(b)(1) at the time of contract award to receive a permit or conditional permit to conduct surface coal mining operations. Further, the regulation requires the eligibility to be confirmed by OSMRE's automated Applicant/Violator System (AVS) and the contractor must be eligible under the regulations implementing Section 510(c) of the Surface Mining Control and Reclamation Act to receive permits to conduct mining operations. This form provides a tool for OSMRE and the States/Indian tribes to help them prevent persons with outstanding violations from conducting further mining or AML reclamation activities in the State.

Form Number: AML Contractor Information Form (No form number).

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: AML contract applicants and State and Tribal regulatory authorities.

Total Estimated Number of Annual Respondents: 160 contract applicants and 13 State and Tribal regulatory authorities.

Total Estimated Number of Annual Responses: 173 responses.

Estimated Completion Time per Response: An average of 30 minutes per applicant, and 1 hour per regulatory authority.

Total Estimated Number of Annual Burden Hours: 91 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Once.

Total Estimated Annual Nonhour Burden Cost: $0.

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.

Authority: The authorities for this action are the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1201 *et seq.*), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2018–19660 Filed 9–10–18; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–18–043]

Government in the Sunshine Act Meeting Notice

Agency Holding the Meeting: United States International Trade Commission.

Time and Date: September 21, 2018 at 11:00 a.m.

Place: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

Status: Open to the public.

Matters to be Considered:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote on Inv. Nos. 701–TA–609 and 731–TA–1421 (Preliminary)(Steel Trailer Wheels from China). The Commission is currently scheduled to complete and file its determinations on September 24, 2018; views of the Commission are currently scheduled to be completed and filed on October 1, 2018.
5. *Outstanding action jackets:* None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: September 7, 2018.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–19861 Filed 9–7–18; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

Proposed Renewal of the Approval of Information Collection Requirements; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance 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 (PRA). The program helps to ensure that requested data can be 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 can be properly assessed. Currently, the Office of Federal Contract Compliance Programs (OFCCP) is soliciting comments concerning its proposal to obtain approval from the Office of Management and Budget (OMB) to renew the information collection that implements standard procedures for supply and service contractors seeking approval to develop affirmative action programs based on functional or business units. A copy of the proposed information collection request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice or by accessing it at *www.regulations.gov*.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before November 13, 2018.

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

Electronic comments: The federal eRulemaking portal at *www.regulations.gov*. Follow the instructions found on that website for submitting comments.

Mail, Hand Delivery, Courier: Addressed to Debra A. Carr, Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW, Room C–3325, Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. For faster submission, we encourage commenters to transmit their comment electronically via the *www.regulations.gov* website. Comments that are mailed to the address provided above must be postmarked before the close of the comment period. All submissions must include OFCCP's name and the OMB Control number for identification. Comments, including any personal information provided, become a matter of public record and will be posted on *www.regulations.gov*. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Debra A. Carr, Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, Room C–3325, 200 Constitution Avenue NW, Washington, DC 20210. Telephone: (202) 693–0103 (voice) or (202) 693–1337 (TTY) (these are not toll-free numbers). Copies of this notice may be obtained in alternative formats (large print, braille, audio recording) upon request by calling the numbers listed above.

SUPPLEMENTARY INFORMATION:

I. Background: OFCCP administers and enforces the three nondiscrimination and equal employment opportunity laws listed below.

- Executive Order 11246, as amended (E.O. 11246)
- Section 503 of the Rehabilitation Act of 1973, as amended (Section 503)
- Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA)

These authorities prohibit employment discrimination and require affirmative action to ensure that equal employment opportunities are available regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran by federal contractors. Additionally, federal contractors and subcontractors are prohibited from, discriminating against applicants and employees for asking about, discussing, or sharing information about their pay or the pay of their co-workers. E.O. 11246 applies to federal contractors and subcontractors and to federally assisted construction contractors holding a Government contract in excess of $10,000, or Government contracts which have, or can reasonably be expected to have, an aggregate total value exceeding $10,000 in a 12-month period. E.O. 11246 also applies to government bills of lading, depositories of federal funds in any amount, and to financial institutions that are issuing and paying agents for U.S. Savings Bonds. Section 503 prohibits employment discrimination against applicants and

employees because of physical or mental disability and requires affirmative action to ensure that persons are treated without regard to disability. Section 503 applies to federal contractors and subcontractors with contracts in excess of $15,000. VEVRAA prohibits employment discrimination against protected veterans and requires affirmative action to ensure that persons are treated without regard to their status as a protected veteran. VEVRAA applies to federal contractors and subcontractors with contracts of $150,000 or more.

II. Review Focus: OFCCP is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the compliance and enforcement functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions: OFCCP seeks approval of this information collection in order to carry out and enhance its responsibilities to enforce the anti-discrimination and affirmative action provisions of the three legal authorities it administers.

Type of Review: Renewal.

Agency: Office of Federal Contract Compliance Programs.

Title: Agreement Approval Process for Use of Functional Affirmative Action Programs.

OMB Number: 1250–0006.

Agency Form Number: None.

Affected Public: Business or other for-profit entities.

Total Respondents: 85.

Total Annual responses: 85.

Estimated Total Burden Hours: 862.

Frequency: Annual.

Total Burden Cost: $29,455.

Debra A. Carr,

Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs.

[FR Doc. 2018–19680 Filed 9–10–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0027]

Addendum to the Memorandum of Understanding With the Department of Energy (August 28, 1992); Oak Ridge, Tennessee Properties

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This is a notice of an addendum to the interagency Memorandum of Understanding (MOU) between the U.S. Department of Labor (DOL), Occupational Safety and Health Administration (OSHA) and the U.S. Department of Energy (DOE). The MOU establishes specific interagency procedures for the transfer of occupational safety and health coverage for privatized facilities, properties, and operations from DOE to OSHA and state agencies acting under state plans approved by OSHA.

DATES: The expansion of the scope of recognition becomes effective on September 11, 2018.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, OSHA Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, U.S. Department of Labor, telephone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

DOE and OSHA entered into a MOU on August 10, 1992, delineating regulatory authority over the occupational safety and health of contractor employees at DOE government-owned or leased, contractor-operated (GOCO) facilities. In general, the MOU recognizes that DOE exercises statutory authority under section 161(f) of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2201(f)), relating to the occupational safety and health of private-sector employees at these facilities.

Section 4(b)(1) of the Occupational Safety Health Act of 1970 (OSH Act) (29 U.S.C. 653(b)(1), exempts from OSHA authority working conditions with respect to which other federal agencies have exercised statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health. The 1992 MOU acknowledges DOE's extensive program for the regulation of contractor health and safety, which requires contractor compliance with all OSHA standards as well as additional requirements prescribed by DOE, and concludes with an agreement by the agencies that the provisions of the OSH Act will not apply to GOCO sites for which DOE has exercised authority to regulate occupational safety and health under the Atomic Energy Act. The 1992 MOU has expired.

In light of DOE's policy emphasis on privatization activities, OSHA and DOE entered into a second MOU on July 25, 2000, that establishes interagency procedures to address regulatory authority for occupational safety and health at specified privatized facilities and operations on sites formerly controlled by DOE. The July 25, 2000, MOU covers facilities and operations on lands no longer controlled by DOE, which are not conducting activities for or on behalf of DOE and where there is no likelihood that any employee exposure to radiation from DOE sources would be 25 millirems per year (mrem/yr) or more.

II. Notice of Transfer

In an email dated February 2, 2018, DOE requested that OSHA or, as appropriate, the Tennessee Occupational Safety and Health Administration (TOSHA) accept occupational safety and health regulatory authority over employees at the East Tennessee Technology Park in Oak Ridge, Tennessee, six parcels of land pursuant to the MOU on Safety and Health Enforcement at Privatized Facilities and Operations dated July 25, 2000. Other facilities and properties at the East Tennessee Technology Park were transferred to TOSHA jurisdiction under this MOU by **Federal Register** notices 74 FR 120 (January 2, 2009), 74 FR 39977 (August 10, 2009), 76 FR 80408 (December 23, 2011) and 79 FR 29456 (May 22, 2014).

The six parcels of land, which are located at the East Tennessee Technology Park in Oak Ridge, Tennessee, and were transferred by deed to the Community Reuse Organization of East Tennessee (CROET) are described as follows:

- *Land Parcel ED–11* Consists of five tracts of land separated by roadways: ED–11A (11.67 acres), ED–11B (2.25 acres), ED–11C (0.49 acres), ED–11D

(0.31 acres), and ED–11E (0.15 acres). No buildings are included in this transfer;

• *Land Parcel ED–12* Consists of five tracts of land separated by roadways: ED–12A (5.88 acres), ED–12B (2.57 acres), ED–12C (1.75 acres), ED–12D (2.99 acres), and ED–12E (0.16 acres). No buildings are included in this transfer;

• *Land Parcel ED–3* Consists of two tracts of land separated by roadways. The southern tract (111 acres), and the northern tract (2.5 acres). No buildings are included in this transfer;

• *Land Parcel ED–3 West* Consists of one tract of approximately 72 acres. No buildings are included in this transfer;

• *Land Parcel K–31* Consists of one tract of approximately 61 acres. No buildings are included in this transfer. Any existing buildings will be destroyed before the transfer takes place; and

• *Land Parcel K–33* Consists of one tract of approximately 136.4 acres. No buildings are included in this transfer.

OSHA's Regional Office in Atlanta, Georgia, working with the OSHA Nashville Area Office and TOSHA, determined that TOSHA is willing to accept authority over the occupational safety and health of public-sector and private-sector employees at the six parcels of land at the East Tennessee Technology Park in Oak Ridge, Tennessee, that were transferred by deed to CROET. In a letter from OSHA to DOE dated May 21, 2018, OSHA stated that TOSHA is satisfied with DOE assurances that (1) there is no likelihood that any employee at facilities in the vicinity of these land parcels will be exposed to radiation levels that will be 25 millirems per year (mrem/yr) or more, and; (2) transfer of authority to TOSHA is free from regulatory gaps and does not diminish the safety and health protection of the employees.

Accordingly, TOSHA accepts and maintains health and safety regulatory authority over employees in the vicinity of Land Parcels ED–11, ED–12, ED–3, ED–3 West, K–31 and K–33.

III. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. This **Federal Register** notice provides public notice and serves as an addendum to the 1992 OSHA/DOE MOU. Accordingly, the Agency is issuing this notice pursuant to Section 8(g)(2) of the Occupational Health and Safety Act of 1970 (29 U.S.C. 657(g)(2)), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012).

Signed at Washington, DC, on September 5, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–19689 Filed 9–10–18; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2018–060]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when agencies no longer need them for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice in the **Federal Register** for records schedules in which agencies propose to destroy records they no longer need to conduct agency business. NARA invites public comments on such records schedules.

DATES: NARA must receive requests for copies in writing by October 11, 2018. Once NARA finishes appraising the records, we will send you a copy of the schedule you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send to you these requested documents in which to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Appraisal and Agency Assistance (ACRA) using one of the following means: Mail: NARA (ACRA); 8601 Adelphi Road; College Park, MD 20740–6001, Email: *request.schedule@nara.gov,* Fax: 301–837–3698.

You must cite the control number, which appears in parentheses after the name of the agency that submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, by mail at Records Appraisal and Agency Assistance (ACRA); National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001, by phone at 301–837–1799, or by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: NARA publishes notice in the **Federal Register** for records schedules they no longer need to conduct agency business. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing records retention periods and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize the agency to dispose of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless otherwise specified. An item in a schedule is media neutral when an agency may apply the disposition instructions to records regardless of the medium in which it creates or maintains the records. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is expressly limited to a specific medium. (See 36 CFR 1225.12(e).)

Agencies may not destroy Federal records without Archivist of the United States' approval. The Archivist approves destruction only after thoroughly considering the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value.

In addition to identifying the Federal agencies and any subdivisions

requesting disposition authority, this notice lists the organizational unit(s) accumulating the records (or notes that the schedule has agency-wide applicability when schedules cover records that may be accumulated throughout an agency); provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction); and includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it also includes information about the records. You may request additional information about the disposition process at the addresses above.

Schedules Pending

1. Department of Agriculture, Foreign Agricultural Service (DAA–0166–2018–0049, 2 items, 2 temporary items). Records in support of the Market Access and the Foreign Market Development programs to include program agreements, program amendments, approval letters, compliance correspondence, reimbursement claims, evaluations, performance reports, and financial reports.

2. Department of Agriculture, Foreign Agricultural Service (DAA–0166–2018–0050, 3 items, 3 temporary items). Records in support of the Office of Trade programs to include program agreements, program amendments, approval letters, compliance correspondence, reimbursement claims, evaluations, performance reports, and financial reports.

3. Department of Agriculture, Foreign Agricultural Service (DAA–0166–2018–0051, 1 item, 1 temporary item). Records in support of the Section 108 Foreign Currency programs to include program agreements, program amendments, approval letters, compliance correspondence, reimbursement claims, evaluations, performance reports, and financial reports.

4. Department of Agriculture, Forest Service (DAA–0095–2018–0044, 1 item, 1 temporary item). Forms related to financial batch control and transmittal application, as well as tracking activities.

5. Department of Agriculture, Forest Service (DAA–0095–2018–0045, 1 item, 1 temporary item). General correspondence, proposals, policy, and procedures related to commercial timber sales.

6. Department of Agriculture, Forest Service (DAA–0095–2018–0047, 1 item, 1 temporary item). General correspondence, policy, procedures, and accountability reports related to timber designation, cruising, and scaling.

7. Department of Agriculture, Forest Service (DAA–0095–2018–0048, 1 item, 1 temporary item). General correspondence, budget reports, plans, reviews, and approvals related to standards used in systems management.

8. Department of Agriculture, Forest Service (DAA–0095–2018–0049, 1 item, 1 temporary item). Policies, procedures, correspondence, and the development of forms used in timber sale contracts and permits.

9. Department of Energy, Federal Energy Regulatory Commission (DAA–0138–2018–0007, 1 item, 1 temporary item). Records relating to the oversight of natural gas pipeline providers regarding the prevention of unfair business practices including orders, motions, comments, general correspondence, and associated documents.

10. Department of Energy, Federal Energy Regulatory Commission (DAA–0138–2018–0008, 1 item, 1 temporary item). Records relating to oversight of trade and shipping of natural gas including orders, motions, comments, general correspondence, fee collection, and associated documents.

11. Department of Health and Human Services, Health Resources and Services Administration (DAA–0512–2017–0002, 7 items, 6 temporary items). System records of the National Practitioner Data Bank that include query transactions, case files, and registration forms. Proposed for permanent retention are malpractice records and Drug Enforcement Administration reports that include information on adverse actions.

12. Department of Health and Human Services, National Institutes of Health (DAA–0443–2018–0002, 1 item, 1 temporary item). Administrative support records for clinical care environments that include food service and transportation documents, employee absence and tardiness files, and volunteer service records.

13. Department of Homeland Security, Bureau of Customs and Border Protection (DAA–0568–2018–0002, 1 item, 1 temporary item). Non-evidentiary border area audio and video footage, and associated metadata.

14. Department of the Interior, Department-wide (DAA–0048–2015–0003, 23 items, 18 temporary items). Natural resource planning and development case files containing operational mission records related to fish and wildlife species management; critical habitat designations; assessment reports; surveys; Federal onshore and offshore production audits and inspections; energy lease applications and issued leases; energy resource analysis and evaluations; land use planning and activities; permits; land title, operations, and realty records; wild horse and burro adoptions; reciprocal use and license agreements; land status; water analysis and water use permitting; non-historic water and power projects and facility records; and water project, engineering, and water quality records. Proposed for permanent retention are final studies and reports related to mission programs and activities such as the Endangered Species Act and Fish and Wildlife Act management and planning files; energy and mineral final financial reports and summaries; mineral lease case history files; land use management plans and reports requiring agency authorization; historic water and power projects; and water resources and delivery records.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2018–19734 Filed 9–10–18; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0137]

Dispositioning of Technical Specifications That Are Insufficient To Ensure Plant Safety

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; reopening of comment period.

SUMMARY: On July 5, 2018, the U.S. Nuclear Regulatory Commission (NRC) solicited comments on draft regulatory guide (DG), DG–1351, ''Dispositioning of Technical Specifications that are Insufficient to Ensure Plant Safety.'' The public comment period was originally scheduled to close on September 4, 2018. The NRC has decided to extend the public comment period by 30 days to allow more time for members of the public to develop and submit their comments.

DATES: The due date of comments requested in the document published on July 5, 2018 (83 FR 31429), is being reopened. The NRC is reopening the public comment period that had closed on September 4, 2018, to allow more time for members of the public to develop and submit their comments. Comments should be filed no later than

October 11, 2018. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specified subject):

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0137. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov*. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7A–86, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Blake Purnell, Office of Nuclear Reactor Regulation, telephone: 301–415–1380, email: *blake.purnell@nrc.gov* and Stephen Burton, Office of Nuclear Regulatory Research, telephone: 301–415–7000, email: *Stephen.Burton@nrc.gov*. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0137 when contacting the NRC about the availability of information regarding this action. You may obtain publically-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–2018–0137.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''Begin Web-based ADAMS search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The draft regulatory guide is electronically available in ADAMS under Accession No. ML16124A200.
- *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–2018–0137 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 enters 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. Discussion

On July 5, 2018, the NRC solicited comments on draft regulatory guide (DG) DG–1351, ''Dispositioning of Technical Specifications that are Insufficient to Ensure Plant Safety.'' The public comment period was originally scheduled to close on September 4, 2018. The NRC received a request from stakeholders to extend the public comment period by 30 days. The NRC has agreed to the request and decided to reopen the public comment period until October 11, 2018, to allow more time for members of the public to develop and submit their comments.

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

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2018–19677 Filed 9–10–18; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC–2018–0188]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly 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.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from August 14 to August 27, 2018. The last biweekly notice was published on August 28, 2018.

DATES: Comments must be filed by October 11, 2018. A request for a hearing must be filed by November 13, 2018.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0188. 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: Beverly Clayton, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3475, email: *Beverly.Clayton@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0188 facility name, unit number(s), plant docket number, application date, and subject 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–2018–0188.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0188 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. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve 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 each 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 these license amendment applications, 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.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of amendment request: June 12, 2018, as supplemented by letter dated August 7, 2018. Publicly-available versions are in ADAMS under Accession Nos. ML18163A351 and ML18219C797, respectively.

Description of amendment request: The amendment proposes to clean-up the operating license and the technical specifications, including editorial changes and the removal of obsolete information.

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 change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The impacts of these administrative changes do not affect how plant equipment is operated or maintained. The proposed changes do not impact the intent or substance of the Operating License (OL) or Technical Specifications (TS). There are no changes to the physical plant or analytical methods.

The proposed amendment involves administrative and editorial changes only. The proposed amendment does not impact any accident initiators, analyzed events, or assumed mitigation of accident or transient events. The proposed changes do not involve the addition or removal of any equipment or any design changes to the facility. The proposed changes do not affect any plant operations, design functions, or analyses that verify the capability of structures, systems, and components (SSCs) to perform a design function. The proposed changes do not change any of the accidents previously evaluated in the updated Final Safety Analysis Report (FSAR). The proposed changes do not affect SSCs, operating procedures, and administrative controls that have the function of preventing or mitigating any of these accidents.

Therefore, the proposed changes do not represent a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment only involves administrative and editorial changes. No actual plant equipment or accident analyses will be affected by the proposed changes. The proposed changes will not change the design function or operation of any SSCs. The proposed changes will not result in any new failure mechanisms, malfunctions, or accident initiators not considered in the design and licensing bases. The proposed amendment does not impact any accident initiators, analyzed events, or assumed mitigation of accident or transient events.

Therefore, this proposed changes do not create the possibility of an accident of a new or different kind than previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment only involves administrative and editorial changes. The proposed changes do not involve any physical changes to the plant or alter the manner in which plant systems are operated, maintained, modified, tested, or inspected. The proposed changes do not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by these changes. The proposed changes will not result in plant operation in a configuration outside the design basis. The proposed changes do not adversely affect systems that respond to safely shutdown the plant and to maintain the plant in a safe shutdown condition.

Therefore, the proposed changes do 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: William A. Horin, Esq., Winston & Strawn, 1700 K Street NW, Washington, DC 20006–3817.

NRC Branch Chief: Robert J. Pascarelli.

Entergy Nuclear Indian Point 2, LLC and Entergy Nuclear Operations, Inc., Docket Nos. 50–003 and 50–247, Indian Point Nuclear Generating Unit Nos. 1 and 2 (IP1 and IP2), Westchester County, New York

Date of amendment request: June 20, 2018. A publicly-available version is in ADAMS under Package Accession No. ML18179A173.

Description of amendment request: The amendment would delete specific

license conditions from the Indian Point Unit Nos. 1 and 2 (IP1 and IP2) facility operating licenses related to the terms and conditions of the decommissioning trust fund agreement. Specifically, the amendment would allow the provisions of 10 CFR 50.75(h), which specify the regulatory requirements for decommissioning trust funds, to apply to Entergy Nuclear Operations, Inc.

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. Do the proposed amendments involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The requested changes delete License Conditions 6.(a) and 7 of the IP1 OL [Operating License] and License Conditions 3.(a) and 4 of the IP2 OL, which pertain to the decommissioning trust agreements.

This request involves changes that are administrative in nature. No actual plant equipment or accident analyses will be affected by the proposed changes. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed amendments create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This request involves administrative changes to the IP1 and IP2 OLs relating to the terms and conditions of the decommissioning trust agreements. The proposed changes will be consistent with the NRC's regulations at 10 CFR 50.75(h).

No actual plant equipment or accident analyses will be affected by the proposed changes and no failure modes not bounded by previously evaluated accidents will be created.

Therefore, the proposed amendments do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed amendments involve a significant reduction in a margin of safety?

Response: No.

This request involves administrative changes to the IP1 and IP2 OLs that will be consistent with the NRC's regulations at 10 CFR 50.75(h).

Margin of safety is associated with confidence in the ability of the fission product barriers to limit the level of radiation doses to the public. No actual plant equipment or accident analyses will be affected by the proposed change. Additionally, the proposed changes will not relax any criteria used to establish safety limits, will not relax any safety systems settings, or will not relax the bases for any limiting conditions of operation.

Therefore, the proposed amendments do not involve a significant reduction in the 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: Bill Glew, Associate General Counsel, Entergy Services, Inc., 639 Loyola Avenue, 22nd Floor, New Orleans, LA 70113.

NRC Branch Chief: James G. Danna.

NextEra Energy Seabrook, LLC, Docket No. 50–443, Seabrook Station, Unit No. 1 (Seabrook), Rockingham County, New Hampshire

Florida Power & Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Florida Power & Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Nuclear Generating Unit Nos. 3 and 4 (Turkey Point), Miami-Dade County, Florida

Date of amendment request: May 29, 2018. A publicly-available version is in ADAMS under Accession No. ML18151A472.

Description of amendment request: The amendments would revise the technical specifications (TS) to include the provisions of Limit Conditioning for Operation (LCO) 3.0.6 in the standard TS. In support of this change, the licensee is also proposing to add a new Safety Function Determination Program to the administrative section of the TS, Notes and Actions that direct entering the Actions for the appropriate supported systems, and changes to LCO 3.0.2 for all three facilities; as well as changes to LCO 3.0.1 for Seabrook and Turkey Point.

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 change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This change is associated with the administrative requirements for implementing the TS, which are not initiators of any accidents previously evaluated, so the probability of accidents previously evaluated is unaffected by the proposed change. The proposed change does not alter the design, function, or operation of any plant structure, system, or component (SSC). The capability of any operable TS-required SSC to perform its specified safety function is not impacted by the proposed change. As a result, the outcomes of accidents previously evaluated are unaffected. Therefore, the proposed change does not result in a significant increase in the probability or consequences of an accident previously evaluated.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not challenge the integrity or performance of any safety-related systems. No plant equipment is installed or removed, and the changes do not alter the design, physical configuration, or method of operation of any plant SSC. No physical changes are made to the plant, so no new causal mechanisms are introduced. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The ability of any operable SSC to perform its designated safety function is unaffected by the proposed changes. The proposed change does not alter any safety analyses assumptions, safety limits, limiting safety system settings, or method of operating the plant. The change does not adversely affect plant operating margins or the reliability of equipment credited in the safety analyses.

The proposed change allows not entering the Actions for supported systems that are inoperable solely due to a support system LCO not being met. However, the change also requires implementing a Safety Function Determination Program (SFDP) to determine if a loss of safety function exists. If the SFDP determines that a loss of safety function exists, the appropriate actions of the LCO in which the loss of safety function exists are required to be entered.

Therefore, the proposed change does not involve a significant reduction in the 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: Debbie Hendell, Managing Attorney—Nuclear, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.

NRC Branch Chief: James G. Danna.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2 (PINGP), Goodhue County, Minnesota

Date of amendment request: June 26, 2018. A publicly-available version is in ADAMS under Accession No. ML18177A450.

Brief description of amendment request: The proposed amendments would modify the PINGP licensing basis by the addition of a License Condition to allow for the implementation of the provisions of 10 CFR 50.69, ''Risk-Informed Categorization and Treatment of Structures, Systems, and Components for Nuclear Power Reactors.''

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 change will permit the use of a risk-informed categorization process to modify the scope of Structures, Systems and Components (SSCs) subject to NRC special treatment requirements and to implement alternative treatments per the regulation. The process used to evaluate SSCs for changes to NRC special treatment requirements and the use of alternative requirements ensure the ability of the SSCs to perform their design function. The potential change to special treatment requirements does not change the design and operation of the SSCs. As a result, the proposed change does not significantly affect any initiators to accidents previously evaluated or the ability to mitigate any accidents previously evaluated. The consequences of the accidents previously evaluated are not affected because the mitigation functions performed by the SSCs assumed in the safety analysis are not being modified. The SSCs required to safely shut down the reactor and maintain it in a safe shutdown condition following an accident will continue to perform their design functions.

Therefore, the proposed change 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 previously evaluated?

Response: No.

The proposed change will permit the use of a risk-informed categorization process to modify the scope of SSCs subject to NRC special treatment requirements and to implement alternative treatments per the regulation. The proposed change does not change the functional requirements, configuration, or method of operation of any SSC. Under the proposed change, no additional plant equipment will be installed.

Therefore, the proposed changes do 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 change will permit the use of a risk-informed categorization process to modify the scope of SSCs subject to NRC special treatment requirements and to implement alternative treatments per the regulation. The proposed change does not affect any Safety Limits or operating parameters used to establish the safety margin. The safety margins included in analyses of accidents are not affected by the proposed change. The regulation requires that there be no significant effect on plant risk due to any change to the special treatment requirements for SSCs and that the SSCs continue to be capable of performing their design basis functions, as well as to perform any beyond design basis functions consistent with the categorization process and results.

Therefore, the proposed changes do 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 requests involve no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: David J. Wrona.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: July 20, 2018. A publicly-available version is in ADAMS under Accession No. ML18201A610.

Description of amendment request: The requested amendment proposes to change Technical Specifications (TS) regarding operability requirements for the Engineered Safety Features Actuation System Spent Fuel Pool Level—Low 2 and In-Containment Refueling Water Storage Tank (Wide Range Level—Low instrumentation functions for Refueling Cavity and Spent Fuel Pool Cooling System (SFS) Isolation. Additional changes are proposed to add TS operability requirements for the SFS containment isolation valves in MODES 5 and 6.

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 safety limits as described in the plant-specific Technical Specifications. In addition, the limiting safety system settings and limiting control settings continue to be met with the proposed changes to the plant-specific Technical Specifications limiting conditions for operation, applicability, actions, and surveillance requirements. The proposed changes do not adversely affect the operation of any systems or equipment that initiate an analyzed accident or alter any structures, systems, and components (SSCs) accident initiator or initiating sequence of events. The proposed changes do not result in any increase in probability of an analyzed accident occurring, and maintain the initial conditions and operating limits required by the accident analysis, and the analyses of normal operation and anticipated operational occurrences, so that the consequences of postulated accidents are not changed. The proposed changes do not adversely affect the ability of the Refueling Cavity and SFS Isolation function, and the SFS containment isolation valves, to perform the required safety functions, and do not adversely affect the probability of inadvertent operation or failure of the required safety functions.

Therefore, the requested 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 safety limits as described in the plant-specific Technical Specifications. In addition, the limiting safety system settings and limiting control settings continue to be met with the proposed changes to the plant-specific Technical Specifications limiting conditions for operation, applicability, actions, and surveillance requirements. 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.

These proposed changes do not adversely 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 results in significant fuel cladding failures.

Therefore, the requested 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 do not affect the safety limits as described in the plant-specific Technical Specifications. In addition, the limiting safety system settings and limiting control settings continue to be met with the proposed changes to the plant-specific Technical Specifications limiting conditions for operation, applicability, actions, and surveillance requirements. The proposed changes do not affect the initial conditions and operating limits required by the accident analysis, and the analyses of normal operation and anticipated operational occurrences, so that the acceptance limits specified in the UFSAR [Updated Final Safety Analysis Report] are not exceeded. The proposed changes satisfy the same safety functions in accordance with the same requirements as stated in the UFSAR. These changes do not adversely 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 Dixon-Herrity.

Southern Nuclear Operating Company, Inc. (SNC), Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2, Appling County, Georgia

Date of amendment request: March 9, 2018. A publicly-available version is in ADAMS under Accession No. ML18071A363.

Description of amendment request: The amendments would revise the Technical Specifications (TS) requirements for the Hatch Nuclear Plant, Unit Nos. 1 and 2. Specifically, TS 3.3.8.1, ''Loss of Power (LOP) Instrumentation,'' for Unit Nos. 1 and 2 would be revised to modify the instrument allowable values (AVs) for the 4.16 kilovolt (kV) emergency bus degraded voltage instrumentation and delete the annunciation requirements for the 4.16 kV emergency bus undervoltage instrumentation associated with the Unit 2 emergency buses. In addition, the proposed amendments would revise Unit 2 License Condition 2.C(3)(i) to clarify its intent.

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 change incorporates concomitant changes to the LOP instrumentation requirements to reflect an electrical power system modification by deleting the unnecessary loss of voltage annunciation requirements and increasing the AVs for the degraded voltage protection instrumentation.

The proposed license change does not involve a physical change to the LOP instrumentation, nor does it change the safety function of the LOP instrumentation or the equipment supported by the LOP instrumentation. Automatic starting of the [diesel generators] DGs is assumed in the mitigation of a design basis event upon a loss of offsite power. This includes transferring the normal offsite power source to an alternate or emergency power source in the event of a sustained degraded voltage condition. The LOP instrumentation continues to provide this capability and is not altered by the proposed license change. The proposed change does not adversely affect accident initiators or precursors including a loss of offsite power or station blackout. The revised LOP degraded instrumentation setpoints ensure that the Class 1E electrical distribution system is separated from the offsite power system prior to damaging the safety related loads during sustained degraded voltage conditions while avoiding an inadvertent separation of safety-related buses from the offsite power system. Additionally, the degraded voltage instrumentation time delay will isolate the Class 1E electrical distribution system from offsite power before the diesel generators are ready to assume the emergency loads, which is the limiting time basis for mitigating system responses to design basis accidents. As a result, the proposed change does not significantly alter assumptions relative to the mitigation of an accident or transient event and the proposed change 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.

With respect to a new or different kind of accident, the proposed license change does not alter the design or performance of the LOP instrumentation or electrical power system; nor are there any changes in the method by which safety related plant structures, systems, and components (SSCs) perform their specified safety functions as a result of the proposed license amendment. The proposed change deletes the loss of voltage annunciation requirements and increases the AVs for the degraded voltage protection instrumentation as a result of an electrical power system modification, which SNC has evaluated independently of this proposed license amendment. The proposed license amendment will not affect the normal method of plant operation or revise any operating parameters. Additionally, there is no detrimental impact on the manner in which plant equipment operates or responds to an actuation signal as a result of the proposed license change. No new accident scenarios, transient precursor, failure mechanisms, or limiting single failures will be introduced as a result of this proposed change and the failure modes and effects analyses of SSCs important to safety are not altered as a result of this proposed change.

The process of operating and testing the LOP instrumentation uses current procedures, methods, and processes already established and currently in use and is not being altered by the proposed license amendment. Therefore, the proposed change does not constitute a new type of test.

Accordingly, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is provided by the performance capability of plant equipment in preventing or mitigating challenges to fission product barriers under postulated operational transient and accident conditions. The proposed license change deletes the loss of voltage annunciation requirements and increases the AVs for the degraded voltage protection instrumentation as a result of an electrical power system modification, which SNC has evaluated independently of this proposed license amendment. The proposed deletion of the loss of voltage annunciation requirements is offset by the more restrictive degraded voltage instrumentation AVs thereby providing an automatic emergency bus transfer to the alternate or emergency power supply in the event of a sustained degraded voltage condition.

Therefore, the margin[s] associated with a design basis or safety limit parameter are not adversely impacted by the proposed amendment and, thus the proposed change 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: Jennifer M. Buettner, Associate General Counsel,

Southern Nuclear Operating Company, 40 Inverness Center Parkway, Birmingham, AL 35242.

NRC Branch Chief: Michael T. Markley.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Unit Nos. 1 and 2, Louisa County, Virginia and Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: January 16, 2018, as supplemented by letter dated June 13, 2018. Publicly-available versions are in ADAMS under Accession Nos. ML18025B468 and ML18169A224, respectively.

Description of amendment request: The amendments would authorize changes to the North Anna Power Station (NAPS) and Surry Power station (SPS) emergency plans and would allow the consolidation of both sites' current emergency operations facilities (EOF) into a central EOF. As the location of the consolidated EOF would be greater than 25 miles from either site, this action requires the approval of the NRC itself.

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. Do the proposed amendments involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendments affect the NAPS and SPS emergency plans, including relocation of [Consolidated Emergency Response Plan] CERP content, but do not alter any of the requirements of the Operating Licenses or the Technical Specifications. The proposed amendments do not modify any plant equipment and [do] not impact any failure modes that could lead to an accident. Additionally, the proposed amendments have no effect on the consequences of any analyzed accident since the amendments do not affect any equipment related to accident mitigation. Therefore, the proposed amendments do not involve a significant increase [in] the probability or consequences of an accident previously evaluated.

2. Do the proposed amendments create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendments affect the NAPS and SPS emergency plans, including relocation of CERP content, but do not alter any of the requirements of the Operating Licenses or the Technical Specifications. [They do] not modify any plant equipment and there are no impacts on the capability of existing equipment to perform its intended functions. No system setpoints are being modified and no new failure modes are introduced. The proposed amendments do not introduce new accident initiator[s] or malfunctions that would cause a new or different kind of accident. Therefore, the proposed amendments do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed amendments involve a significant reduction in a margin of safety?

Response: No.

The proposed amendments affect the NAPS and SPS emergency plans, including relocation of CERP content, but do not alter any of the requirements of the Operating Licenses or the Technical Specifications. The proposed amendments do not affect any of the assumptions used in the accident analyses, or any operability requirements for equipment important to plant safety. Therefore, the proposed amendments do not involve a significant reduction in the 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: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

NRC Branch Chief: Michael T. Markley.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Unit Nos. 1 and 2, Louisa County, Virginia

Date of amendment request: January 22, 2018, as supplemented by letter dated March 26, 2018. Publicly-available versions are in ADAMS under Accession Nos. ML18029A118, and ML18092A081, respectively.

Description of amendment request: The amendments would revise the North Anna Technical Specification (TS) requirements regarding ventilation system testing in accordance with the Technical Specifications Task Force traveler, TSTF–522, ''Revise Ventilation System Surveillance Requirements to Operate for 10 Hours per Month.''

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 change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change replaces existing [Surveillance Requirements] SRs to operate the [Main Control Room/Emergency Switchgear Room Emergency Ventilation System] MCR/ESGR EVS and [Emergency Core Cooling System Pump Room Exhaust Air Cleanup System] ECCS PREACS Systems equipped with electric heaters for a continuous 10 hour period every 31 days with a requirement to operate the systems for 15 continuous minutes every 31 days with heaters operating, if needed. In addition, the electrical heater output test in the [Ventilation Filter Testing Program] VFTP (TS 5.5.10.e) is proposed to be removed and a corresponding change in the charcoal filter testing (TS 5.5.10.c) be made to require testing be conducted at a humidity of at least 95% [relative humidity] RH, which is more stringent than the current testing requirement of 70% RH.

These systems are not accident initiators and therefore, these changes do not involve a significant increase in the probability of an accident. The proposed system and filter testing changes are consistent with current regulatory guidance for these systems and will continue to assure that these systems perform their design function which may include mitigating accidents. Thus, the change does not involve a significant increase in the consequences of an accident.

The change to the [Environmental Protection Plan] EPP is administrative in nature to reflect approved NRC references (codes).

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change replaces existing SRs to operate the MCR/ESGR EVS and ECCS PREACS Systems equipped with electric heaters for a continuous 10 hour period every 31 days with a requirement to operate the systems for 15 continuous minutes every 31 days with heaters operating, if needed. In addition, the electrical heater output test in the VFTP (TS 5.5.10.e) is proposed to be removed and a corresponding change in the charcoal filter testing (TS 5.5.10.c) be made to require testing be conducted at a humidity of at least 95% RH, which is more stringent than the current testing requirement of 70% RH.

The change proposed for these ventilation systems does not change any system operations or maintenance activities. Testing requirements will be revised and will continue to demonstrate that the Limiting Conditions for Operation are met and the system components are capable of performing their intended safety functions. The change does not create new failure modes or mechanisms and no new accident precursors are generated.

The change to the EPP is administrative in nature to reflect approved NRC references (codes).

Therefore, it is concluded that this change does not create the possibility of a new or

different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change replaces existing SRs to operate the MCR/ESGR EVS and ECCS PREACS Systems equipped with electric heaters for a continuous 10 hour period every 31 days with a requirement to operate the systems for 15 continuous minutes every 31 days with heaters operating, if needed. In addition, the electrical heater output test in the VFTP (TS 5.5.10.e) is proposed to be removed and a corresponding change in the charcoal filter testing (TS 5.5.10.c) be made to require testing be conducted at a humidity of at least 95% RH, which is more stringent than the current testing requirement of 70% RH.

The proposed increase to 95% RH in the required testing of the MCR/ESGR EVS charcoal filters compensates for the function of the heaters, which was to reduce the humidity of the incoming air to below the currently-specified value of 70% RH for the charcoal. The proposed change is consistent with regulatory guidance and continues to ensure that the performance of the charcoal filters is acceptable.

The change to the EPP is administrative in nature to reflect approved NRC references (codes).

Therefore, it is concluded that this change 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: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

NRC Branch Chief: Michael T. Markley.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Unit Nos. 1 and 2, Louisa County, Virginia

Date of amendment request: April 30, 2018. A publicly-available version is in ADAMS under Accession No. ML18127A073.

Description of amendment request: The amendments would revise the Technical Specification (TS) requirements to add operability requirements, required actions, and surveillance requirements for the new 4160 volt emergency bus voltage unbalance protection system at the North Anna Power Station, Unit Nos. 1 and 2.

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 change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change adds operability requirements, required actions, and surveillance requirements for the voltage unbalance (open phase) protection function associated with the 4kV emergency buses. This system provides an additional level of undervoltage protection for Class 1E electrical equipment. The proposed change will promote reliability of the voltage unbalance (open phase) protection circuitry in the performance of its design function of detecting and mitigating a voltage unbalance condition on a required off-site primary power source and initiating transfer to the onsite emergency power source.

The new voltage unbalance (open phase) protection function will further ensure the normally operating Class 1E motors/equipment, which are powered from the Class 1E buses, are appropriately isolated from a primary off-site power source experiencing a consequential voltage unbalance and will not be damaged. The addition of the voltage unbalance (open phase) protection function will continue to allow the existing undervoltage protection circuitry to function as originally designed (*i.e.,* degraded and loss of voltage protection will remain in place and be unaffected by this change). The proposed change does not affect the probability of any accident resulting in a loss of voltage or degraded voltage condition on the Class 1E electrical buses and will enhance station response to mitigating the consequences of accidents previously evaluated as this change further ensures continued operation of Class 1E equipment throughout accident scenarios.

Specific models and analyses were performed and demonstrated that the proposed voltage unbalance (open phase) protection function, with the specified operability requirements, required actions, and surveillance requirements, will ensure the Class 1E system will be isolated from the off-site power source should a consequential voltage unbalance condition occur. The Class 1E motors will be subsequently sequenced back onto the Class 1E buses powered by the [emergency diesel generators] EDGs and will therefore not be damaged in the event of a consequential voltage unbalance under both accident and non-accident conditions. Therefore, the Class 1E loads will be available to perform their design basis functions should a loss of coolant accident (LOCA) occur concurrent with a loss of offsite power (LOOP) following a voltage unbalance condition. The loading sequence (*i.e.,* timing) of Class 1E equipment back onto the ESF bus, powered by the EDG, is within the existing degraded voltage time delay.

The addition of the new voltage unbalance (open phase) protection function will have no impact on accident initiators or precursors and does not alter the accident analysis assumptions.

Based on the above, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not alter the requirements for the availability of the 4kV emergency buses during accident conditions. The proposed change does not alter assumptions made in the safety analysis and is consistent with those assumptions. The addition of the voltage unbalance (open phase) protection function TS enhances the ability of plant operators to identify and respond to a voltage unbalance condition in an off-site, primary power source, thereby ensuring the station electric distribution system will perform its intended safety function as designed. The proposed TS change will promote voltage unbalance (open phase) protection function performance reliability in a manner similar to the existing loss of voltage and degraded voltage protective circuitry.

The proposed change does not result in the creation of any new accident precursors; does not result in changes to any existing accident scenarios; and does not introduce any operational changes or mechanisms that would create the possibility of a new or different kind of accident. A failure mode and effects review was completed for postulated failure mechanisms of the new voltage unbalance protection function and concluded that the addition of this protection function would not: (1) Affect the existing loss of voltage and degraded voltage protection schemes, (2) affect the number of occurrences of degraded voltage conditions that would cause the actuation of the existing Loss of Voltage, Degraded Voltage or negative sequence voltage protection relays, (3) would not affect the failure rate of the existing protection relays, and (4) would not impact the assumptions in any existing accident scenario.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does this change involve a significant reduction in a margin of safety?

Response: No.

The proposed change enhances the ability of the plant to identify and isolate a voltage unbalance in an off-site, primary power source and transfer the power source for the 4kV emergency buses to the onsite emergency power system. The proposed change does not affect the dose analysis acceptance criteria, does not result in plant operation in a configuration outside the analyses or design basis, and does not adversely affect systems that respond to safely shutdown the plant and to maintain the plant in a safe shutdown condition.

With the addition of the new voltage unbalance (open phase) protection function, the capability of Class 1E equipment to perform its safety function will be further assured and the equipment will remain capable of mitigating the consequences of previously analyzed accidents while

maintaining the existing margin to safety currently assumed in the accident analyses.

Therefore, the proposed change 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: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

NRC Branch Chief: Michael T. Markley.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station (Catawba), Units 1 and 2, York County, South Carolina

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station (McGuire), Units 1 and 2, Mecklenburg County, North Carolina

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station (Oconee), Units 1, 2, and 3, Oconee County, South Carolina

Duke Energy Progress, LLC, Docket No. 50–400, Shearon Harris Nuclear Power Plant (Harris), Unit 1, Wake County, North Carolina

Duke Energy Progress, LLC, Docket No. 50–261, H. B. Robinson Steam Electric Plant (Robinson), Unit No. 2, Darlington County, South Carolina

Date of amendment request: November 7, 2017.

Brief description of amendments: The amendments revised the technical specifications (TSs) based on Technical Specification Task Force (TSTF) Traveler TSTF–545, Revision 3, ''TS Inservice Testing [IST] Program Removal & Clarify SR [Surveillance Requirement] Usage Rule Application to Section 5.5 Testing,'' with some variations. For each plant, the changes included deleting the current TS for the IST Program, adding a new defined term, ''Inservice Testing Program,'' to the TSs, and revising other TSs to reference this new defined term instead of the deleted TS.

Date of issuance: August 15, 2018.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: Catawba (Unit 1—299, Unit 2—295); McGuire (Unit 1—309, Unit 2—288); Oconee (Unit 1—409, Unit 2—411, Unit 3—410); Harris (Unit 1—166); and Robinson (Unit 2—259). A publicly-available version is in ADAMS under Accession No. ML18172A172; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–35, NPF–52, NPF–9, NPF–17, DPR–38, DPR–47, DPR–55, NPF–63, and DPR–23: Amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** January 16, 2018 (83 FR 2227).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 15, 2018.

No significant hazards consideration comments received: No.

Duke Energy Progress, LLC, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: February 7, 2018.

Brief description of amendment: The amendment revised the Technical Specification (TS) Section 3.4.3 ''RCS [Reactor Coolant System] Pressure and Temperature (P/T) Limits,'' to reduce the applicability terms from 50 effective full-power years (EFPY) to 46.3 EFPY in Figures 3.4.3–1 and 3.4.3–2, as a result of the removal of part length fuel assemblies and the migration to 24-month fuel cycles.

Date of issuance: August 16, 2018.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment No.: 260. A publicly-available version is in ADAMS under Accession No. ML18200A042; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–23: Amendment revised the Renewed Facility Operating License and TSs.

Date of initial notice in ***Federal Register:*** April 10, 2018 (83 FR 15415).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 16, 2018.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: July 20, 2017.

Brief description of amendment: The amendment is for a revision to the Facility Operating License and Technical Specifications to reflect the removal of all spent nuclear fuel from the Vermont Yankee Nuclear Power Station spent fuel pool and its transfer to dry cask storage within an onsite independent spent fuel storage installation (ISFSI) once all of the spent nuclear fuel is placed in the ISFSI.

Date of issuance: August 15, 2018.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 270. A publicly-available version is in ADAMS under Accession No. ML18156A179;

documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. DPR–28: The amendment revised the Facility Operating License.

Date of initial notice in ***Federal Register:*** September 26, 2017 (82 FR 44847).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 15, 2018.

No significant hazards consideration comments received: No.

Exelon FitzPatrick, LLC and Exelon Generation Company, LLC Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant (JAFNPP), Oswego County, New York

Date of amendment request: October 2, 2017, as supplemented by letters dated January 22 and April 19, 2018.

Brief description of amendment: The amendment revised existing JAFNPP technical specification (TS) requirements related to ''operations with a potential for draining the reactor vessel'' with new requirements on reactor pressure vessel water inventory control to protect TS 2.1.1.3 Safety Limit.

Date of issuance: August 24, 2018.

Effective date: As of its date of issuance, and shall be implemented within 180 days of issuance.

Amendment No.: 321. A publicly-available version is in ADAMS under Accession No. ML18194A882; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–59: The amendment revised the Renewed Facility Operating License and TS.

Date of initial notice in ***Federal Register:*** November 21, 2017 (82 FR 55406). The supplemental letters dated January 22 and April 19, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 24, 2018.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of amendment request: February 14, 2018.

Brief description of amendment: The amendment revised Surveillance Requirement 3.3.1.1.2 of TS 3.3.1.1, ''Reactor Protection System (RPS) Instrumentation,'' to require adjustment of the average power range monitor (APRM) channels only if the calculated power exceeds the APRM output by more than 2 percent rated thermal power. The change is based on Technical Specifications Task Force (TSTF) traveler TSTF–546, ''Revise APRM Channel Adjustment Surveillance Requirement.''

Date of issuance: August 23, 2018.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 183. A publicly-available version is in ADAMS under Accession No. ML18199A280; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–58: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** April 24, 2018 (83 FR 17863).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 23, 2018.

No significant hazards consideration comments received: No.

NextEra Energy Duane Arnold, LLC, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: September 5, 2017, as supplemented by letter dated March 1, 2018.

Brief description of amendment: The amendment revised TS 3.5.1, ''ECCS—Operating'' to decrease the nitrogen supply requirement for the Automatic Depressurization System in Surveillance Requirement 3.5.1.3 from 100 days to 30 days.

Date of issuance: August 16, 2018.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 306. A publicly-available version is in ADAMS under Accession No. ML18179A184; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–49: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 21, 2017 (82 FR 55407). The supplemental letter dated March 1, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 16, 2018.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: April 13, 2018.

Description of amendment: The amendment requested changes to the plant-specific Appendix A, Technical Specifications (TS) as incorporated into the VEGP Combined License (COL), and changes to the approved AP1000 Design Control Document Tier 2 information as incorporated into the Updated Final Safety Analysis Report (UFSAR). Specifically, the amendment includes changes to the COL Appendix A, TS related to the statuses of the remotely operated containment isolation valves. There are two changes to the licensing basis documents that are proposed in this License Amendment Request. The first change is to clarify the post-accident monitoring (PAM) category designation for containment isolation valves statuses by explicitly stating it in the licensing basis. This change will help the operators avoid confusion and a potential human factor error and will allow operators to quickly verify that the nonessential containment flow paths are isolated and then focus on the availability of the essential flow paths for their defense-in-depth capabilities. The second change is to add PAM requirements to the UFSAR for the Normal Residual Heat Removal System, the Component Cooling Water System, and the Chemical and Volume Control System containment isolation valve statues to capture PAM requirements for their valve status which is not currently required for PAM in UFSAR Table 7.5–1, ''Post-Accident Monitoring System''.

Date of issuance: August 7, 2018.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 137 (Unit 3) and 136 (Unit 4). A publicly-available version is in ADAMS under Accession

No. ML18191B091; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Combined Licenses No. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register:*** May 22, 2018 (83 FR 23728).

The Commission's related evaluation of the amendment is contained in the Safety Evaluation dated August 7, 2018.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: January 31, 2018, as supplemented by letter dated May 2, 2018.

Description of amendment: The amendment revises the VEGP Units 3 and 4 combined license (COL) Appendix A, Technical Specification (TS) related to Pressurizer Safety Valve (PSV) operability. The amendment changes TS 3.4.6, ''PSV Applicability'' to require the PSV to be operable when the TS 3.4.14, ''Low Temperature Overpressure Protection,'' is not required to be operable. A conforming change is made to the TS 3.4.6 Actions. Additional TS changes necessary to support PSV operability are made for consistency with the TS 3.4.6. The amendment also approves moving TS Limiting Condition for Operation Notes regarding reactor coolant pump starts from TS 3.4.4, ''Reactor Coolant System (RCS) Loops, 3.4.8, ''Minimum RCS Flow,'' and 3.4.14 to TS 3.4.3, ''RCS Pressure/Temperature Limits.''

Date of issuance: July 12, 2018.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 133 (Unit 3) and 132 (Unit 4). A publicly-available version is in ADAMS under Accession No. ML18159A437; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Combined Licenses Nos. NPF–91 and NPF–92: Amendment revised the Facility COL.

Date of Initial Notice in ***Federal Register:*** March 13, 2018 (83 FR 10922). The supplement dated May 2, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in the Safety Evaluation dated July 12, 2018.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant (WBN), Unit 1, Rhea County, Tennessee

Date of amendment request: July 8, 2018, as supplemented by letters dated July 24 and July 30, 2018.

Brief description of amendment: The amendment extended Technical Specification (TS) Surveillance Requirements (SRs) 3.3.1.5, 3.3.2.2, and 3.3.6.2 by revising the WBN, Unit 1, TS SR 3.0.2 and certain SRs in Table SR 3.0.2–1.

Date of issuance: August 16, 2018.

Effective date: As of the date of issuance and shall be implemented immediately.

Amendment No.: 121. A publicly-available version is in ADAMS under Accession No. ML18204A252; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–90: The amendment revised the Facility Operating License and TSs.

Date of initial notice in ***Federal Register:*** July 16, 2018 (83 FR 32912). The supplemental letters dated July 24 and July 30, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally notified, and did not change the NRC staff's proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment and final determination of no significant hazards consideration is contained in a Safety Evaluation dated August 16, 2018.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 31st day of August 2018.

For the Nuclear Regulatory Commission.

Kathryn M. Brock,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–19419 Filed 9–10–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0197]

Proposed Revisions to Standard Review Plan Section 13.6, Physical Security

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-draft section revision; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on draft NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 13.6, ''Physical Security.'' This section has been updated to reflect the latest NRC guidance concerning physical security.

DATES: Comments must be filed no later than November 13, 2018. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0197. 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: Mark D. Notich, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3053, email: *Mark.Notich@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0197 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–2018–0197.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*

• *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–2018–0197 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. Further Information

The NRC seeks public comment on the proposed Standard Review Plan (SRP)-draft section revision of Section 13.6, ''Physical Security.'' The changes made in this revision to this section reflect the latest NRC guidance concerning physical security.

Following NRC staff evaluation of public comments, the NRC intends to finalize SRP Section 13.6, ''Physical Security,'' Revision 4 in ADAMS and post it on the NRC's public website at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/.* The SRP is guidance for the NRC staff. The SRP is not a substitute for the NRC regulations, and compliance with the SRP is not required.

III. Backfitting and Issue Finality

Issuance of this draft SRP, if finalized, would not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR) (the Backfit Rule) or otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations:

1. *The draft SRP positions do not constitute backfitting, inasmuch as the SRP is guidance directed to the NRC staff with respect to its regulatory responsibilities.*

The SRP provides internal guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in guidance intended for use by only the staff are not matters that constitute backfitting as that term is defined in 10 CFR 50.109(a)(1) or involve the issue finality provisions of 10 CFR part 52.

2. *Backfitting and issue finality—with certain exceptions discussed below—do not apply to current or future applicants.*

Applicants and potential applicants are not, with certain exceptions, the subject of either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52 were intended to apply to every NRC action that substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever a 10 CFR part 50 operating license applicant references a construction permit or a 10 CFR part 52 combined license applicant references a license (*e.g.,* an early site permit) and/or NRC regulatory approval (*e.g.,* a design certification rule) for which specified issue finality provisions apply.

The NRC staff does not, at this time, intend to impose the positions represented in this draft SRP section in a manner that constitutes backfitting or is inconsistent with any issue finality provision of 10 CFR part 52. If, in the future, the staff seeks to impose a position in this draft SRP section in a manner that would constitute backfitting or be inconsistent with these issue finality provisions, the NRC staff must make the showing as set forth in the Backfit rule or address the regulatory criteria set forth in the applicable issue finality provision, as applicable, that would allow the staff to impose the position.

3. *The NRC staff has no intention to impose the SRP positions on existing nuclear power plant licensees either now or in the future (absent a voluntary request for a change from the licensee, holder of a regulatory approval or a design certification applicant).*

The NRC staff does not intend to impose or apply the positions described in the draft SRP to existing (already issued) licenses (*e.g.,* operating licenses and combined licenses) and regulatory approvals. Hence, the issuance of this SRP guidance—even if considered guidance subject to the Backfit Rule or the issue finality provisions in 10 CFR part 52—would not need to be evaluated as if it were a backfit or as being inconsistent with these issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the SRP on holders of already issued licenses in a manner that would constitute backfitting or does not provide issue finality as described in the applicable issue finality provision, then the staff must make a showing as set forth in the Backfit Rule or address the criteria set forth in the applicable issue finality provision, as applicable, that would allow the staff to impose the position.

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

For the Nuclear Regulatory Commission.

Jennivine K. Rankin,

Acting Chief, Division of Licensing, Siting, and Environmental Analysis, Licensing Branch 3, Office of New Reactors.

[FR Doc. 2018–19684 Filed 9–10–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Meeting of the Advisory Committee on Reactor Safeguards Subcommittee on Plant License Renewal

The ACRS Subcommittee on Plant License Renewal will hold a meeting on September 20, 2018 at U.S. Nuclear Regulatory Commission, 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The entire meeting will be open to public attendance. The agenda for the subject meeting shall be as follows:

Thursday, September 20, 2018, 1 p.m. Until 5 p.m.

The Subcommittee will conduct a briefing on the River Bend Nuclear Generating Station Unit 1 License Renewal Application. The Subcommittee will hear presentations

by and hold discussions with NRC staff and other interested persons regarding this matter. 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), Kent Howard (Telephone 301–415–2989 or Email: *Kent.Howard@nrc.gov*) five days prior to the meeting, if possible, so that appropriate 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. The public bridgeline number for the meeting is 866–822–3032, passcode 8272423. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312).

Detailed meeting agendas and meeting transcripts are available on the NRC website at *http://www.nrc.gov/reading-rm/doc-collections/#acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or 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 these references 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 (Telephone 301–415–6702) to be escorted to the conference room.

Dated: September 5, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–19601 Filed 9–10–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–312; NRC–2018–0180]

Sacramento Municipal Utility District; Rancho Seco Nuclear Generating Station

AGENCY: Nuclear Regulatory Commission.

ACTION: License termination; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is providing public notice of the termination of the Operating License (Possession Only) No. DPR–54. The NRC has terminated the license of the decommissioned Rancho Seco Nuclear Generating Station (Rancho Seco) in Herald, California and has approved the site for unrestricted release.

DATES: Notice of termination of Operating License No. DPR–54 issued on August 31, 2018.

ADDRESSES: Please refer to Docket ID NRC–2018–0180 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0180. 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.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *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, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ted Carter, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5543, email: *Ted.Carter@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC has terminated License No. DPR–54, held by Sacramento Municipal Utility District (SMUD), for Rancho Seco in Herald, California, and has approved the site for unrestricted release. Accordingly, the existing indemnity agreement between SMUD and the NRC has been terminated.

Rancho Seco initially went critical on September 16, 1974, and began commercial operation on April 18, 1975. On June 7, 1989, SMUD permanently terminated nuclear power operations at Rancho Seco. On December 8, 1989, SMUD completed defueling the reactor. On March 17, 1992, the NRC amended the Rancho Seco operating license to ''Possession Only'' status (ADAMS Accession No. ML17283A071). On March 20, 1995, the NRC issued the Rancho Seco Decommissioning Order. The Order authorized SMUD to decommission the facility and accepted the Rancho Seco decommissioning funding plan. SMUD began actively decommissioning Rancho Seco in February 1997. In March 1997, SMUD revised the Rancho Seco Decommissioning Plan to conform to the content requirements of the Post Shutdown Decommissioning Activities Report.

On June 30, 2000, the NRC issued Materials License SNM–2510 for the Rancho Seco Independent Spent Fuel Storage Installation (ISFSI). This site-specific license authorizes SMUD to store Rancho Seco spent fuel at the Rancho Seco ISFSI. The licensee completed transferring all of the spent fuel to the ISFSI on August 21, 2002. All of the spent fuel is now stored at the ISFSI. The ISFSI is a separately licensed facility located outside the operating licensed site. On October 10, 2002, NRC approved a license amendment that eliminated the security plan requirements from the operating licensed facility (ADAMS Accession No. ML022840145).

Dated at Rockville, Maryland, this 5th day of August 2018.

For the Nuclear Regulatory Commission.

John P. Clements,

Acting Branch Chief, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–19602 Filed 9–10–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0196]

Proposed Revisions to Standard Review Plan Section 13.4, Operational Programs

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-draft section revision; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on draft NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 13.4, ''Operational Programs.'' The NRC seeks comments on the proposed draft section revision of the Standard Review Plan (SRP) concerning guidance for the review and implementation of operational programs required by the NRC's regulations for combined operating license applications.

DATES: Comments must be filed no later than November 13, 2018. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0196. 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: Mark D. Notich, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3053, email: *Mark.Notich@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0196 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–2018–0196.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The draft revision and current revision to NUREG–0800, Section13.4, ''Operational Programs'' is available in ADAMS under Accession No. ML18131A304 and ML070470463. The redline-strikeout version comparing the draft revision 4 and the current version of revision 3 is available under Accession No. ML18143B713.

• *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–2018–0196 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. Further Information

The NRC seeks public comment on the proposed SRP-draft section revision of Section 13.4, ''Operational Programs.'' The changes made in this revision to this section reflect the latest NRC guidance concerning operational programs.

Following NRC staff evaluation of public comments, the NRC intends to finalize SRP Section 13.4, ''Operational Program,'' Revision 4 in ADAMS and post it on the NRC's public website at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/.* The SRP is guidance for the NRC staff. The SRP is not a substitute for the NRC regulations, and compliance with the SRP is not required.

III. Backfitting and Issue Finality

Issuance of this draft SRP, if finalized, would not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR) (the Backfit Rule) or otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations:

1. *The draft SRP positions do not constitute backfitting, inasmuch as the SRP is guidance directed to the NRC staff with respect to its regulatory responsibilities.*

The SRP provides internal guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in guidance intended for use by only the staff are not matters that constitute backfitting as that term is defined in 10 CFR 50.109(a)(1) or involve the issue finality provisions of 10 CFR part 52.

2. *Backfitting and issue finality—with certain exceptions discussed below—do not apply to current or future applicants.*

Applicants and potential applicants are not, with certain exceptions, the subject of either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52 were intended to apply to every NRC action that substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever a 10 CFR part 50 operating license applicant

references a construction permit or a 10 CFR part 52 combined license applicant references a license (*e.g.,* an early site permit) and/or NRC regulatory approval (*e.g.,* a design certification rule) for which specified issue finality provisions apply.

The NRC staff does not, at this time, intend to impose the positions represented in this draft SRP section in a manner that constitutes backfitting or is inconsistent with any issue finality provision of 10 CFR part 52. If, in the future, the staff seeks to impose a position in this draft SRP section in a manner that would constitute backfitting or be inconsistent with these issue finality provisions, the NRC staff must make the showing as set forth in the Backfit rule or address the regulatory criteria set forth in the applicable issue finality provision, as applicable, that would allow the staff to impose the position.

3. *The NRC staff has no intention to impose the SRP positions on existing nuclear power plant licensees either now or in the future (absent a voluntary request for a change from the licensee, holder of a regulatory approval or a design certification applicant).*

The NRC staff does not intend to impose or apply the positions described in the draft SRP to existing (already issued) licenses (*e.g.,* operating licenses and combined licenses) and regulatory approvals. Hence, the issuance of this SRP guidance—even if considered guidance subject to the Backfit Rule or the issue finality provisions in 10 CFR part 52—would not need to be evaluated as if it were a backfit or as being inconsistent with these issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the SRP on holders of already issued licenses in a manner that would constitute backfitting or does not provide issue finality as described in the applicable issue finality provision, then the staff must make a showing as set forth in the Backfit Rule or address the criteria set forth in the applicable issue finality provision, as applicable, that would allow the staff to impose the position.

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

For the Nuclear Regulatory Commission.

Jennivine K. Rankin,

Acting Chief, Licensing Branch 3, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.

[FR Doc. 2018–19685 Filed 9–10–18; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collections for OMB Review; Comment Request; Multiemployer Plan Regulations

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of collections of information in PBGC's regulations on multiemployer plans. This notice informs the public of PBGC's request and solicits public comment on the collections of information.

DATES: Comments must be submitted by October 11, 2018.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974.

A copy of the request will be posted on PBGC's website at *https://www.pbgc.gov/prac/laws-and-regulations/information-collections-under-omb-review.* It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel, 1200 K Street NW, Washington, DC 20005–4026, faxing a request to 202–326–4042, or calling 202–326–4040 during normal business hours (TTY users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040). The Disclosure Division will email, fax, or mail the information to you, as you request.

FOR FURTHER INFORMATION CONTACT: Hilary Duke (*duke.hilary@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026, 202–326–4400, extension 3839. (TTY users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400, extension 3839.)

SUPPLEMENTARY INFORMATION: OMB has approved and issued control numbers for three collections of information in PBGC's regulations relating to multiemployer plans under the Employee Retirement Income Security Act of 1974 (ERISA). These collections of information are described below. OMB approvals for these collections of information expire November 30, 2018. On July 6, 2018, PBGC published (at 83 FR 31574) a notice of its intent to request that OMB extend approval of these collections of information. No comments were received. PBGC is requesting that OMB extend its approval of these collections of information for three years. 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.

1. Termination of Multiemployer Plans (29 CFR Part 4041A) (OMB Control Number 1212–0020) (Expires November 30, 2018)

Section 4041A(f)(2) of ERISA authorizes PBGC to prescribe reporting requirements and other rules and standards for administering terminated multiemployer plans. Section 4041A(c) and (f)(1) of ERISA prohibit the payment by a mass-withdrawal-terminated plan of lump sums greater than $1,750 or of nonvested plan benefits unless authorized by PBGC.

The regulation requires the plan sponsor of a terminated plan to submit a notice of termination to PBGC. It also requires the plan sponsor of a mass-withdrawal-terminated plan that is closing out to give notices to participants regarding the election of alternative forms of benefit distribution and, if the plan is not closing out, to obtain PBGC approval to pay lump sums greater than $1,750 or to pay nonvested plan benefits.

PBGC uses the information in a notice of termination to assess the likelihood that PBGC financial assistance will be needed. Plan participants and beneficiaries use the information on alternative forms of benefit to make personal financial decisions. PBGC uses the information in an application for approval to pay lump sums greater than $1,750 or to pay nonvested plan benefits to determine whether such payments should be permitted.

PBGC estimates that each year plan sponsors submit notices of termination for ten plans, distribute election notices to participants in three of those plans, and submit requests to pay benefits or benefit forms not otherwise permitted for one of those plans. The estimated annual burden of the collection of information is 69 hours and $50,000.

2. Notice of Insolvency (29 CFR Part 4245) (OMB Control Number 1212–0033) (Expires November 30, 2018)

Section 4245(e) of ERISA requires two types of notice: A ''notice of

insolvency,'' stating a plan sponsor's determination that the plan is or may become insolvent, and a ''notice of insolvency benefit level,'' stating the level of benefits that will be paid during an insolvency year. The recipients of these notices are PBGC, contributing employers, employee organizations representing participants, and participants and beneficiaries.

The regulation establishes the procedure for complying with these notice requirements. PBGC uses the information submitted to estimate cash needs for financial assistance to troubled plans. The collective bargaining parties use the information to decide whether additional plan contributions will be made to avoid the insolvency and consequent benefit suspensions. Plan participants and beneficiaries use the information in personal financial decisions.

PBGC estimates that at most one plan sponsor of an ongoing plan gives notices each year under this regulation. The estimated annual burden of the collection of information is 20 hours and $12,000.

3. Duties of Plan Sponsor Following Mass Withdrawal (29 CFR Part 4281) (OMB Control Number 1212–0032) (Expires November 30, 2018)

Section 4281 of ERISA provides rules for plans that have terminated by mass withdrawal. Under section 4281, if nonforfeitable benefits exceed plan assets, the plan sponsor must amend the plan to reduce benefits. If the plan nevertheless becomes insolvent, the plan sponsor must suspend certain benefits that cannot be paid. If available resources are inadequate to pay guaranteed benefits, the plan sponsor must request financial assistance from PBGC.

The regulation requires a plan sponsor to give notices of benefit reduction, notices of insolvency, and notices of insolvency benefit level to PBGC and to participants and beneficiaries and, if necessary, to apply to PBGC for financial assistance.

PBGC uses the information it receives to make determinations required by ERISA, to identify and estimate the cash needed for financial assistance to terminated plans, and to verify the appropriateness of financial assistance payments. Plan participants and beneficiaries use the information to make personal financial decisions.

PBGC estimates that plan sponsors of terminated plans each year will give benefit reduction notices for 1 plan, notices of insolvency for 10 plans, and notices of insolvency benefit level for 55 plans. PBGC also estimates that plan sponsors each year will file initial requests for financial assistance for 10 plans and will submit 300 non-initial applications for financial assistance. The estimated annual burden of the collection of information is 1,300 hours and $615,400.

Issued in Washington, DC.

Hilary Duke,

Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2018–19657 Filed 9–10–18; 8:45 am]

BILLING CODE 7709–02–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84035; File No. SR–ISE–2018–76]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Schedule of Fees To Permit Certain Affiliated Market Participants To Aggregate Volume and Qualify for Various Pricing Incentives

September 5, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 24, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Schedule of Fees to permit certain affiliated market participants to aggregate volume and qualify for various pricing incentives.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to permit certain affiliated market participants to aggregate volume and qualify for various pricing incentives. Specifically, the Exchange proposes to permit Affiliated Entities to aggregate their Complex Order volume for purposes of calculating Priority Customer Rebates in Section II of the Schedule of Fees.

Preface

The Exchange is proposing to add the following new defined terms to the Preface of the Schedule of Fees, ''Affiliated Entity,'' ''Appointed Market Maker,'' ''Appointed OFP,'' and ''Order Flow Provider.'' The Exchange also proposes to alphabetize the current definitions.

Affiliated Entity

The term ''Appointed Market Maker'' is proposed to be defined as a Market Maker who has been appointed by an Order Flow Provider (''OFP'') for purposes of qualifying as an Affiliated Entity. An OFP is separately proposed to be defined as any Member, other than a Market Maker, that submits orders, as agent or principal, to the Exchange.[3] The Exchange proposes to define the term ''Appointed OFP'' as an OFP who has been appointed by a Market Maker for purposes of qualifying as an Affiliated Entity. The Exchange proposes to define the term ''Affiliated Entity'' as a relationship between an Appointed Market Maker and an Appointed OFP for purposes of qualifying for certain pricing as specified in the Schedule of Fees. In order to become an Affiliated Entity,

[3] Market Makers shall not be considered Appointed OFPs for the purpose of becoming an Affiliated Entity.

Market Makers and OFPs will be required to send an email to the Exchange to appoint their counterpart, at least 3 business days prior to the last day of the month to qualify for the next month.[4] For example, with this proposal, market participants may submit emails [5] to the Exchange to become Affiliated Entities to qualify for discounted pricing starting September 1, 2018, provided the emails are sent at least 3 business days prior to the first business day of September 2018. The Exchange will acknowledge receipt of the emails and specify the date the Affiliated Entity would qualify for applicable pricing, as specified in the Schedule of Fees. Each Affiliated Entity relationship will commence on the 1st of a month and may not be terminated prior to the end of any month. An Affiliated Entity relationship will terminate after a one (1) year period, unless either party terminates earlier in writing by sending an email [6] to the Exchange at least 3 business days prior to the last day of the month to terminate for the next month. Affiliated Entity relationships must be renewed annually. For example, if the start date of the Affiliated Entity relationship is September 1, 2018, the counterparties may determine to commence a new relationship as of September 1, 2019 by requiring each party to send a new email by August 28, 2019 (3 business days prior to the end of the month). Affiliated Members [7] may not qualify as a counterparty comprising an Affiliated Entity. Each Member may qualify for only one (1) Affiliated Entity relationship at any given time. As proposed, an Affiliated Entity shall be eligible to aggregate their volume for purposes of qualifying for certain pricing specified in the Schedule of Fees, as described below.

Section II—Priority Customer Rebates

The Exchange proposes to amend Section II, entitled ''Complex Order Fees and Rebates'' to permit Affiliated Entities to aggregate their Complex Order volume for purposes of calculating Priority Customer Rebates. Currently Section II pays rebates [8] to Priority Customer Complex Orders in Select Symbols [9] and Non-Select Symbols.[10] Today, all Complex Order volume executed on the Exchange, including volume executed by Affiliated Members, is included in the volume calculation, except for volume executed as Crossing Orders and Responses to Crossing Orders. Currently, there are nine Priority Customer Complex Order Tiers based on the percentage of industry volume calculation:

Tier 1	0.000%–0.200%	($0.25)	($0.40)
Tier 2	Above 0.200–0.400	(0.30)	(0.55)
Tier 3	Above 0.400–0.600	(0.35)	(0.70)
Tier 4	Above 0.600–0.750	(0.40)	(0.75)
Tier 5	Above 0.750–1.000	(0.45)	(0.80)
Tier 6	Above 1.000–1.500	(0.46)	(0.80)
Tier 7	Above 1.500–2.000	(0.48)	(0.80)
Tier 8	Above 2.000–3.250	(0.50)	(0.85)
Tier 9	Above 3.250	(0.50)	(0.85)

The Exchange proposes to incentivize certain Members, who are not Affiliated Members, to enter into an Affiliated Entity relationship for the purpose of aggregating Complex Order volume to qualify for Section II, Priority Customer Rebates. The Exchange proposes to add a sentence to note 16 within Section II of the Schedule of Fees to provide, ''Affiliated Entities may aggregate their Complex Order volume for purposes of calculating Priority Customer Rebates. The Appointed OFP would receive the rebate associated with the qualifying volume tier based on aggregated volume.''

By aggregating volume, the Affiliated OFP, who submits Priority Customer order volume, is offered an opportunity to qualify for higher rebates, thereby lowering costs and encouraging Members to send more order flow. Priority Customer liquidity benefits all market participants by providing more order flow to the marketplace and more trading opportunities. Affiliated Members are not eligible to enter an Affiliated Entity relationship.

2. Statutory Basis

The Exchange believes that its proposal to amend its Schedule of Fees is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Section 6(b)(4) and (b)(5) of the Act,[12] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using its facilities, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to amend the Preface of the Schedule of Fees to add the definitions of ''Appointed Market Maker,'' ''Appointed OFP,'' ''Order Flow Provider'' and ''Affiliated Entity'' is reasonable because the Exchange is proposing to identify the applicable market participants that may qualify to aggregate volume as an Affiliated Entity. Further the Exchange seeks to make clear the manner in which Members may participate on the Exchange as Affiliated Entities by setting timeframes for communicating agreements among market participants and terms of early termination. The Exchange also clearly states that no Affiliated Member may become a counterparty to an Affiliated Entity. The Exchange believes that these terms are reasonable because Members could elect to become a counterparty to an Affiliated Entity, provided they are not Affiliated Members.

The Exchange's proposal to amend the Preface of the Schedule of Fees to

[4] The Exchange shall issue an Options Trader Alert specifying the email address and details required to apply to become an Affiliated Entity.

[5] Emails shall be submitted to *membership@nasdaq.com.*

[6] *Id.*

[7] An ''Affiliated Member'' is a Member that shares at least 75% common ownership with a particular Member as reflected on the Member's Form BD, Schedule A. *See* Preface to Schedule of Fees.

[8] Rebates are provided per contract per leg if the order trades with non-Priority Customer orders in the Complex Order Book or trades with quotes and orders on the regular order book. Customer Complex Order rebates are paid a rebate based on a percentage of industry volume. Priority Customer Complex Tiers are based on Total Affiliated Member Complex Order Volume (excluding Crossing Orders and Responses to Crossing Orders) and are calculated as a percentage of Customer Total Consolidated Volume. ''Customer Total Consolidated Volume'' means the total national volume cleared at The Options Clearing Corporation in the Customer range in equity and ETF options in that month.

[9] ''Select Symbols'' are options overlying all symbols listed on the Nasdaq ISE that are in the Penny Pilot Program.

[10] ''Non-Select Symbols'' are options overlying all symbols excluding Select Symbols. For Non-Select Symbols, no rebates will be paid for orders in NDX, NQX and MNX.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4), (5).

add the definitions of ''Appointed Market Maker,'' ''Appointed OFP,'' ''Order Flow Provider'' and ''Affiliated Entity'' is equitable and not unfairly discriminatory because all Members that are not Affiliated Members may choose to enter into an Affiliated Entity relationship.

The Exchange also believes that it is reasonable, equitable and not unfairly discriminatory to alphabetize the definitions for ease of reference.

Section II—Priority Customer Rebates

The Exchange's proposal to permit Affiliated Entities to aggregate Complex Order volume for purposes of qualifying Appointed OFPs for Section II Priority Customer Rebates is reasonable because it will attract additional Priority Customer order flow to the Exchange. Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Appointed OFPs directing Priority Customer order flow to the Exchange may be eligible to qualify for a Priority Customer Rebate or a higher Priority Customer Rebate tier, with this proposal, as a result of aggregating volume with an Appointed Market Maker and thereby qualifying for higher Priority Customer Rebates. Permitting Members to aggregate volume for purposes of qualifying the Appointed OFP for Section II Priority Customer Rebates may also encourage the counterparties that comprise the Affiliated Entities to incentivize each other to attract and seek to execute more Priority Customer volume on ISE. In turn, market participants would benefit from the increased liquidity with which to interact and potentially tighter spreads on orders. Overall, incentivizing market participants with increased opportunities to earn higher Priority Customer rebates may increase the quality of the liquidity available on ISE.

Paying the Priority Customer Rebate to the Affiliated OFP is consistent with the Act because as between the Appointed Market Maker and the Appointed OFP, the Appointed OFP would be submitting Priority Customer Orders as part of its business model. Appointed Market Makers do not typically submit such order flow. The Appointed Market Maker does have the opportunity to obtain a low Market Maker Taker Fee for Select Symbols of $0.47 per contract as compared to $0.50 per contract if the Market Maker qualified for Priority Customer Complex Tier 8 and $0.44 per contract for Market Makers that achieve Priority Customer Complex Tier 9.

The Exchange's proposal to permit Affiliated Entities to aggregate Complex Order volume for purposes of qualifying Appointed OFPs for Section II Priority Customer Rebates is equitable and not unfairly discriminatory because all ISE Members, other than Affiliated Members, may elect to become an Affiliated Entity as either an Appointed Market Maker or an Appointed OFP.[13] Also, each Member may participate in only one Affiliated Entity relationship at a given time, which imposes a measure of exclusivity among market participants, allowing each party to rely on the other's executed Priority Customer volume on ISE to receive a corresponding benefit in terms of a higher rebate. Any market participant that by definition is not an Affiliated Member may elect to become a counterparty of an Affiliated Entity.

The Exchange's proposal to exclude Affiliated Members from qualifying as an Affiliated Entity is reasonable, equitable and not unfairly discriminatory because Affiliated Members may aggregate volume today for purposes of Section II Priority Customer Rebates.[14] Also, the Exchange will apply all qualifications in a uniform manner when approving Affiliated Entities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal to amend the Preface of the Pricing Schedule to add the definitions of ''Appointed Market Maker,'' ''Appointed OFP,'' ''Order Flow Provider'' and ''Affiliated Entity'' does not impose an undue burden on competition because these definitions apply to all members and member organizations uniformly. Alphabetizing the remaining definitions will provide ease of reference. The Exchange believes that its proposal does not impose any burden on inter-market competition because similar programs exist on other markets.[15]

Section II—Priority Customer Rebates

In terms of intra-market competition, the Exchange does not believe that its proposal to permit counterparties of an Affiliated Entity to aggregate Priority Customer volume for purposes of qualifying for Section II Priority Customer Rebates imposes an undue burden on intra-market competition because all ISE Members, other than Affiliated Members, may become an Affiliated Entity as either an Appointed Market Maker or an Appointed OFP. Also, each ISE Member may participate in only one Affiliated Entity relationship at a given time, which imposes a measure of exclusivity among market participants, allowing each party to rely on the other's executed Priority Customer volume on ISE to receive a corresponding benefit in terms of a higher rebate. The Exchange will apply all qualifications in a uniform manner to all market participants that elect to become counterparties of an Affiliated Entity. Any market participant that is by definition an Affiliated Member may not become a counterparty of an Affiliated Entity.

Market Makers are valuable market participants that provide liquidity in the marketplace and incur costs that other market participants do not incur. Market Makers are subject to quoting obligations[16] that do not apply to other market participants. Incentivizing these market participants to execute Priority Customer volume on ISE may result in tighter spreads. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Appointed OFPs directing order flow to the Exchange may be eligible to qualify for a Priority Customer Rebate or a higher Priority Customer Rebate tier, with this proposal, as a result of aggregating volume with an Appointed Market Maker and thereby qualifying for higher Priority Customer Rebates. Permitting Members to affiliate for purposes of qualifying for Section II Priority Customer Rebates may also encourage the counterparties that comprise the Affiliated Entities to incentivize each other to attract and seek to execute more Priority Customer volume on ISE.

The Exchange's proposal to exclude Affiliated Members from becoming an Affiliated Entity does not impose and undue burden on intra-market competition because Affiliated Members may aggregate volume today for

[13] Both Members must elect each other to become an Affiliated Entity for one year. Participation is effected by an agreement of both parties that have provided proper notification to the Exchange. A party may elect to terminate the agreement at any time prior to one year.

[14] *See* Section II of the Schedule of Fees.

[15] The Nasdaq Options Market LLC, Nasdaq Phlx LLC and Nasdaq BX, Inc. have similar programs.

[16] *See* ISE Rule 804.

purposes of qualifying for Priority Customer Rebates.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[17] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2018–76 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–ISE–2018–76. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2018–76 and should be submitted on or before October 2, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–19642 Filed 9–10–18; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84032; File No. SR–ICC–2018–008]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change Relating to ICC's Risk Management Model Description Document and ICC's Risk Management Framework

September 5, 2018.

On July 5, 2018, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to transition ICC from a stress-based methodology to a Monte Carlo-based methodology for the spread-response and recovery-rate-sensitivity-response components of the initial margin model (SR–ICC–2018–008) (''Proposed Rule Change''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder.[2] The Proposed Rule Change was published for comment in the **Federal Register** on July 24, 2018.[3] The Commission did not receive any comments on the Proposed Rule Change.

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for the Proposed Rule Change is September 7, 2018.

The Commission is extending the 45-day time period for Commission action on the Proposed Rule Change. The Commission finds that it is appropriate to designate a longer period within which to take action on the Proposed Rule Change so that it has sufficient time to consider and take action on the Proposed Rule Change.

Accordingly, pursuant to Section 19(b)(2) of the Act [5] and for the reasons stated above, the Commission designates October 22, 2018 as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove proposed rule change SR–ICC–2018–008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–19637 Filed 9–10–18; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 83662 (July 18, 2018), 83 FR 35033 (July 24, 2018) (SR–ICC–2018–008).

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84034; File No. SR–Phlx–2018–57]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Move the P.M.-Settled Nasdaq-100 Index Options Expiring on the Third Friday of the Month to the NDX Index Options Class

September 5, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 27, 2018, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to move the P.M.-settled Nasdaq-100 Index Options expiring on the third Friday of the month (''NDXPM'') to the NDX index options class. In connection with the move, the Exchange proposes changing the trading symbol for these options from ''NDXPM'' to ''NDXP''.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange seeks to amend Exchange rules related to certain P.M.-settled options on the NASDAQ–100 Index which have been approved by the Commission but which have not yet been listed by the Exchange.[3] Currently, third-Friday P.M.-settled NASDAQ–100 Index options form a separate options class and, if listed by the Exchange, would trade under the symbol ''NDXPM.'' The Exchange now seeks to move these third-Friday P.M.-settled NASDAQ–100 Index options into the NASDAQ–100 (''NDX'') options class.

The Exchange has also recently received Commission approval to list nonstandard expirations of P.M.-settled NASDAQ–100 Index options trading under the symbol ''NDXP'', also on a pilot basis.[4] NDXP options are series of the NDX options class. These NDXP options may expire on Mondays, Wednesdays, Fridays (other than third-Friday-of-the-month), and the last trading day of the month.[5] The proposed rule change would facilitate a change to the trading symbol for P.M.-settled NASDAQ–100 Index options that have standard third Friday-of-the-month (''third-Friday'') expirations from ''NDXPM'' to ''NDXP.''

The Exchange believes moving NDXPM into the NDX options class to trade under the NDXP symbol will have no adverse impact on the marketplace. In fact, the Exchange believes moving NDXPM into the NDX options class to trade under the NDXP symbol will have a positive impact on the marketplace and retail customers in particular.

As previously noted, in addition to end-of-the-month expirations, NDXP options are P.M.-settled NASDAQ–100 Index options that may expire on Mondays, Wednesdays, and Fridays (other than third-Friday-of-the-month) (*i.e.,* nonstandard weekly expirations pursuant to Rule 1101A(b)(vii)). Trading P.M.-settled third-Friday expirations under the NDXP symbol will ensure market participants, particularly retail customers, have seamless access to P.M.-settled NASDAQ–100 Index options expiring every Friday of the month.

Without the proposed amendments, a user of NDXP options could not roll an existing NDXP position that expires on a first or second Friday of a month into a NDXP position that expires on a third-Friday. Thus, for NDXP users, there would be a gap in Friday expirations. Changing the NDXPM symbol to NDXP would remove the gap in Friday NDXP expirations and allow market participants, especially retail customers that are less likely to utilize both NDXPM and NDXP options to maintain exposure to Friday expirations, to have seamless access to P.M.-settled NASDAQ–100 Index options expiring every Friday of the month.

In addition, offering seamless access to P.M.-settled NASDAQ–100 Index options that expire every Friday of the month would allow market participants to submit complex orders with options series that expire on third-Fridays and other Friday expirations. Without the proposed amendments, market participants would not be able to submit into the trading system complex orders that consist of NDXPM options series and NDXP options series because they are currently in separate classes.[6] Although market participants would have the ability to submit separate orders to leg into a position with third-Friday and other Friday exposure, retail customers would be less likely to leg into a position. Thus, changing the NDXPM symbol to NDXP would allow market participants, especially retail customers, to submit complex orders with options series that expire on third-Fridays and other Fridays.

As previously noted, the Exchange does not believe moving NDXPM into the NDX options class and changing the NDXPM symbol to NDXP will have any adverse impact on market participants. Because the Exchange has not yet listed NDXPM, and because Exchange Rules and systems will treat NDXPM and NDXP the same (other than having separate pilot programs and listing schedules), the Exchange expects a smooth transition of NDXPM series to the NDXP symbol.

[3] *See* Securities Exchange Act Release No. 81293 (August 2, 2017), 82 FR 37138 (August 8, 2017) (approving SR–Phlx–2017–04).

[4] *See* Securities Exchange Act Release No. 82341 (December 15, 2017), 82 FR 60651 (December 21, 2017) (SR–Phlx–2017–79). In its proposed rule change to adopt a nonstandard expirations pilot program, the Exchange noted that it anticipated filing a proposed rule change in the near future to move the NDXPM index options with standard third Friday of the month expiration dates to the NDX index option class.

[5] *See* Rule 1101A(b)(vii), Nonstandard Expirations Pilot Program.

[6] *See* Rule 1098, Complex Orders on the System, Section (a)(i) which provides that for purposes of the electronic trading of Complex Orders, a Complex Order is an order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, priced as a net debit or credit based on the relative prices of the individual components, for the same account, for the purpose of executing a particular investment strategy.

Position Limits/Reporting Requirements

In addition, since third-Friday P.M.-settled options trading under the NDXP symbol will be a new type of series under the NDX options class and not a new options class, all third-Friday P.M.-settled NDXP options will be aggregated together with all other standard expirations for applicable reporting and other requirements.[7] The Exchange therefore proposes to delete language in Rules 1079, FLEX Index, Equity and Currency Options and 1001A, Position Limits, dealing with position limits for NDXPM options specifically.

Pilot Reports

Third-Friday P.M.-settled NASDAQ–100 Index options are currently approved to be listed on a pilot basis.[8] After implementation of the proposed amendments, the pilot would continue under the same terms that originally established the pilot. As part of the pilot, the Exchange would submit periodic reports and annual reports that analyze the market impact and trading patterns of third-Friday P.M.-settled NASDAQ–100 Index options. The reports would provide the same data and analysis for third-Friday P.M.-settled NASDAQ–100 Index options trading under symbol NDXP that would have been submitted for third-Friday P.M.-settled NASDAQ–100 Index options trading under symbol NDXPM had they been listed.

Implementation Date

The Exchange intends to change the NDXPM symbol to NDXP prior to its listing. The Exchange does not intend to list NDXPM as a separate class. Consistent with the original NDXPM approval order, the pilot for listing third-Friday P.M.-settled NASDAQ–100 Index options trading under symbol NDXP would terminate on December 29, 2018.[9]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(5) of the Act,[11] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[12] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes trading P.M.-settled third-Friday expirations under the NDXP symbol rather than the separate NDXPM symbol will ensure market participants, particularly retail customers, have seamless access to P.M.-settled NASDAQ–100 Index options expiring every Friday of the month, which helps to remove impediments to and perfect the mechanism of a free and open market. The Exchange believes the proposed rule change will help to protect investors and the public interest by allowing market participants to enter options positions with the same underlying in one symbol that spans every Friday expiration in a month, thus providing a more efficient way to gain exposure and hedge risk.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the rule change will impose a burden on intramarket competition because all market participants will continue to have access to P.M.-settled NASDAQ–100 Index options expiring every Friday of the month and will be able to trade them under the NDXP symbol. The proposal will not impose a burden on intermarket competition because the options affected by this proposal are exclusive to the Exchange.

Additionally, the Exchange does not believe the proposal will impose any burden on intermarket competition as market participants on other exchanges are welcome to become members and trade at Phlx if they determine that this proposed rule change has made Phlx more attractive or favorable.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2018–57 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2018–57. This file

[7] *See e.g.,* Rule 1001A(c) which sets forth the reporting requirements for certain broad-based indexes that do not have position limits.

[8] *See* Rule 1101A Commentary .05 and Securities Exchange Act Release No. 81293 (August 2, 2017), 82 FR 37138 (August 8, 2017) (approving SR–Phlx–2017–04).

[9] The NDXPM approval order provided for termination of the pilot on the earlier to occur of (i) 12 months following the date of the first listing of the options, or (ii) December 29, 2018. Since fewer than 12 months now remain in 2018, the pilot will terminate on December 29, 2018.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *Id.*

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2018–57 and should be submitted on or before October 2, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–19641 Filed 9–10–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84031; File No. SR–BOX–2018–14]

Self-Regulatory Organizations; BOX Options Exchange LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt Rules Governing the Trading of Complex Qualified Contingent Cross Orders and Complex Customer Cross Orders

September 5, 2018.

I. Introduction

On May 22, 2018, BOX Options Exchange LLC (''BOX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt rules governing the trading of Complex Qualified Contingent Cross Orders (''QCC'') and Complex Customer Cross Orders. The proposed rule change was published for comment in the **Federal Register** on June 8, 2018.[3] On July 16, 2018, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[5] The Commission has received no comment letters regarding the proposed rule change. This order institutes proceedings pursuant to Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposal

BOX has proposed to adopt rules governing the trading of Complex Customer Cross Orders[7] and Complex QCC Orders.[8] The proposal also applies two existing Complex Order price protections, the debit/credit check and the maximum price protection, to the proposed Complex Customer Cross and Complex QCC Orders.[9]

Proposed BOX Rule 7110(c)(7) provides that a Complex Customer Cross order will be executed automatically upon entry provided that the execution (i) is at least $0.01 better than (inside) the cBBO[10] and any Public Customer Complex Order on the Complex Order Book; (ii) is at or better than any non-Public Customer Complex Order on the Complex Order Book; and (iii) is at or between the cNBBO.[11] The system will reject a Complex Customer Cross Order if, at the time of receipt of the Complex Customer Cross Order: (i) The strategy is subject to an ongoing auction (including the COPIP, Facilitation, and Solicitation auctions); or (ii) there is an exposed order on the strategy pursuant to BOX Rule 7240(b)(3)(B).[12] Complex Customer Cross Orders will be cancelled automatically if they cannot be executed, and Complex Customer Cross Orders may only be entered in the minimum trading increments applicable to Complex Orders under BOX Rule 7240(b)(1).[13] BOX proposes to apply BOX IM–7140–1 to the entry and execution of Complex Customer Cross Orders.[14]

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 83367 (June 4, 2018), 83 FR 26719 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 83647, 83 FR 34635 (July 20, 2018). The Commission designated September 6, 2018, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] A Complex Customer Cross Order is comprised of one Public Customer Complex Order to buy and one Public Customer Complex Order to sell at the same price and for the same quantity. *See* proposed BOX Rule 7240(b)(4)(iii).

[8] A Complex QCC Order is comprised of an originating Complex Order to buy or sell where each component is at least 1,000 contracts that is identified as being part of a qualified contingent trade, as defined in IM–7110–2, coupled with a contra-side Complex Order or orders totaling an equal number of contracts. *See* proposed BOX Rule 7240(b)(4)(iv). A ''qualified contingent trade'' is a transaction consisting of two or more component orders, executed as agent or principal, where: (1) At least one component is an NMS Stock, as defined in Rule 600 of Regulation NMS under the Exchange Act; (2) all components are effected with a product or price contingency that either has been agreed to by all the respective counterparties or arranged for by a broker-dealer as principal or agent; (3) the execution of one component is contingent upon the execution of all other components at or near the same time; (4) the specific relationship between the component orders (*e.g.,* the spread between the prices of the component orders) is determined by the time the contingent order is placed; (5) the component orders bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or cancelled; and (6) the transaction is fully hedged (without regard to any prior existing position) as a result of other components of the contingent trade. *See* BOX IM–7110–2. See Notice, *supra* note 3, for additional description of the proposed rule change, including examples demonstrating the operation of the proposed Complex Customer Cross and Complex QCC Orders.

[9] *See* proposed BOX IM–7240–1(a)(5) and (b)(5).

[10] The cBBO is the best net bid and offer price for a Complex Order Strategy based on the BBO on the BOX Book for the individual options components of the Strategy. *See* BOX Rule 7240(a)(1). The BOX Book is the electronic book of orders on each single option series maintained by the BOX Trading Host. *See* BOX Rule 100(a)(10).

[11] The cNBBO is the best net bid and offer price for a Complex Order Strategy based on the NBBO for the individual options components of the Strategy. *See* BOX Rule 7240(a)(3).

[12] *See* proposed BOX Rule 7110(c)(7).

[13] *See* proposed BOX Rule 7110(c)(7)(i) and (ii).

[14] *See* proposed BOX Rule 7110(c)(7)(iii). BOX IM–7140–1 provides: ''[BOX Rule 7140(b)] prevents an Options Participant executing agency orders to increase its economic gain from trading against the order without first giving other trading interest on BOX an opportunity to trade with the agency order pursuant to Rule 7150 (Price Improvement Period), Rule 7245 (Complex Order Price Improvement Period) or Rule 7270 (Block Trades). However, the Exchange recognizes that it may be possible for an Options Participant to establish a relationship with a Customer or other person (including affiliates) to deny agency orders the opportunity to interact on BOX and to realize similar economic benefits as it would achieve by executing agency orders as principal. It will be a violation of [BOX Rule 7140(b)] for an Options Participant to circumvent [BOX Rule 7140(b)] by providing an opportunity for a Customer or other person (including affiliates) to

Continued

BOX also proposes to adopt rules governing Complex QCC Orders. Proposed BOX Rule 7110(c)(8) provides that a Complex QCC Orders will be automatically executed upon entry provided that the execution (i) is not at the same price as a Public Customer Complex Order; (ii) is at least $0.01 better than (inside) the cBBO; (iii) is at or better than any non-Public Customer Complex on the Complex Order Book; and (iv) each option leg executes at or between the NBBO. The system will reject a Complex QCC Order if, at the time of receipt of the Complex QCC Order, the strategy is subject to an ongoing auction (including COPIP, Facilitation, and Solicitation auctions) or there is an exposed order on the strategy pursuant to BOX Rule 7240(b)(3)(B).[15] Complex QCC Orders will be automatically cancelled if they cannot be executed, and Complex QCC Orders may only be entered in the minimum trading increments applicable to Complex Orders under BOX Rule 7240(b)(1).[16]

BOX acknowledges that, unlike the rules of the Miami International Securities Exchange, LLC (''MIAX''), BOX's proposed rules will not require that each component leg of a Complex QCC Order execute at a price that is better than Public Customer Orders on the BOX Book.[17] Thus, BOX's proposed rule does not provide the same price protection for Public Customers as MIAX's Complex QCC rule.[18] BOX notes, however, that its proposed requirement that a Complex QCC Order execute at a price that is at least $0.01 better than the cBBO is consistent with BOX's general approach to Complex Orders and that this approach respects all interest on the regular Book, not just the interest of Public Customers, thereby providing a level of protection to all Participants.[19] BOX further notes that its proposal respects resting Complex Order interest by requiring a Complex QCC Order to execute at a price that is better than resting Public Customer Complex Orders and the same or better than resting non-Public Customer Complex Orders.[20]

III. Proceedings To Determine Whether To Approve or Disapprove SR–BOX–2018–14 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[21] to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposal, as discussed below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[22] the Commission is providing notice of the grounds for disapproval under consideration. BOX proposes to allow Complex QCC Orders to be automatically executed upon entry provided that the execution (i) is not at the same price as a Public Customer Complex Order; (ii) is at least $0.01 better than (inside) the cBBO; (iii) is at or better than any non-Public Customer Complex Order on the Complex Order Book; and (iv) each option leg executes at or between the NBBO. As discussed above, BOX's proposed rules do not require that each component options leg of a Complex QCC Order execute at a price that is better than resting Public Customer interest on the BOX Book. Thus, under BOX's proposal, if there is customer interest on the BOX Book at the best bid or offer on each component leg of a Complex QCC Order, the Complex QCC Order would be able to trade ahead of resting customer interest at the same price on one or more legs of the Complex QCC Order. The Commission is concerned about allowing Complex QCC Orders to execute as a ''clean'' cross ahead of resting Public Customer interest on the BOX Book. The Commission notes that, unlike in BOX's Complex Order Price Improvement Period, Facilitation Auction, and Solicitation Auction,[23] Public Customer interest on the BOX Book would not have an opportunity to trade with a Complex QCC Order because Complex QCC Orders would be executed automatically upon entry. The Commission is concerned that Public Customers' inability to participate in a Complex QCC transaction, and the ability of Complex QCC Orders to trade ahead of resting Public Customer interest at the same price, would unduly disadvantage resting Public Customer interest on the BOX Book.

The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the consistency of the proposal with Sections 6(b)(5)[24] and 6(b)(8)[25] of the Act. Section 6(b)(5) of the Act requires that the rules of a national securities exchange be designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Section 6(b)(8) of the Act requires that the rules of a national securities exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their data, views, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is consistent with Section 6(b)(5), 6(b)(8), or any other provisions of the Act, or rules and regulations thereunder. Although there does not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of data, views, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Act,[26] any request for an opportunity to make an oral presentation.[27]

execute against agency orders handled by the Options Participant immediately upon their entry into the Trading Host.''

[15] *See* proposed BOX Rule 7110(c)(8).

[16] *See* proposed BOX Rules 7110(c)(8)(i) and (ii).

[17] *See* Notice, 83 FR at 26722. MIAX Rule 515(h)(4) provides that Complex Qualified Contingent Cross Orders (''cQCC Orders'') are automatically executed upon entry provided that, with respect to each option leg of the cQCC Order, the execution (i) is not at the same price as a Priority Customer Order on the Exchange's Book; and (ii) is at or between the NBBO.

[18] *See supra* note 17.

[19] *See* Notice, 83 FR at 26722.

[20] *See id.* and proposed BOX Rule 7110(c)(8).

[21] 15 U.S.C. 78s(b)(2)(B).

[22] *Id.*

[23] *See* BOX Rule 7245, IM–7270–7, and IM–7270–8.

[24] 15 U.S.C. 78f(b)(5).

[25] 15 U.S.C. 78f(b)(8).

[26] 17 CFR 240.19b–4.

[27] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by October 2, 2018. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by October 16, 2018. The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposal, in addition to any other comments they may wish to submit about the proposed rule change.

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 No. SR–BOX–2018–14 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 No. SR–BOX–2018–14. The file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BOX–2018–14 and should be submitted by October 2, 2018. Rebuttal comments should be submitted by October 16, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–19639 Filed 9–10–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, September 13, 2018.

PLACE: Closed Commission Hearing, Room 10800.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Peirce, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: September 6, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–19791 Filed 9–7–18; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84033; File No. SR–ICEEU–2018–009]

Self-Regulatory Organizations; ICE Clear Europe Limited; Order Approving Proposed Rule Change Relating to Amendments to the ICE Clear Europe CDS End-of-Day Price Discovery Policy ("Price Discovery Policy")

September 5, 2018.

I. Introduction

On July 11, 2018, ICE Clear Europe Limited ("ICE Clear Europe") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–ICEEU–2018–009) to revise ICE Clear Europe's CDS End-of-Day Price Discovery Policy ("Price Discovery Policy") related to the bid-offer width ("BOW") methodology for pricing single-name credit default swap ("CDS") instruments.[3] The proposed rule change was published for comment in the **Federal Register** on July 24, 2018.[4] The Commission did not receive comments on the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

Currently, ICE Clear Europe uses end-of-day ("EOD") price levels for risk management purposes.[5] Each business day, ICE Clear Europe determines EOD prices in accordance with its Price Discovery Policy.[6] Specifically, ICE

Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[28] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Price Discovery Policy uses the term "instrument" to refer to the complete set of contractual terms that affect the value of a CDS contract. For single-name CDS contracts, these terms include the reference entity, currency, debt tier, document clause, coupon, and scheduled termination date.

[4] Securities Exchange Act Release No. 34–83665 (July 18, 2018), 83 FR 35048 (July 24, 2018) (SR–ICEEU–2018–009) ("Notice").

[5] Capitalized terms used herein but not otherwise defined have the meaning set forth in the ICE Clear Europe Clearing Rules, which is *available at https://www.theice.com/publicdocs/clear_europe/rulebooks/rules/Clearing_Rules.pdf,* or in the Price Discovery Policy.

[6] Notice, 83 FR at 35049.

Clear Europe uses BOWs to determine these EOD price levels.[7] The BOW is intended to estimate the bid-offer width for the market available for each clearing-eligible instrument at a specified time on each business day.[8] The BOWs are then used in ICE Clear Europe's price discovery process as inputs in the determination of EOD levels and other risk management matters.[9]

ICE Clear Europe derives BOWs for single-name CDS instruments based on observed intraday spread-quotes for the most actively traded instrument (''MATI'') across the term structure and cleared coupons (otherwise known as ''consensus BOW'').[10] ICE Clear Europe calculates the consensus BOW for each relevant CDS instrument based on specified averages of the quotes provided by CDS Clearing Members. ICE Clear Europe adjusts consensus BOWs by a ''scrape factor'' to reflect differences between the BOWs provided by clearing members in intraday quotes and BOWs achieved in the market.[11] ICE Clear Europe also applies various other adjustments to the consensus BOWs to reflect differences in instrument liquidity at longer and shorter maturities, and at higher and lower coupons.[12] Moreover, ICE Clear Europe currently uses the ISDA CDS Standard Model to convert price submissions for single-name CDS instruments from the form of a yearly premium of a CDS in basis points, per amount insured (''spread'') to price submissions in the form of an upfront payment as a percentage of a fixed premium (''price terms'').

The proposed rule change would enhance the methodology ICE Clear Europe uses to determine BOWs for single-name instruments by amending the Price Discovery Policy to (1) compute a consensus BOW for each benchmark single-name instrument; (2) determine the final EOD BOW as the greater of an instrument's final systematic BOW and a dynamic BOW; (3) eliminate the use of the ISDA CDS Standard Model from the computation of BOWs for single-name instruments; and (4) update associated governance provisions.

First, the proposed rule change would compute a consensus BOW for each benchmark single-name CDS instrument. Specifically, Ice Clear Europe would compute a consensus BOW for each benchmark instrument, as compared to how Ice Clear Europe currently only computes a consensus BOW for the most actively traded instrument.[13] Likewise, rather than deriving consensus BOWs only from intraday quotes, ICE Clear Europe would compute consensus BOWs as a price-based floor plus a fraction of the single-name CDS instrument's currently observed level (based on the average of price-space levels submitted by CDS Clearing Members as part of the EOD price discovery process).[14] ICE Clear Europe would continue to apply various factors to the most actively traded instrument's consensus BOW to reflect differences in liquidity at longer and shorter maturities and at higher and lower coupons.[15] The proposed rule change would also extend the application of price-based BOW floors from the 0/3-month, 6-month and 1-year benchmark tenors to the entire set of benchmark tenors.[16]

ICE Clear Europe would then apply scaling factors to the consensus BOWs.[17] The amended Price Discovery Policy would refer to the BOWs, after application of scaling factors, as ''systematic BOWs''. [18] The scaling factors would reflect differences in instrument liquidity at longer and shorter maturities, and at higher and lower coupons.[19] To determine systematic BOWs for each benchmark instrument at the most actively traded coupon (''MATC''), ICE Clear Europe would apply scaling factors based upon the remaining time left in the CDS (''tenor scaling'') to the corresponding consensus BOWs.[20] The tenor scaling factors would reflect the BOW of each tenor relative to the BOW of the most actively traded tenor.[21] ICE Clear Europe would determine systematic BOWs for each benchmark instrument at other coupons by applying a combination of tenor scaling factors and coupon scaling factors to the corresponding consensus BOWs.[22] Coupon scaling factors would adjust the BOW to reflect decreased market activity at coupons larger or smaller than the MATC, and accordingly would produce a wider BOW for such coupons as compared to the MATC.[23]

ICE Clear Europe would also apply a variability factor, which would be an additional scaling factor to widen the BOW to account for volatile or fast-moving market conditions.[24] The variability factor would be designed to reflect observed variability levels in intraday quotes.[25] ICE Clear Europe would determine the amount of the variability factor on the basis of a market proxy variability band (numbering 0–3).[26] ICE Clear Europe would assign a single-name instrument to a market proxy variability band based on the instrument's market-proxy group, as determined by ICE Clear Europe. ICE Clear Europe may apply a similar variability factor under the current approach on a discretionary basis.[27] After applying this variability factor, ICE Clear Europe would arrive at the final systematic EOD BOW based on the applicable variability band.[28]

Second, ICE Clear Europe would determine the final EOD BOW as the greater of a single-name CDS instrument's final systematic EOD BOW, and a BOW established for the instrument based on the dispersion of price-based EOD submissions by CDS Clearing Members for the given instrument (such BOW the ''dynamic BOW'').[29]

Third, the proposed rule change would eliminate the use of the ISDA CDS Standard Model from the computation of BOWs for single-name CDS instruments. As ICE Clear Europe would now accept price submissions for single-name CDS instruments only in price terms, ICE Clear Europe would no longer need the ISDA CDS Standard Model to compute single-name BOWs.[30] ICE Clear Europe would continue to use the ISDA CDS Standard Model for certain other purposes in which it may need to convert between spread and price terms, however, and therefore the proposed rule change would retain references to the model in the revised Price Discovery Policy.[31] Similarly, because ICE Clear Europe would now accept price submissions for single-name CDS instruments only in price terms, the proposed rule change would remove the requirement for ICE Clear Europe to provide single-name BOWs in spread terms.[32]

Finally, the proposed rule change would revise the governance provisions

[7] *Id.*
[8] *Id.*
[9] *Id.*
[10] *Id.*
[11] *Id.*
[12] Notice, 83 FR at 35049.
[13] *Id.*
[14] Notice, 83 FR at 35049.
[15] *Id.*
[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] *Id.*
[20] *Id.*
[21] *Id.*
[22] Notice, 83 FR at 35049.
[23] *Id.*
[24] *Id.*
[25] *Id.*
[26] *Id.*
[27] *Id.*
[28] *Id.*
[29] Notice, 83 FR at 35049.
[30] *Id.*
[31] Notice, 83 FR at 35049 n.4.
[32] Notice, 83 FR at 35049.

of the Price Discovery Policy. Under the revisions, and consistent with the amendments to the methodology described above, ICE Clear Europe's clearing risk department, in consultation with the trading advisory committee, would establish the parameters used in the EOD price discovery process.[33] ICE Clear Europe's clearing risk department would also be responsible for determining the price-based floors and scaling factors used to establish BOWs.[34]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.[35] For the reasons given below, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act,[36] and Rules 17Ad–22(e)(2)(i), (e)(6)(ii), and (e)(6)(iv) thereunder.[37]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of ICE Clear Europe be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, as well as to assure the safeguarding of securities and funds which are in the custody or control of ICE Clear Europe or for which it is responsible, and, in general, to protect investors and the public interest.[38]

As discussed above, the proposed rule change would enhance ICE Clear Europe's EOD price discovery process for single-name CDS instruments by amending the Price Discovery Policy to (1) compute a consensus BOW for each benchmark single-name instrument; (2) determine the final EOD BOW as the greater of an instrument's final systematic BOW and a dynamic BOW; (3) eliminate the use of the ISDA CDS Standard Model from the computation of BOWs for single-name instruments; and (4) update associated governance provisions.

Taken as a whole, the Commission believes the proposed rule change would enhance ICE Clear Europe's ability to determine the EOD BOW for single-name CDS instruments. The Commission believes the proposed rule change would permit ICE Clear Europe to determine BOWs more consistently across single-name instruments on all reference entities, including those for which only sparse intraday data is available, by computing a consensus BOW for each benchmark single-name instrument. In addition, by extending the application of price-based BOW floors to the entire set of benchmark tenors instead of solely the 0/3 month, 6 month, and 1-year benchmark tenors, the Commission believes that ICE Clear Europe would be able to more consistently compute the EOD BOW for a wider range of single-name CDS instruments. Moreover, the Commission believes that the adoption of a new dynamic BOW would help the BOW to better reflect current market conditions given that the dynamic BOW would widen BOWs in response to the observed dispersion of price-space levels submitted in the EOD price discovery process. Finally, the Commission believes that updating the associated governance provisions would help ensure that the EOD price discovery process remains effective by making clear the responsibilities for establishing the parameters, price-based floors, and scaling factors used in the EOD price discovery process.

Consequently, the Commission believes that the proposed rule change would help improve ICE Clear Europe's EOD pricing process as a whole by considering additional relevant information and a wider range of instruments. Based on these improvements, the Commission believes that the proposed rule change would also help improve the operation and effectiveness of ICE Clear Europe's margin system because ICE Clear Europe uses EOD prices to calculate and collect such margin. Given that an effective margin system is necessary to manage ICE Clear Europe's credit exposures to its Clearing Members and the risks associated with clearing security based swap-related portfolios, the Commission believes that the proposed rule change would help improve ICE Clear Europe's ability to avoid losses that could result from the mismanagement of such credit exposures and risks. Because such losses could disrupt ICE Clear Europe's ability to promptly and accurately clear security based swap transactions, the Commission believes that the proposed rule change, by improving the EOD price input to ICE Clear Europe's margin system and thereby improving the operation and effectiveness of such margin system, would help promote the prompt and accurate clearance and settlement of securities transactions.

Similarly, given that mismanagement of ICE Clear Europe's credit exposures to its Clearing Members and the risks associated with clearing security based swap-related portfolios could cause ICE Clear Europe to realize losses on such portfolios and threaten ICE Clear Europe's ability to operate, thereby threatening access to securities and funds in ICE Clear Europe's control, the Commission believes that the proposed rule change would help assure the safeguarding of securities and funds which are in the custody or control of ICE Clear Europe or for which it is responsible. Finally, for both of these reasons, the Commission believes the proposed rule change is consistent with protecting investors and the public interest.

Therefore, the Commission finds that the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions, assure the safeguarding of securities and funds in ICE Clear Europe's custody and control, and, in general, protect investors and the public interest, consistent with the Section 17A(b)(3)(F) of the Act.[39]

B. Consistency With Rule 17Ad–22(e)(2)(i)

Rule 17Ad–22(e)(2)(i) requires that ICE Clear Europe establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent.[40]

As discussed above, the proposed rule change would revise ICE Clear Europe's Price Discovery Policy to update the responsibilities of ICE Clear Europe's clearing risk department. Under the revised Price Discovery Policy, the clearing risk department, in consultation with the trading advisory committee, would establish the parameters used in the EOD price discovery process, including determining the price-based floors and scaling factors used to establish BOWs. The Commission believes that the proposed rule change would thus help ICE Clear Europe assign responsibility within ICE Clear Europe's existing governance structure for important aspects of EOD price discovery, such as setting parameters and scaling factors. The Commission further believes that

[33] *Id.*

[34] Notice, 83 FR at 35049.

[35] 15 U.S.C. 78s(b)(2)(C).

[36] 15 U.S.C. 78q–1(b)(3)(F).

[37] 17 CFR 240.17Ad–22(e)(2)(i), (e)(6)(ii), and (e)(6)(iv).

[38] 15 U.S.C. 78q–1(b)(3)(F).

[39] 15 U.S.C. 78q–1(b)(3)(F).

[40] 17 CFR 240.17Ad–22(e)(2)(i).

the proposed rule change would help improve the effectiveness of the EOD price discovery process by specifically requiring the clearing risk department to consult the trading advisory committee, which would provide insight into current market dynamics and conditions.

Therefore, for the above reasons the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(2)(i).[41]

C. Consistency With Rule 17Ad–22(e)(6)(ii)

Rule 17Ad–22(e)(6)(ii) requires that ICE Clear Europe establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that marks participant positions to market and collects margin, including variation margin or equivalent charges if relevant, at least daily and includes the authority and operational capacity to make intraday margin calls in defined circumstances.[42]

As discussed above, the proposed rule change would enhance ICE Clear Europe's EOD price discovery by amending the Price Discovery Policy to (1) compute a consensus BOW for each benchmark single-name instrument; (2) determine the final EOD BOW as the greater of an instrument's final systematic BOW and a dynamic BOW; and (3) eliminate the use of the ISDA CDS Standard Model from the computation of BOWs for single-name instruments.

The Commission believes that these changes, taken together, would help enhance ICE Clear Europe's ability to determine the EOD BOW for single-name CDS instruments. By eliminating the use of the ISDA CDS Standard Model from the computation of single-name BOWs, accepting submissions only in price terms, and computing a consensus BOW for each benchmark single-name CDS instrument, the Commission believes the proposed rule change would help ICE Clear Europe to determine BOWs more consistently across single-name instruments on all reference entities, including those for which little intraday data is available. In addition, as noted above, the dynamic BOW would widen BOWs in response to the observed dispersion of price-space levels submitted in the EOD price discovery process. Thus, by determining the final EOD BOW as the greater of an instrument's final systematic BOW and a dynamic BOW, the Commission believes the proposed rule change would help the BOW to better reflect current market conditions.

Consequently, the Commission believes that the proposed rule change would help improve ICE Clear Europe's EOD pricing process by taking into account additional relevant information and considering a wider range of instruments in the pricing process. Because ICE Clear Europe uses EOD prices to mark participant positions to market and establish and collect margin, including variation margin, the Commission believes that improvements to the EOD pricing process would also enhance ICE Clear Europe's covering of credit exposures to its participants and collection of margin. Moreover, the Commission believes the governance enhancements described above would help ensure that ICE Clear Europe's clearing risk department maintains an effective EOD price discovery process and takes into account current market conditions by consulting with the trading advisory committee. The Commission therefore believes that the proposed rule change would help establish and maintain written policies and procedures reasonably designed to cover ICE Clear Europe's credit exposures to its participants by establishing a risk-based margin system that marks participant positions to market and collects margin, including variation margin.

Therefore, for the above reasons the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(6)(ii).[43]

D. Consistency With Rule 17Ad–22(e)(6)(iv)

Rule 17Ad–22(e)(6)(iv) requires that ICE Clear Europe establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that uses reliable sources of timely price data and uses procedures and sound valuation models for addressing circumstances in which pricing data are not readily available or reliable.[44]

As discussed above, the proposed rule change would help improve the pricing data that ICE Clear Europe uses in its margin system. Specifically, the proposed rule change would, as discussed above, enhance the computation of BOWs for single-name CDS instruments by amending the Price Discovery Policy to (1) compute a consensus BOW for each benchmark single-name instrument; (2) determine the final EOD BOW as the greater of an instrument's final systematic BOW and a dynamic BOW; and (3) eliminate the use of the ISDA CDS Standard Model from the computation of BOWs for single-name instruments. Because ICE Clear Europe uses BOWs to determine EOD price levels, the Commission believes that improvements in the collection and calculation of BOWs would improve the accuracy and reliability of ICE Clear Europe's EOD price levels. Finally, because ICE Clear Europe uses its EOD price levels to mark participant positions to market and establish and collect margin, including variation margin, the Commission believes that the proposed rule change would help ensure that the ICE Clear Europe's margin system uses reliable sources of timely price data.

Therefore, for the above reasons the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(6)(iv).[45]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular with the requirements of Section 17A(b)(3)(F) of the Act[46] and Rules 17Ad–22(e)(2)(i), (e)(6)(ii), and (e)(6)(iv) thereunder.[47]

It is therefore ordered pursuant to Section 19(b)(2) of the Act[48] that the proposed rule change (SR–ICEEU–2018–009) be, and hereby is, approved.[49]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[50]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–19640 Filed 9–10–18; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 10538]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Tomma Abts'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby

[41] 17 CFR 240.17Ad–22(e)(2)(i).

[42] 17 CFR 240.17Ad–22(e)(6)(ii).

[43] 17 CFR 240.17Ad–22(e)(6)(ii).

[44] 17 CFR 240.17Ad–22(e)(6)(iv).

[45] 17 CFR 240.17Ad–22(e)(6)(iv).

[46] 15 U.S.C. 78q–1.

[47] 17 CFR 240.17Ad–22(e)(2)(i), (e)(6)(ii), and (e)(6)(iv).

[48] 15 U.S.C. 78s(b)(2).

[49] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[50] 17 CFR 200.30–3(a)(12).

determine that certain objects to be included in the exhibition ''Tomma Abts,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Art Institute of Chicago, in Chicago, Illinois, from on or about October 18, 2018, until on or about February 17, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–19717 Filed 9–10–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10536]

Notice of Determinations; Culturally Significant Object Imported for Exhibition—Determinations: ''Enrico David: Gradations of Slow Release'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object to be included in the exhibition ''Enrico David: Gradations of Slow Release,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the Museum of Contemporary Art, Chicago, Illinois, from on or about September 29, 2018, until on or about March 10, 2019, and at the Hirshhorn Museum and Sculpture Garden, Washington, District of Columbia, from on or about April 18, 2019, until on or about September 2, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–19715 Filed 9–10–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10539]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Frans Hals Portraits: A Family Reunion'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Frans Hals Portraits: A Family Reunion,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Toledo Museum of Art, Toledo, Ohio, from on or about October 13, 2018, until on or about January 6, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–19719 Filed 9–10–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10537]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Günther Förg: A Fragile Beauty'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Günther Förg: A Fragile Beauty,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Dallas Museum of Art, Dallas, Texas, from on or about October 21, 2018, until on or about January 27, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of

March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–19716 Filed 9–10–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10535]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Tudors to Windsors: British Royal Portraits From Holbein to Warhol'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Tudors to Windsors: British Royal Portraits from Holbein to Warhol,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Museum of Fine Arts, Houston, in Houston, Texas, from on or about October 7, 2018, until on or about February 3, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–19718 Filed 9–10–18; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[STB Docket No. EP 670 (Sub-No. 1)]

Notice of Rail Energy Transportation Advisory Committee Meeting

AGENCY: Surface Transportation Board.

ACTION: Notice of Rail Energy Transportation Advisory Committee meeting.

SUMMARY: Notice is hereby given of a meeting of the Rail Energy Transportation Advisory Committee (RETAC), pursuant to the Federal Advisory Committee Act (FACA).

DATES: The meeting will be held on Thursday, October 4, 2018, at 9 a.m.

ADDRESSES: The meeting will be held on the second floor of the Board's headquarters at 395 E Street SW, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Kristen Nunnally (202) 245–0312; *Kristen.Nunnally@stb.gov.* [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877–8339.]

SUPPLEMENTARY INFORMATION: RETAC was formed in 2007 to provide advice and guidance to the Board, and to serve as a forum for discussion of emerging issues related to the transportation of energy resources by rail, including coal, ethanol, and other biofuels. *Establishment of a Rail Energy Transportation Advisory Committee,* EP 670 (STB served July 17, 2007). The purpose of this meeting is to continue discussions regarding issues such as rail performance, capacity constraints, infrastructure planning and development, and effective coordination among suppliers, carriers, and users of energy resources. Potential agenda items for this meeting include a performance measures review, industry segment updates by RETAC members, a presentation on energy transportation logistics, and a roundtable discussion.

The meeting, which is open to the public, will be conducted in accordance with the Federal Advisory Committee Act, 5 U.S.C. app. 2; Federal Advisory Committee Management regulations, 41 CFR pt. 102–3; RETAC's charter; and Board procedures. Further communications about this meeting may be announced through the Board's website at *www.stb.gov*.

Written Comments: Members of the public may submit written comments to RETAC at any time. Comments should be addressed to RETAC, c/o Kristen Nunnally, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001 or *Kristen.Nunnally@stb.gov*.

Authority: 49 U.S.C. 1321, 49 U.S.C. 11101; 49 U.S.C. 11121.

Decided: September 5, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Marline Simeon,

Clearance Clerk.

[FR Doc. 2018–19665 Filed 9–10–18; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2018–70]

Petition for Exemption; Summary of Petition Received; Compass Airlines LLC

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 Title 14 of the Code of Federal 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 October 1, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0603 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, 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Clarence Garden (202) 267–7489, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on September 5, 2018.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2018–0603.

Petitioner: Compass Airlines LLC.

Section(s) of 14 CFR Affected: §§ 121.407(a)(1)(ii) and 121.439(a)(b).

Description of Relief Sought: Compass Airlines LLC is seeking relief from 14 CFR 121.407(a)(1)(ii) to allow the use of a modified full flight simulator representing an Embraer 190 type airplane in conjunction with an Embraer 175 Integrated Procedures Trainer to provide training, checking and currency for pilots operating Embraer 175 type airplanes. Compass Airlines LLC is also seeking relief from §§ 121.439(a)(b) to allow a modified full flight simulator representing an Embraer 190 type airplane to be used to meet the recency of experience requirements for an Embraer 175 type airplane.

[FR Doc. 2018–19711 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2018–71]

Petition for Exemption; Summary of Petition Received; Aero-Flite, 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 October 1, 2018.

ADDRESSES: Send comments identified by docket number {FAA–2018–0742} 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: Clarence Garden (202) 267–7489, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on September 5, 2018.

Lirio Liu,

Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2018–0742.

Petitioner: Aero-Flite, Inc.

Section(s) of 14 CFR Affected: 91.213.

Description of Relief Sought: Aero-Flite, Inc. (Aero-Flite) is seeking exemption for relief from the requirement in § 91.213 that no person may take off an aircraft with inoperative instruments or equipment installed unless, among other things, an approved Minimum Equipment List (MEL) exists for that aircraft. Aero-Flite notes that an MEL does not exist for the CL–415 aircraft that it operations. As such, Aero-Flite cannot operate such aircraft unless all instruments and equipment are operative at all times. Under the relief requested, Aero-Flite would conduct a risk assessment to determine if an inoperative instrument or equipment could be deferred and operations continued.

[FR Doc. 2018–19712 Filed 9–10–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Proposed Renewal: Comment Request; Renewal Without Change of Customer Identification Programs for Brokers or Dealers in Securities and Mutual Funds

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), U.S. Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN invites comment on a proposed renewal, without change, to information collections found in regulations requiring brokers or dealers in securities and mutual funds to develop and implement customer identification programs designed to

allow the covered financial institution to form a reasonable belief that it knows the true identity of each customer. This request for comment is being made pursuant to the Paperwork Reduction Act (''PRA'') of 1995.

DATES: Written comments are welcome and must be received on or before November 13, 2018.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2018–0015 and the Office of Management and Budget (''OMB'') control number of the information collection(s) you wish to comment on (OMB control numbers 1506–0033 and/or 1506–0034).
- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2018–0015 and the OMB control number of the information collection(s) you wish to comment on (OMB control numbers 1506–0033 and/or 1506–0034).

Please submit comments by one method only. Comments will also be incorporated to FinCEN's retrospective regulatory review process, as mandated by E.O. 12866 and 13563. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 800–767–2825 or electronically at *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION: The Bank Secrecy Act (''BSA''), Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829(b), 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5314 and 5316–5332, authorizes the Secretary of the Treasury, among other things, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.[1] Title III of the USA PATRIOT Act of 2001, Public Law 107–56, included certain amendments to the anti-money laundering provisions of Title II of the BSA, 31 U.S.C. 5311 *et seq.,* which are intended to aid in the prevention, detection, and prosecution of international money laundering and terrorist financing.

Regulations implementing Title II of the BSA appear at 31 CFR chapter X. The authority of the Secretary of the Treasury to administer Title II of the BSA has been delegated to the Director of FinCEN. The information collected and retained under the regulation addressed in this notice assist Federal, state, and local law enforcement as well as regulatory authorities in the identification, investigation and prosecution of money laundering and other matters.

Section 5318(l) of the BSA requires FinCEN to issue regulations prescribing customer identification programs for financial institutions. Those regulations, at a minimum, must require financial institutions implement reasonable procedures for (1) verifying the identity of any person seeking to open an account, to the extent reasonable and practicable; (2) maintaining records of the information used to verify the person's identity, including name, address, and other identifying information; and (3) determining whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency. The regulations are to take into consideration the various types of accounts maintained by various types of financial institutions, the various methods of opening accounts, and the various types of identifying information available. Regulations implementing section 5318(l) with respect to brokers or dealers in securities and mutual funds are found at 31 CFR 1023.220 and 1024.220, respectively.

In accordance with the requirements of the PRA and its implementing regulations, the following information is presented concerning the information collection below.

1. *Title:* Customer Identification Program for Brokers or Dealers in Securities (31 CFR 1023.220).

OMB Control Number: 1506–0034.

Abstract: Brokers or dealers in securities are required to establish and maintain customer identification programs and provide their customers with notice of the programs. (*See* 68 FR 25113, May 9, 2003).

Current Action: Renewal without change to existing regulations.

Type of Review: Renewal of a currently approved information collection.

Affected Public: Business and other for-profit institutions.

Burden:

- *Estimated Number of Respondents:* 3,839.[2]
- *Estimated Number of Responses:* 9,000,000 new brokers or dealers in securities accounts opened annually.[3]
- *Estimated Average Annual Burden per Response:* The estimated average burden associated with fulfilling the requirements of this rule is 2 minutes per response.[4]
- *Estimated Total Annual Respondent Burden:* 300,000 hours.[5]

2. *Title:* Customer Identification Programs for Mutual Funds (31 CFR 1024.220).

OMB Control Number: 1506–0033.

Abstract: Mutual funds are required to implement and maintain customer identification programs and provide their customers with notice of the programs. (*See* 68 FR 25131, May 9, 2003).

Current Action: Renewal without change to existing regulations.

Type of Review: Renewal of a currently approved information collection.

Affected Public: Business and other for-profit institutions.

Burden:

- *Estimated Number of Respondents:* 1,591.[6]
- *Estimated Number of Responses:* 20,000,000 new mutual fund accounts opened annually.[7]
- *Estimated Average Annual Burden per Response:* The estimated average burden associated with fulfilling the requirements of this rule is 2 minutes per response.[8]
- *Estimated Total Annual Respondent Burden:* 666,667 hours.[9]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

[1] Language expanding the scope of the BSA to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56.

[2] This number was provided to FinCEN by the U.S. Securities and Exchange Commission (''SEC''), and is based on forms filed with the SEC in 2017.

[3] This number was provided to FinCEN by the SEC, and is based on forms filed with the SEC in 2017.

[4] FinCEN did not receive comments on the previous estimate of 2 minutes of burden per response.

[5] 9 million responses multiplied by 2 minutes per responses converted to hours equals 300,000 hours.

[6] This number was provided to FinCEN by the SEC, and is based on forms filed with the SEC in 2017.

[7] This estimate was provided to FinCEN by the SEC, and is based on publicly available information as of 2017.

[8] FinCEN did not receive comments on the previous estimate of 2 minutes of burden per response.

[9] 20 million responses multiplied by 2 minutes per responses converted to hours equals 666,667 hours.

unless the collection of information displays a valid OMB control number. Records required to be retained under the BSA must be retained for five years. Generally, information collected pursuant to the BSA is confidential but may be shared as provided by law with regulatory and law enforcement authorities.

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.

Jamal El-Hindi,

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 2018–19656 Filed 9–10–18; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of the Report of International Transportation of Currency or Monetary Instruments

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), U.S. Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN invites comment on the renewal of an information collection requirement concerning the Report of International Transportation of Currency or Monetary Instruments (''CMIR''). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments are welcome and must be received on or before November 13, 2018.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2018–0012 and the specific Office of Management and Budget (''OMB'') control number 1506–0014.
- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2018–0012 and OMB control number 1506–0014.

Please submit comments by one method only. Comments will also be incorporated to FinCEN's retrospective regulatory review process, as mandated by E.O. 12866 and 13563. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 800–767–2825 or electronically at *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION: The Bank Secrecy Act (''BSA''), Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829(b), 12 U.S.C. 1951–1959, and 31 U.S.C. *et seq.,* authorizes the Secretary of the Treasury, among other things, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.[1] Title III of the USA PATRIOT Act of 2001, Public Law 107–56, included certain amendments to the anti-money laundering provisions of Title II of the BSA, 31 U.S.C. 5311 *et seq.,* which are intended to aid in the prevention, detection, and prosecution of international money laundering and terrorist financing.

Regulations implementing Title II of the BSA appear at 31 CFR chapter X. The authority of the Secretary of the Treasury to administer Title II of the BSA has been delegated to the Director of FinCEN. The information collected and retained under the regulation addressed in this notice assist Federal, state, and local law enforcement as well as regulatory authorities in the identification, investigation and prosecution of money laundering and other matters.

In accordance with the requirements of the PRA and its implementing regulations, the following information is presented concerning the information collection below.

Title: Report of Transportation of Currency or Monetary Instruments. (31 CFR 1010.340.)

OMB Control Number: 1506–0014.

Form Number: FinCEN Form 105, Report of International Transportation of Currency or Monetary Instruments. A copy of the form may be obtained from the FinCEN website at *https://www.fincen.gov/sites/default/files/shared/fin105_cmir.pdf.*

Abstract: Pursuant to the BSA, the requirement of 31 U.S.C. 5316(a) has been implemented through a regulation promulgated at 31 CFR 1010.340 and through the instructions for the CMIR as follows:

(1) Each person who physically transports, mails, or ships, or causes to be physically transported, mailed, or shipped currency or other monetary instruments in an aggregate amount exceeding $10,000 at one time from the United States to any place outside the United States or into the United States from any place outside the United States, and

(2) Each person who receives in the United States currency or other monetary instruments in an aggregate amount exceeding $10,000 at one time which have been transported, mailed, or shipped to the person from any place outside the United States.

A transfer of funds through normal banking procedures, which does not involve the physical transportation of currency or monetary instruments, is not required to be reported on the CMIR.

Information collected on the CMIR is made available, in accordance with strict safeguards, to appropriate criminal law enforcement and regulatory personnel in the official performance of their duties. The information collected is of use in investigations involving international and domestic money laundering, tax evasion, fraud, and other financial crimes.

Current Actions: Renewal without change to the existing regulations.

Type of Review: Renewal without change of a currently approved information collection.

Affected Public: Individuals, business or other for-profit institutions, and not-for-profit institutions.

Frequency: As required.

[1] Language expanding the scope of the BSA to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56.

Estimated Number of Respondents: 280,000.[2]

Estimated Burden per Respondent: 30 minutes.[3]

Estimated Total Annual Burden Hours: 140,000 hours.

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. Records required to be retained under the BSA must be retained for five years. Generally, information collected pursuant to the BSA is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

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.

Jamal El-Hindi,

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 2018–19654 Filed 9–10–18; 8:45 am]

BILLING CODE 4810–02–P

[2] DHS indicates that different numbers of CMIRs are filed each year. In 2014, approximately 235,000 CMIRs were filed, the highest number of filings between 2012 and 2017. In addition, the number of filings display an upward trend.

[3] During the last information collection renewal, FinCEN did not receive any comments suggesting or requesting a different estimated burden.

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Anti-Money Laundering Programs for Precious Metals, Precious Stones, or Jewels

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), U.S. Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN invites comment on a renewal, without change, to information collections found in existing regulations requiring dealers in precious metals, stones, or jewels, to develop and implement written anti-money laundering programs reasonably designed to prevent those financial institutions from being used to facilitate money laundering and the financing of terrorist activities. This request for comments is being made pursuant to the Paperwork Reduction Act (''PRA'') of 1995.

DATES: Written comments are welcome and must be received on or before November 13, 2018.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2018–0014 and the Office of Management and Budget (''OMB'') control number 1506–0030.
- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2018–0014 and OMB control number 1506–0030.

Please submit comments by one method only. Comments will also be incorporated to FinCEN's retrospective regulatory review process, as mandated by E.O. 12866 and 13563. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 800–767–2825 or electronically at *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION: The Bank Secrecy Act (''BSA''), Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829(b), 12 U.S.C. 1951–1959, and 31 U.S.C. *et seq.,* authorizes the Secretary of the Treasury, among other things, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.[1] Title III of the USA PATRIOT Act of 2001, Public Law 107–56, included certain amendments to the anti-money laundering provisions of Title II of the BSA, 31 U.S.C. 5311 *et seq.,* which are intended to aid in the prevention, detection, and prosecution of international money laundering and terrorist financing.

Regulations implementing Title II of the BSA appear at 31 CFR Chapter X. The authority of the Secretary of the Treasury to administer Title II of the BSA has been delegated to the Director of FinCEN. The information collected and retained under the regulation addressed in this notice assist federal, state, and local law enforcement as well as regulatory authorities in the identification, investigation and prosecution of money laundering and other matters.

In accordance with the requirements of the PRA and its implementing regulations, the following information is presented concerning the information collection below.

Title: Anti-Money Laundering Programs for Dealers in Precious Metals, Precious Stones, or Jewels (31 CFR 1027.210).

OMB Control Number: 1506–0030.

Abstract: Dealers in precious metals, precious stones, or jewels are required to develop and implement written anti-money laundering programs. A copy of the written program must be maintained for five years.

Current Action: Renewal without change to existing regulations.

Type of Review: Renewal without change to a currently approved information collection.

Affected Public: Business and other for-profit institutions.

Burden: Estimated Number of Respondents: 20,000.[2]

[1] Language expanding the scope of the BSA to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56.

[2] During the last information collection renewal, FinCEN did not receive any comments suggesting or requesting a different estimated number of respondents. The respondents are required to develop, implement, and maintain a copy of their program, but there is no requirement to report it to

Estimated Annual Responses: 20,000.

Estimated Burden per Response: 1 hour.

Estimated Total Burden Hours: 20,000 hours.

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 control number assigned by the Office of Management and Budget. Records required to be retained under the BSA must be retained for five years. Generally, information collected pursuant to the BSA is confidential but may be shared as provided by law with regulatory and law enforcement authorities.

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.

Jamal El-Hindi,

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 2018–19655 Filed 9–10–18; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Proposed Renewal: Comment Request; Renewal Without Change of Customer Identification Programs for Banks, Savings Associations, Credit Unions, Certain Non-Federally Regulated Banks, Futures Commission Merchants, and Introducing Brokers in Commodities

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), U.S. Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN invites comment on a proposed renewal, without change, to information collections found in regulations requiring banks, savings associations, credit unions, certain non-federally regulated banks, futures commission merchants, and introducing brokers in commodities to develop and implement customer identification programs designed to allow the covered financial institution to form a reasonable belief that it knows the true identity of each customer. This request for comment is being made pursuant to the Paperwork Reduction Act (''PRA'') of 1995.

DATES: Written comments are welcome and must be received on or before November 13, 2018.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2018–0013 and the Office of Management and Budget (''OMB'') control number of the information collection(s) you wish to comment on (OMB control numbers 1506–0022 and/or 1506–0026).
- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2018–0013 and the OMB control number of the information collection(s) you wish to comment on (OMB control numbers 1506–0022 and/or 1506–0026).

Please submit comments by one method only. Comments will also be incorporated to FinCEN's retrospective regulatory review process, as mandated by E.O. 12866 and 13563. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 800–767–2825 or electronically at *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION: The Bank Secrecy Act (''BSA''), Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829(b), 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5314 and 5316–5332, authorizes the Secretary of the Treasury, among other things, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.[1] Title III of the USA PATRIOT Act of 2001, Public Law 107–56, included certain amendments to the anti-money laundering provisions of Title II of the BSA, 31 U.S.C. 5311 *et seq.,* which are intended to aid in the prevention, detection, and prosecution of international money laundering and terrorist financing.

Regulations implementing Title II of the BSA appear at 31 CFR Chapter X. The authority of the Secretary of the Treasury to administer Title II of the BSA has been delegated to the Director of FinCEN. The information collected and retained under the regulation addressed in this notice assist Federal, state, and local law enforcement as well as regulatory authorities in the identification, investigation and prosecution of money laundering and other matters.

Section 5318(l) of the BSA requires FinCEN to issue regulations prescribing customer identification programs for financial institutions. Those regulations, at a minimum, must require financial institutions implement reasonable procedures for (1) verifying the identity of any person seeking to open an account, to the extent reasonable and practicable; (2) maintaining records of the information used to verify the person's identity, including name, address, and other identifying information; and (3) determining whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency. The regulations are to take into consideration the various types of accounts maintained by various types of financial institutions, the various methods of opening accounts, and the various types of identifying information available. Regulations implementing section 5318(l) with respect to banks, savings associations, credit unions, and certain non-federally regulated banks are found at 31 CFR 1020.220. Regulations implementing section 5318(l) with respect to futures commission merchants and introducing brokers in commodities are found at 31 CFR 1026.220.

In accordance with the requirements of the PRA and its implementing regulations, the following information is

FinCEN. Therefore, FinCEN does not have an independent means of verifying this number.

[1] Language expanding the scope of the BSA to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56.

presented concerning the information collection below.

1. *Title:* Customer Identification Programs for Banks, Savings Associations, Credit Unions, and Certain Non-Federally Regulated Banks. (31 CFR 1020.220).

OMB Control Number: 1506–0026.

Abstract: Banks, savings associations, credit unions, and certain non-federally regulated banks are required to implement and maintain customer identification programs and provide their customers with notice of the programs. (*See* 68 FR 25090, May 9, 2003).

Current Action: Renewal without change to existing regulations.

Type of Review: Renewal of a currently approved information collection.

Affected Public: Business, other for-profit institutions, and not-for-profit institutions.

Burden:

• *Estimated Number of Respondents:* 15,960.[2]

• *Estimated Average Annual Recordkeeping Burden per Respondent:* 10 hours.[3]

• *Estimated Average Annual Disclosure Burden per Respondent:* 1 hour.

• *Estimated Total Annual Respondent Burden:* 175,560 hours.[4]

2. *Title:* Customer Identification Programs for Futures Commission Merchants and Introducing Brokers in Commodities (31 CFR 1026.220).

OMB Control Number: 1506–0022.

Abstract: Futures commission merchants and introducing brokers in commodities are required to implement and maintain customer identification programs and provide their customers with notice of the programs. (*See* 68 FR 25149, May 9, 2003).

Current Action: Renewal without change to existing regulations.

Type of Review: Renewal of a currently approved information collection.

Affected Public: Business and other for-profit institutions.

Burden:

• *Estimated Number of Respondents:* 1,228.[5]

• *Estimated Average Annual Recordkeeping Burden per Respondent:* 10 hours.[6]

• *Estimated Average Annual Disclosure Burden per Respondent:* 1 hour.

• *Estimated Total Annual Respondent Burden:* 13,508.[7]

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. Records required to be retained under the BSA must be retained for five years. Generally, information collected pursuant to the BSA is confidential but may be shared as provided by law with regulatory and law enforcement authorities.

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.

Jamal El-Hindi,

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 2018–19653 Filed 9–10–18; 8:45 am]

BILLING CODE 4810–02–P

[2] This number is a total of the institutions represented in the 2017 annual reports of the following regulators: The National Credit Union Administration reported 5,573 institutions, the Federal Reserve reported 5,180 institutions, the Federal Deposit Insurance Corporation reported 3,636 institutions, the Office of the Comptroller of the Currency reported 1,446 institutions. In addition, a report from the Government Accountability Office indicated that approximately 125 credit unions were insured privately, for a total of 15,960 institutions.

[3] FinCEN did not receive comments on the previous estimate of 10 hours of annual recordkeeping burden and 1 hour of annual disclosure burden per respondent.

[4] 15,960 respondents multiplied by 11 hours equals 175,560 hours.

[5] According to the National Futures Association, there are currently 1,164 registered introducing brokers in commodities, and 64 futures commission merchants.

[6] FinCEN did not receive comments on the previous estimate of 10 hours of annual recordkeeping burden and 1 hour of annual disclosure burden per respondent.

[7] 1,228 respondents multiplied by 11 hours equals 13,508 hours.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, October 9, 2018.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Tuesday, October 9, 2018, at 3:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Rosalind Matherne. For more information please contact Rosalind Matherne at 1–888–912–1227 or 202–317–4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

The committee will be discussing Toll-free issues and public input is welcomed.

Dated: September 1, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–19678 Filed 9–10–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5495

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Request for Discharge From Personal Liability Under Internal Revenue Code Section 2204 or 6905.

DATES: Written comments should be received on or before November 13, 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 form and instructions should be directed to Martha R. Brinson, at (202)317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Request for Discharge From Personal Liability Under Internal Revenue Code Section 2204 or 6905.

OMB Number: 1545–0432.

Form Number: 5495.

Abstract: Form 5495 provides guidance under sections 2204 and 6905 for executors of estates and fiduciaries of decedent's trusts. The form, filed after regular filing of an Estate, Gift, or Income tax return for a decedent, is used by the executor or fiduciary to request discharge from personal liability for any deficiency for the tax and periods shown on the form.

Current Actions: There are no changes being made to Form 5495 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or Households.

Estimated Number of Responses: 25,000.

Estimated Time per Response: 12 hours, 16 minutes.

Estimated Total Annual Burden Hours: 306,500.

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. Comments will be 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 has 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 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: August 28, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–19620 Filed 9–10–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Allowance of Information Collection Request Submitted for Public Comment; Information Reporting for Certain Life Insurance Contract Transactions

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 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 the guidance for taxpayers regarding information reporting for certain life insurance contract transactions.

DATES: Written comments should be received on or before November 13, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Carolyn Brown, Internal Revenue Service, Room 6236, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Information Reporting for Certain Life Insurance Contract Transactions.

OMB Number: 1545—New.

Regulation Project Number: Notice 2018–41, Form 1099–LS, Form 1099–SB.

Abstract: The collection covers the new information reporting requirements for certain life insurance contracts under new IRC 6050Y, which were added by the Tax Cuts and Jobs Act (TCJA).

The new reporting requirements apply to reportable death benefits paid and reportable policy sales made after Dec. 31, 2017. On April 26, 2018, the Internal Revenue Service provided transitional guidance delaying any reporting under IRC 6050Y until final regulations are issued. The transitional guidance provides taxpayers additional time to satisfy any reporting obligations arising prior to publication of final regulations.

Current Actions: The IRS described the new information reporting requirements for certain life insurance contracts under new IRC 6050Y, which were added by the Tax Cuts and Jobs Act. The new reporting requirements apply to reportable death benefits paid and reportable policy sales made after Dec. 31, 2017. As part of the guidance, however, the IRS provided transitional guidance delaying any reporting under IRC 6050Y until final regulations are issued.

This submission is being made to seek new approval as required in the Paperwork Reduction Act.

Type of Review: New collection.

Affected Public: Individuals or Households, Business or other for profit, Not for profit institutions.

Estimated Number of Respondents: 6,000.

Estimated Time per Respondent: 7 min.

Estimated Total Annual Burden Hours: 720.

The following paragraph applies to all 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 if 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.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: September 4, 2018.

R. Joseph Durbala,

IRS, Tax Analyst.

[FR Doc. 2018–19619 Filed 9–10–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Allowance of Information Collection Request Submitted for Public Comment; Transitional Guidance Under Sections 162(f) and 6050X With Respect to Certain Fines, Penalties, and Other Amounts

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 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 transitional guidance under sections 162(f) and 6050X with respect to certain fines, penalties, and other amounts.

DATES: Written comments should be received on or before November 13, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Carolyn Brown, Internal Revenue Service, Room 6236, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Transitional Guidance Under Sections 162(f) and 6050X with Respect to Certain Fines, Penalties, and Other Amounts.

OMB Number: 1545—New.

Regulation Project Number: Notice 2018–23, Form 1098–F.

Abstract: The collection covers the new information reporting requirements under IRC 162(f) and new 6050X, which was added by the Tax Cuts and Jobs Act (TCJA).

Section 13306 of ''An Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018,'' Public Law 115–97 (the ''Act''), which was signed into law on December 22, 2017, amended section 162(f) of the Internal Revenue Code (''Code'') and added new section 6050X to the Code. The Department of the Treasury (''Treasury Department'') and the Internal Revenue Service (''IRS'') intend to publish proposed regulations under sections 162(f) and 6050X.

Current Actions: The Treasury Department and the IRS intend to issue proposed regulations amending and adding sections to the Income Tax Regulations with respect to sections 162(f) and 6050X. To assist in the development of the proposed regulations, the IRS has requests comments from the public and affected governments and nongovernmental entities, on any and all issues related to the application and implementation of sections 162(f) and 6050X that the proposed regulations should address.

This submission is being made to seek new approval as required in the Paperwork Reduction Act.

Type of Review: New collection.

Affected Public: Federal government, State, Local, or Tribal Government.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 7 min.

Estimated Total Annual Burden Hours: 24.

The following paragraph applies to all 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 if 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.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: September 4, 2018.

R. Joseph Durbala,

IRS, Tax Analyst.

[FR Doc. 2018–19621 Filed 9–10–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, October 11, 2018.

FOR FURTHER INFORMATION CONTACT: Gregory Giles at 1–888–912–1227 or 240–613–6478.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Thursday, October 11, 2018, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Otis Simpson. For more information please contact Otis Simpson at 1–888–912–1227 or 202–317–3332, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues. Gregory Giles. For more information please contact Gregory Giles at 1–888–912–1227 or 240–613–6478, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: September 1, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–19629 Filed 9–10–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8994

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 Form 8994, Employer Credit for Paid Family and Medical Leave.

DATES: Written comments should be received on or before November 13, 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 form(s) and instructions should be directed to LaNita Van Dyke, at (202) 317–6009, or 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: Employer Credit for Paid Family and Medical Leave.

OMB Number: 1545–XXXX.

Form Number: 8994.

Abstract: The law establishes a credit for employers that provide paid family and medical leave to employees. This is a general business credit employers may claim, based on wages paid to qualifying employees while they are on family and medical leave, subject to certain conditions. The credit is for wages paid beginning after December 31, 2017 and it is not available for wages paid beginning after December 31, 2019.

Current Actions: This is a new form.

Type of Review: Approval of a new collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 660,000.

Estimated Time per Respondent: 1 hr. 55 min.

Estimated Total Annual Burden Hours: 1,280,400.

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: September 5, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–19628 Filed 9–10–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, October 17, 2018.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Special Projects Committee will be held Wednesday, October 17, 2018, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

The agenda will include a discussion on various special topics with IRS processes.

Dated: September 1, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–19626 Filed 9–10–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5498–ESA

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 Form 5498–ESA, Coverdell ESA Contribution Information.

DATES: Written comments should be received on or before November 13, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224. Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in you comment.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Charles Daniel at (202) 317–5754, at Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Charles.G.Daniel@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Coverdell ESA Contribution Information.

OMB Number: 1545–1815.

Form Number: 5498–ESA.

Abstract: Form 5498–ESA is used by trustees or issuers of Coverdell Education Savings accounts to report contributions and rollovers to these accounts to beneficiaries.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organization.

Estimated Number of Responses: 315,500.

Estimated Time per Response: 7 minutes.

Estimated Total Annual Burden Hours: 37,860.

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: September 4, 2018,

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–19624 Filed 9–10–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, October 10, 2018.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be held Wednesday, October 10, 2018, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Robert Rosalia. For more information please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: September 1, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–19635 Filed 9–10–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, October 25, 2018.

FOR FURTHER INFORMATION CONTACT: Fred Smith at 1–888–912–1227 or (202) 317–3087.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Thursday, October 25, 2018, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact Fred Smith at 1–888–912–1227 or (202) 317–3087, or write TAP Office 1114 Commerce Street, Dallas, TX 75242–1021, or post comments to the website: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: September 1, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–19633 Filed 9–10–18; 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 (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Travel Expenses of State Legislators.

DATES: Written comments should be received on or before November 13, 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 Martha R. Brinson, at (202)317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Travel Expenses of State Legislators.

OMB Number: 1545–2115.

Regulation Project Number: TD 9481.

Abstract: This document contains regulations relating to travel expenses of state legislators. The regulations affect state legislators who make the election under section 162(h) of the Internal Revenue Code to treat their residences in their legislative districts as their tax homes.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and Households.

Estimated Number of Responses: 7,400.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 3,700.

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. Comments will be 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 has 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 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: August 28, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–19622 Filed 9–10–18; 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 (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Limitations on Percentage Depletion in the Case of Oil and Gas Wells.

DATES: Written comments should be received on or before November 13, 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 Martha R. Brinson, at (202)317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Limitations on Percentage Depletion in the Case of Oil and Gas Wells.

OMB Number: 1545–1251

Regulation Project Number: TD 8437

Abstract: This regulation concerns oil and gas property held by partnerships.

Because the depletion allowance with respect to production from domestic oil and gas properties is computed by the partners and not by the partnership, section 1.613A–3(e)(6)(i) of the regulation requires each partner to separately keep records of the partner's share of the adjusted basis in each oil and gas property of the partnership.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 1,500,000.

Estimated Time per Response: 2 minutes

Estimated Total Annual Burden Hours: 49,450

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. Comments will be 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 has 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 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: August 28, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–19623 Filed 9–10–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: The Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will conduct an open meeting and will solicit public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, October 16, 2018.

FOR FURTHER INFORMATION CONTACT: Gilbert Martinez at 1–888–912–1227 or (737) 800–4060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Tuesday, October 16, 2018, at 4:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Gilbert Martinez. For more information please contact Gilbert Martinez at 1–888–912–1227 or 214–413–6523, or write TAP Office 3651 S. IH–35, STOP 1005 AUSC, Austin, TX 78741, or post comments to the website: *http://www.improveirs.org.*

The committee will be discussing various issues related to the Taxpayer Assistance Centers and public input is welcomed.

Dated: September 1, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–19634 Filed 9–10–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, October 16, 2018.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or (202) 317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Tuesday, October 16, 2018, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Antoinette Ross. For more information please contact: Antoinette Ross at 1–888–912–1227 or (202) 317–4110, or write TAP Office, 1111 Constitution Avenue NW, Room 1509, National Office, Washington, DC 20224, or contact us at the website: *http://www.improveirs.org.*

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: September 1, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–19631 Filed 9–10–18; 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 (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Permitted Elimination of Pre-retirement Optional Forms of Benefit.

DATES: Written comments should be received on or before November 13, 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 Martha R. Brinson, at (202) 317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Permitted Elimination of Pre-retirement Optional Forms of Benefit.

OMB Number: 1545–1545.

Regulation Project Number: TD 8769.

Abstract: This regulation permits an amendment of a qualified plan or other employee pension benefit plan that eliminates plan provisions for benefit distributions before retirement age but after age 70½. The regulation affects employers that maintain qualified plans and other employee pension benefit plans, plan administrators of these plans and participants in these plans.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for profit organizations and not-for-profit institutions.

Estimated Number of Responses: 135,000.

Estimated Time per Response: 22 mins.

Estimated Total Annual Burden Hours: 48,800.

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. Comments will be 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 has 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 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: August 28, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–19625 Filed 9–10–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0589]

Agency Information Collection Activity: Department of Veteran Affairs Acquisition Regulation (VAAR) Clause 852.246–76 (Formerly 852.270–3)

AGENCY: The Office of Management (OM), Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Management (OM), 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 November 13, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Ricky Clark, Office of Acquisition and Logistics (003A2A), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *Ricky.Clark@va.gov.* Please refer to ''OMB Control No. 2900–0589'' 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, OM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OM functions, including whether the information will have practical utility; (2) the accuracy of OM 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: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521).

Title: Department of Veteran Affairs Acquisition Regulation (VAAR) Clause 852.246–76 (formerly 852.270–3).

OMB Control Number: 2900–0589.

Type of Review: Revision of an approved collection of information.

Abstract: As of the result of the proposed rule RIN 2900–AQ04, this Paperwork Reduction Act submission seeks modification of Office of Management and Budget (OMB) approval No. 2900–0589 for collection of information for both commercial and noncommercial item, service, and construction solicitations and contracts for clause 852.270–3, Purchase of Shellfish. Clause 852.270–3 is proposed to be moved to new section and renumbered as 852.246–76 to conform to the FAR requirement to place clauses and their prescriptions in the appropriate parts. The contents of the clause remain unchanged. There is no change in the information collection burden that is associated with this proposed request. 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.

Affected Public: Business or other for-profit and not-for-profit institutions.

Estimated Annual Burden: VAAR clause 852.246–76 (formerly 852.270–3)—0.41 hour.

Estimated Average Burden per Respondent: VAAR clause 852.246–76 (formerly 852.270–3)—1 minute.

Frequency of Response: On occasion.

Estimated Number of Respondents: Clause 852.246–76 (formerly 852.270–3)—25.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–19658 Filed 9–10–18; 8:45 am]

BILLING CODE 8320–01–P

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Part II

Department of Commerce

Bureau of Industry and Security

15 CFR Part 705

Submissions of Exclusion Requests and Objections to Submitted Requests for Steel and Aluminum; Final Rule

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 705

[Docket No.: 180227217–8217–02]

RIN 0694–AH55

Submissions of Exclusion Requests and Objections to Submitted Requests for Steel and Aluminum

AGENCY: Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce.

ACTION: Interim final rule.

SUMMARY: On March 8, 2018, President Trump issued Proclamations 9704 and 9705 (referred to henceforth as the ''Proclamations''), imposing duties on imports of aluminum and steel. The Proclamations also authorized the Secretary of Commerce (referred to henceforth as the ''Secretary'') to grant exclusions from the duties if the Secretary determines the steel or aluminum article for which the exclusion is requested is not ''produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality'' or should be excluded ''based upon specific national security considerations.''

On March 19, 2018, the Department issued an interim final rule (referred to henceforth as the ''March 19 rule''), setting forth the requirements a directly affected party located in the United States must satisfy when submitting exclusion requests. The March 19 rule also set forth the requirements that U.S. parties must meet when submitting objections to exclusion requests. The March 19 rule amended the National Security Industrial Base Regulations to add two new supplements.

The rule published today by BIS, on behalf of the Secretary, revises the two supplements added by the March 19 rule. The revisions are informed by the comments received in response to the March 19 rule and the U.S. Department of Commerce's (referred to henceforth as ''the Department'') experience with managing the exclusion and objection process. The Department understands the importance of having a transparent, fair and efficient exclusion and objection process. The publication of today's rule should make significant improvements in all three respects, but due to the scope of this new process, BIS is publishing today's rule as an interim final rule with request for comments.

DATES:

Effective date: This interim final rule is effective September 11, 2018.

Comments: Comments on this interim final rule must be received by BIS no later than November 13, 2018.

See **SUPPLEMENTARY INFORMATION** section for information on submitting exclusion requests, objections thereto, rebuttals, and surrebuttals.

ADDRESSES: All comments on this interim final rule must be submitted by one of the following methods:

- By the Federal eRulemaking Portal: *http://www.regulations.gov.* Comments on this interim final rule may be submitted to *regulations.gov* docket number BIS–2018–0016.
- By email directly to *publiccomments@bis.doc.gov.* Include RIN 0694–AH55 in the subject line.
- By mail or delivery to Regulatory Policy Division, Bureau of Industry and Security, U.S. Department of Commerce, Room 2099B, 14th Street and Pennsylvania Avenue NW, Washington, DC 20230. Refer to RIN 0694–AH55.

FOR FURTHER INFORMATION CONTACT: Brad Botwin, Director, Industrial Studies, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce (202) 482–5642, *Steel232@bis.doc.gov* regarding provisions in this rule specific to steel exclusion requests and (202) 482–4757, *Aluminum232@bis.doc.gov* regarding provisions in this rule specific to aluminum exclusion requests.

SUPPLEMENTARY INFORMATION:

Background

On March 8, 2018, President Trump issued Proclamations 9704 and 9705, imposing duties on imports of aluminum and steel. The Proclamations also authorized the Secretary to grant exclusions from the duties if the Secretary determines the steel or aluminum article for which the exclusion is requested is not ''produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality'' or should be excluded ''based upon specific national security considerations.''

On March 19, 2018, the Department issued an interim final rule, setting forth the requirements U.S. businesses must satisfy when submitting exclusion requests. On behalf of the Secretary, BIS published the March 19 rule, *Requirements for Submissions Requesting Exclusions from the Remedies Instituted in Presidential Proclamations Adjusting Imports of Steel into the United States and Adjusting Imports of Aluminum into the United States; and the filing of Objections to Submitted Exclusion Requests for Steel and Aluminum* (83 FR 12106). The March 19 rule also set forth the requirements that U.S. parties must meet when submitting objections to exclusion requests. The March 19 rule amended the National Security Industrial Base Regulations to add two new supplements, Supplements No. 1 (for steel exclusion requests) and No. 2 (for aluminum exclusion requests) to part 705. The Department started this process with the publication of the March 19 rule and is continuing that process to make various improvements with the publication of today's rule.

Updates & Improvements to Section 232 Steel and Aluminum Exclusion Request and Objection Processes

The rule published today by BIS, on behalf of the Secretary, makes changes to the two supplements added in the March 19 rule: Supplement No. 1 to Part 705—Requirements for Submissions Requesting Exclusions from the Remedies Instituted in Presidential Proclamation 9705 of March 8, 2018 Adjusting Imports of Steel Articles into the United States; and to Supplement No. 2 to Part 705—Requirements for Submissions Requesting Exclusions from the Remedies Instituted in Presidential Proclamation 9704 of March 8, 2018 to Adjusting Imports of Aluminum into the United States.

The rule published today also makes needed changes to the two supplements to address the directives included in the Presidential Proclamations 9777 and 9776 of August 29, 2018, whereby President Trump directed that as soon as practicable, the Secretary of Commerce shall issue procedures for requests for exclusions described in clause 1 and clause 2 of these two proclamations to allow for exclusion requests for countries subject to quantitative limitations. Today's rule makes changes to add clause 1. The Department has already created a separate exclusion process for clause 2 on the Commerce website at *www.bis.doc.gov/index.php/232-steel,* so no changes are made in today's rule to address the directive included in clause 2 of Proclamation 9777. The rule published today will fulfill the Presidential directives included in the two most recent Proclamations, as well as the earlier Proclamations that directed the Secretary to create an exclusion process to ensure users of steel and aluminum in the United States would continue to have access to the steel and aluminum that they may need.

The changes to the exclusion processes in this rule are informed by both the comments received in response to the March 19 rule and the

Department's experience with managing the exclusion process. The comments identified a number of areas where transparency, effectiveness and fairness of the exclusion and objection process could be improved, including adding a rebuttal and surrebuttal process. The Department has incorporated changes based on many of those comments and has also included other process improvements. The publication of today's rule should make significant improvements in all three respects, but because of the scope of this new process, BIS is publishing today's rule as a second interim final rule with request for comments.

Since March 19, the Department has worked to develop its exclusion process to ensure that the duties and quantitative limitations protect our national security while also minimizing undue impacts on downstream U.S. industries. Two specific Commerce components have worked closely in this effort: BIS and the International Trade Administration (ITA). BIS is the lead agency deciding whether to grant steel and aluminum tariff exclusion requests, and ITA is analyzing requests and objections to evaluate whether there is domestic production available to meet the requestor's product needs, as provided in the exclusion requests.

Since March 19, the Department has diligently worked to develop its exclusion process to ensure that the duties and quantitative limitations protect critical U.S. national security while minimizing undue impacts on downstream U.S. industries. The Department has already taken several steps to improve the exclusion process, including expediting the grant of properly filed exclusion requests that receive no objections and present no national security concerns, as well as increasing and organizing the Department's staff to efficiently process exclusion requests. The publication of today's rule provides an exclusion process for steel and aluminum articles subject to quantitative limitations and is an important step in further improving the exclusion request and objection process, including through the addition of a rebuttal and surrebuttal process.

As of August 20, the Department had received more than 38,000 exclusion requests and more than 17,000 objections. To streamline the exclusion review process, the Department has already taken steps to expedite the granting of properly filed exclusion requests which receive no objections and present no national security concerns. The Department has also worked to increase and organize its staff to efficiently process exclusion requests. The publication of today's rule is an important step in improving the exclusion and objection process.

Types of Comments the Department is Requesting on Today's Rule

The Department is not seeking comments on the duties and quantitative limitations or the exclusion and objection process overall, but rather on whether the specific changes included in this second interim final rule have addressed earlier concerns with the exclusion and objection process. Comments specific to the changes included in today's rule will be the most helpful for the Department to receive, including comments on how the changes (*e.g.,* the adding of a rebuttal and surrebuttal to the process) interact with the established exclusion and objection process and whether the commenters believe these changes improve the exclusion and objection process by making it more transparent, fair and efficient, as well as highlighting any unintended consequences of the changes made in today's rule.

Public Comments and BIS Responses

The public comment period on the March 19 rule closed on May 18, 2018. BIS received 67 public comments on the interim final rule. Most of the comments were well thought out and supported their positions with a great deal of specificity. Many commenters made comments on the imposition of duties and quantitative limitations and whether or not that was a good idea. Those comments are outside the scope of the March 19 rule that was focused on creating an exclusion and objection process, thus the Department is not summarizing or providing responses to those general comments on the duties and quantitative limitations. The Department is responding to comments regarding concerns on the downstream impacts of U.S. manufacturers that use steel and aluminum, which is directly relevant to whether the exclusion process created in the March 19 rule is efficient enough to mitigate those downstream end users' concerns.

Commenters were generally supportive and welcomed the idea of creating an exclusion process, but most of the commenters believed the exclusion process was not working well and needed to be significantly improved in order for it to achieve the intended purpose. The commenters covered a broad range of industries and included some of the largest companies in the world, along with small to mid-size (SME) enterprises expressing significant concern over the duties and quantitative limitations and the difficulties in managing the exclusion process. Several of the SMEs indicated that without an efficient exclusion process, it is likely they may not survive or will face significant cut backs in employment and business activities. Larger companies indicated that without an efficient exclusion process, it is likely that major projects that they may have otherwise undertaken will likely not be undertaken. Commenters from the oil and gas industries and petrochemical industries hit on these points.

Many downstream manufacturers that use steel and aluminum were particularly concerned with suffering from higher input costs, while at the same time having to compete directly with foreign competitors in other countries; *e.g.,* China, but also countries such as Canada and Mexico. Many commenters argued that the exclusion process was overly and unnecessarily restrictive and did not take into account how steel and aluminum are procured and used in the United States.

Commenters supporting and opposing the duties and quantitative limitations submitted comments on what they thought needed to be changed in the exclusion and the objection process to make it more fair, efficient and effective. Commenters included references to arbitrary and capricious government action and laid out from their perspective how the exclusion and objection process could be legally challenged if not improved.

Concerns With Unintended Downstream Impacts That Steel and Aluminum Duties and Quantitative Limitations Will Have on U.S. Manufacturers and Consumers

The Department received a significant number of detailed comments that raised concerns in this area. The comments came from a broad spectrum of U.S. industries, including many major sectoral employers. The creation of an effective product based exclusion/objection process (and with the publication of today's rule, a rebuttal/surrebuttal process) is intended to address as many of these types of concerns as possible. As detailed below, many commenters do not believe that the exclusion/objection process is effective and that because of how products are sourced and used in the manufacturing process, it is unlikely to succeed.

Comment (a)(1): Concerns for unintended downstream impacts for U.S. manufacturers. A small manufacturer noted that a 25 percent ad valorem duty increases their Cost of Goods Sold (COGS) by 7 percent, which can be the difference between

profitability and loss for their employee-owned company. This commenter noted that it has been portrayed in the media that this duty will have an impact of one half of one percent on the total cost of U.S. produced product. This commenter noted that its potential impact is fourteen times that. Many additional commenters provided additional examples from their experience. One manufacturer of dump bodies for dump trucks asserted that a 25 percent increase in steel prices would result in an ''11 percent increase in wholesale product price'' for the company. A commercial construction company asserted that ''steel building suppliers increased [their prices by] 25–29 percent overnight and will only hold pricing for 15 days.'' The company anticipates price increases ''across the board on more subcontractors and suppliers'' as they anticipate a shortage. Another downstream manufacturer asked ''how the Department will monitor and report on the effect of this tariff on the primary manufacturers of aluminum in the U.S., let alone downstream industries, which were ignored in the 232 report?'' Other commenters noted that it is not only the 232 duties and quantitative limitations that are putting pressure on these U.S. manufacturers, but also the other various trade remedies that the U.S. has implemented.

BIS response: The Department understands that the consistent message from these commenters is that they are feeling pressure from the duties and quantitative limitations, and in many cases the commenters believe the costs may not be absorbable by these companies and the market. This puts pressure on the U.S. steel and aluminum industries to ramp up production and in the interim for an effective exclusion process to fill the void. The Department understands that and is taking steps to ensure the exclusion process is efficient enough to fill the void to avoid any unintended economic impact to downstream U.S. industries. The changes made in today's rule will improve the efficiency of the process and address these comments. The Department will be monitoring the domestic aluminum and steel industries, as well as industries consuming steel and aluminum, to regularly evaluate the competitiveness of U.S. industry. The exclusion process is available to individuals and companies to ensure that they can obtain adequate supply of steel and aluminum products of size, shape, and function that are not available in the United States in adequate quantity or quality.

Comment (a)(1)(ii): Recommends additional analysis is done of the downstream impact of duties and quantitative limitations. Some commenters recommended the Department review, on a regular basis, the impact of duties and quantitative limitations on the economy and downstream users and develop and implement a plan to sunset them if they prove to have a significant unintended impact. These commenters urged the Department to consider the unintended consequences of these duties and quantitative limitations in any review. One such consequence would be companies further down the supply chain importing finished goods at lower prices instead of purchasing higher-priced U.S. manufactured goods from companies that imported raw and semi-finished materials subject to duties and quantitative limitations.

BIS response: The Secretary has directed the Department economists to regularly review the impacts of the steel and aluminum duties and quantitative limitations, including on downstream sectors. The Secretary will present this information to the President for his consideration as appropriate.

Comment (a)(1)(iii): Higher input costs for steel and aluminum will have a chilling effect on capital intensive investments that require a large amount of steel and aluminum, e.g., for energy exploration and production or petrochemical production. Commenters from major trade associations for oil and gas exploration noted that a process that generally involves granting only one-year product exclusions would impede the ability to plan for the long term by introducing significant uncertainties as to when, whether, where, and at what price the member companies can purchase the steel inputs needed to bring U.S. oil and natural gas projects to fruition. Planning and locking in cost projections for equipment and materials is often key to determining whether a project's economics merit approval. Other major industry associations, such as a trade association for the auto industry, identified an impact on investments in the U.S. that they attribute to the duties and quantitative limitations. These commenters believe the duties and quantitative limitations will have an impact on these manufacturers, the jobs they create, and ultimately the American consumer.

BIS response: The Department believes an effectively managed and configured exclusion/objection process, with a rebuttal/surrebuttal process being added with today's rule, will significantly mitigate these concerns. U.S. steel and aluminum manufacturers are already starting to increase production, and the exclusion process will be there to fill any temporary gaps in the U.S. supply to ensure that companies, such as those involved in oil and gas exploration and production and the automotive industry, will have the steel and aluminum they need to continue to invest in the United States.

Comment (a)(1)(iv): Consumers will face increased prices. Commenters noted that the cost of their finished goods will increase because of the duties and quantitative limitations and those increases will be passed to consumers. A commenter noted that in order to compensate for their increased steel cost they will be forced to raise their finished product cost by at least 8 percent. ''That may seem like a small margin, but in today's global market that is enough to cause a company to be forced to relocate manufacturing outside of the U.S., import finished foreign product, or ultimately to close their doors completely.'' Another commenter noted that for 84 years in Harlan, Iowa this company has been a manufacturer of spare parts for mills used to make animal feed in the agriculture industry. The duties and quantitative limitations will drastically increase their costs and U.S. feed suppliers will see an increase in production costs to produce feed, leading to an increase in the cost of our food.

BIS response: The Department agrees there may be some short term price adjustments that may reach consumers, but we believe that the price increases at the consumer level will be minimal. The Secretary has, as noted above, also directed the Department economists to regularly review the impacts of the steel and aluminum duties and quantitative limitations, including on downstream sectors.

Concerns Over the U.S. Supply Chain and Comments Asserting That the Exclusion Objection Process Are Inefficient and Not Consistent With Business Practices, Regulatory Requirements, and Contractual Agreements for Sourcing Materials

Comment (b)(1): Concern that exclusion process is not consistent with business procurement practices. Commenters asserted that the exclusion process does not take into account several key aspects of how the U.S. supply chain functions. A commenter asserted that companies generally classify their suppliers into a multi-tiered list, such as acceptable, approved, and preferred. Each of these tiers indicates the compliance with quality

standards based on years of experience with a supplier's product. Even after a supplier adds new capacity, additional time is needed for purchasers of steel to technically qualify these new mills/lines. Adding a new supplier to an approved manufacturers list is a lengthy process, taking as long as three years as a company wants to be assured of a supplier's ability to manufacture a product to a given standard consistently.

BIS response: The exclusion process created in the supplements added in the March 19 rule and the Proclamations include criteria requiring suitable quality of U.S. steel and aluminum to deny an exclusion request. The detailed form for requesting exclusions and the form for submitting objections are intended to provide enough information for individuals and companies to determine whether in fact a U.S. supplier can supply the steel or aluminum in the quantities and quality needed. If a U.S. supplier objects to an exclusion request, the burden is on that supplier to demonstrate that the exclusion should be denied because of failure to meet the specified criteria. As described below in the regulatory changes, today's rule is adding additional text to paragraph (d)(4) in the two supplements to provide greater specificity for objections, which will be responsive to these types of comments. Today's rule adding a rebuttal process to paragraph (f) to allow requesters of exclusions to rebut information included in an objection to their exclusion request will also improve the process and address these types of concerns raised by these commenters.

Comment (b)(2): Factors beyond an importer's control may limit their ability to change suppliers. Commenters asserted that regulatory requirements often limit the ability for U.S. manufacturers to make changes in the inputs, *e.g.,* in the medical area or food products area. Offshore drilling and aircraft are other examples. Therefore, making changes in suppliers may not be permissible, or if it is, it may be expensive and/or time consuming. One commenter asserted that under Federal Food and Drug Administration regulations, substitution of the foil substrate could take two to ten years for approval, depending on use in packaging for food or medical devices. Another commenter asserted that given the low volume and high investment necessary to manufacture and smelt some specialty products for vehicles, many U.S. steel producers simply have decided not to enter into these markets. It can take many years for a company to test and validate that a material producer's product will meet the specifications necessary to perform as required for many of these safety-critical parts.

BIS response: The Department, when evaluating whether suitable quality of steel or aluminum supply exists in the United States, can take into account the types of factors asserted here by the commenters in two respects. First, these considerations may be taken into account when deciding whether to grant an exclusion request and second, these considerations may be taken into account when determining the appropriate validity period for an exclusion request. As described below, regulatory changes that add paragraphs (c)(6)(i) and (ii) to better define the exclusion review criteria and paragraph (h)(2)(iv) to provide additional context for how the Department determines the appropriate validity for exclusions will be responsive to these comments.

Comment (b)(3): A one year window is not consistent with the way many raw materials are sourced. One commenter asserted that the restriction of exclusions to specific supplier and country of origin combinations may make it difficult for the commenter to actually use an exclusion if one were granted because the company does not have visibility as to the country of origin or producer when sourcing aluminum through traders. At the time the commenter makes minimum purchase commitments, it does not know which traders will have inventory from which specific countries or which markets will have the most favorable pricing. In order to obtain an exclusion for its purchases from traders, the commenter would have to apply for an exclusion for each product from every market from which the commenter's traders could reasonably be expected to source product. Another commenter asserted that a problem could arise when the product delivered is not identical to what is ordered. In some instances, even though this commenter may place an order for one grade of aluminum, it might receive a better grade when there is a larger inventory of the higher graded product and the price differential is small. If an exclusion is limited to a specific grade and chemical composition of aluminum, the commenter would be forced to pay the tariff to use the product that was delivered. If the aluminum user must reject a shipment and wait for the specific grade covered by an exclusion, that could cause delays in its production process which could result in damages being assessed by its customers.

BIS response: The Department understands that in the types of scenarios described by these commenters the usefulness of an exclusion may be limited or obtaining additional exclusions to cover additional sourcing activity may be needed. The Department believes that some of the concerns may be overstated and that, based on past procurement activities, patterns of steel and aluminum procurement can be identified to significantly limit the total number of exclusions that may need to be requested. These organizations may also attempt to begin sourcing more of their steel and aluminum procurement needs from U.S. manufacturers. Today's rule nevertheless clarifies in (c)(2) in both supplements that the exclusion request forms do allow for minimum and maximum dimensions, as well as clarifying that ranges are acceptable when the manufacturing process permits small tolerances. A permissible range must be within the minimum and maximum range that is specified in the tariff provision and applicable legal notes for the provision. These changes to paragraph (c)(2) will also help address some of the concerns raised by these commenters.

Comment (b)(3)(i): Exclusion process and timeline are difficult to align with real-world purchasing and contract decisions. One commenter asserted that like many companies, it makes purchase decisions on a calendar year basis. For calendar year 2018, this company has already obligated itself to purchase guaranteed minimum amounts from certain suppliers. The company has already obligated itself to purchase certain volumes for 2019 and expects to sign purchase contracts for the remaining volume for 2019 in mid to late 2018. Even if the exclusion requests are renewable at the end of their one-year term, this company is concerned it will be forced to make 2020 purchasing commitments without knowing whether the full year's purchases will be subject to duties or not.

BIS response: The Department understands the concerns being raised. Organizations, such as those that need to make purchasing decisions multiple years out in the future, should include in the exclusion request information to that effect. This type of information may be used to support a validity period for longer than one year. As noted above, this rule adds paragraph (h)(2)(iv) to provide greater transparency in how the Department determines the appropriate validity date for exclusions and this will be responsive to these types of comments. The March 19 rule did not include any type of grandfathering

provisions for existing purchase contracts, and today's rule does not add any grandfathering provisions. However, there is nothing that would preclude an individual or organization in the U.S. that has an existing purchase contract from applying for an exclusion request to cover the scope of that purchase agreement. To the extent that such exclusion request can meet the existing criteria in the supplements and Proclamations, the Department could approve that request and take into account the existence of a purchase contract in determining the appropriate validity period. The existence of a purchase contract would not be determinative, however, as the Department must also take into account any objections that are filed and the timeframe in which U.S. supply may be available.

Comment (b)(4): Other concerns with quality or domestic supply. Some commenters asserted that lead times are long to make changes to the supply chain, including sometimes requiring OEM approvals before changing. Because one trade association's members supply to the automotive and aerospace industry, the process to change raw material suppliers is closely followed by and often approved by their OEM customers. The association's members have long-term customer contracts based on these approvals, and changes to the terms of those contracts are lengthy and time consuming. Other commenters raised concern about obtaining products where there is not sufficient U.S. supply. For example, some commenters asserted that many specialty steel and aluminum materials used in vehicle components are not available domestically. There may be only a few producers in the world—in some cases only one or two—that can source the grade of specialty materials needed to meet component specifications. Examples cited include wire used in steel-belted radial tires and specialty metals used in fuel injectors. For domestic manufacturers, it is not a question of whether they can produce these materials, but instead whether production of these niche materials will be cost-effective and provide a return on investment.

BIS response: The Department is reviewing exclusion applications from domestic industry, and related objections (and will do the same for rebuttals/surrebuttals), on a case-by-case basis in a fair and transparent process. The Department will assess whether manufacturing capability can meet the technical parameters for the specific article in question, including if idle capacity is being brought back online as well as new capacity. Today's rule adds greater specificity on the review criteria for exclusions under new paragraph (c)(6) and objections under revised paragraph (d)(4). These changes will be responsive to these types of comments.

Increases in Costs for Steel and Aluminum in the U.S. That Exceed the Duties

Some commenters provided detailed comments on what they perceived to be profiteering that may be occurring in the U.S. As described above, some of this may be short term adjustments that are not warranted by market fundamentals that should level out.

Comment (c)(1): Concerns over profiteering by certain U.S. manufacturers of steel and aluminum or other parties that supply downstream manufacturers with steel and aluminum. One commenter asserted that it is not just importers being impacted by the duties and quantitative limitations. This commenter currently purchases all of its steel and aluminum from domestic sources, but is concerned that duties and quantitative limitations will allow the steel companies to raise their material prices significantly, even beyond the 25 percent competitive advantage provided by the tariff. Another commenter, a manufacturer of garage doors that buys 90 percent of its raw materials in the U.S., commented that ''the tariffs have given the domestic manufacturers the ability to raise prices in excess of 28% this quarter.'' The company fears that this increase will be impossible to pass on to its customers (national home builders). A trade association commenter expressed concern that market manipulation would cause the Midwest Premium to spike and the U.S. market to become more attractive to global aluminum suppliers, thereby drawing additional supply into the market and undermining the Department's Section 232 remedy. The commenter recommended that the Department follow the suggestion of Chairman Hatch and Ranking Member Wyden to ''[c]oordinate with the Department of Justice and Federal Trade Commission to ensure that effective mechanisms are in place to deter and to redress any anticompetitive conduct in the market for products that are subject to the Section 232 tariffs [duties and quantitative limitations] and product exclusion process,'' including ''[m]echanisms . . . for the public to report perceived anticompetitive behavior in respect of such products and prompt review of those reports by the appropriate authorities.''

BIS response: The Department and other parts of the U.S. Government as appropriate will review this issue and address as needed.

Comment (c)(2): Concern that openness of exclusion process will allow for foreign profiteering because importers granted exclusions will be locked in to specific foreign suppliers. Because of the amount of confidential business information required on the exclusion forms, it will allow for foreign suppliers and competitors to increase their prices. A commenter asserted that they are concerned that limiting exclusions only to the suppliers, countries of origin, and quantities indicated in the exclusion request, while at the same time making all of this information public will create pricing, anti-trust, or customer-relation concerns. For example, once suppliers know that their company is limited only to sourcing through them if their company wants the product to be covered by an exclusion, they will have pricing power over the commenter and may raise prices because they know the commenter has no other choice but to buy from them. Another possible unintended consequence was highlighted by one commenter that asserted their competitors will know which suppliers and countries of origin they will need to purchase from and could attempt to fully book the supply so as to force the commenter to use more expensive materials that make the commenter's finished products uncompetitive.

BIS response: The Department does not agree that importers granted exclusions will be locked in to specific foreign suppliers. The approved exclusions will be specific to specified countries and suppliers, but domestic users are not precluded from submitting a new exclusion request if that type of profiteering or anticompetitive activity occurred by a foreign party.

Is the exclusion objection process making supply issues worse for downstream manufacturers in U.S.?

Comment (d)(1): Commenters arguing that the inefficient exclusion process is part of the problem and making issues worse. Many commenters expressed concern that the product exclusion process, as set forth in the March 19 rule, is not working well. One commenter asserted that the mechanism set up to assess these requests fails to address the economic impact done to domestic manufacturing and opens up the U.S. to additional national security risks. Other commenters asserted that the volume of requests slows the entire process and that unnecessary

limitations on the scope of the exclusion requests create an untenable burden on the parties as well as the Department. Commenters asserted that the current exclusion process prevents requesters from being able to receive an exclusion quickly enough in the short-term to avoid disruption to their supply chain, and prevents them from being able to prepare in the long-term due to the short scope of any approved exclusion request. Requiring a business to accurately predict its usage for the year, they contend, prevents the business from being able to adjust or adapt to any changes in the market. And they assert that the lack of clarity around the process means that no company submitting a request has any idea if it will receive an exclusion, despite having disclosed some of its most sensitive proprietary information. They worry that requesters in similar situations will find themselves treated in a disparate manner as the Department determines how it will approach the relevant criteria. Finally, they assert that the complexity of the process, in particular the amount of information required, discourages participation in the exclusion process.

BIS response: The Department understands the importance of a transparent, effective, and fair exclusion/objection process, as well as having the rebuttal/surrebuttal process added in today's rule. The publication of today's rule makes improvements that will be responsive to these concerns and that will make the process work better for the Department. The process is designed to help U.S. downstream manufacturers obtain steel and aluminum without the additional duties when U.S. supply is not available in the quantity and quality that they need.

Comment (d)(1)(i): The Department misjudged the number of exclusions that would be submitted, as well as the anticipated burden. One commenter questioned the burden estimates included for complying with the rule and filing exclusion requests. This commenter asserted that each exclusion request requires the compilation of extensive supporting information that manufacturers must submit in addition to the lengthy exclusion request form. The Department estimated an average reporting burden for the collection of information in the exclusion request of four hours per request. This commenter thought four hours is a misleading estimate and does not account for the time taken to identify in a company's business records the pertinent data needing to be entered or attached. This same commenter asserted that the Department was not even close on its estimate for how many exclusion requests would be received.

BIS response: The commenter is the only commenter that mentioned a concern about four hours not being a sufficient amount of time to gather the information. Therefore, the Department believes the original estimate of four hours to gather the information and fill out the exclusion and objection forms is still an accurate estimate and makes no adjustments in that estimate. It is now clear, however, that the Department underestimated the number of exclusion requests and objections that would be filed. Although the estimates included in the March 19 rule were based on the Department's good faith estimate at the time, the Department now has more information and experience that it can rely upon to project an annual number of exclusion requests. As described later in the Rulemaking Section, the Department revises the exclusion form paperwork collection, as well as the objection form paperwork collection to reflect the new estimates of the burden, as well as expanding both collections to account for the rebuttal/surrebuttal process today's rule is adding. The Department believes the new numbers should be much more accurate. The Department took the changes being made in today's rule into account when developing the updated estimates for the number of exclusions and objections that are anticipated to be received, as well as the anticipated numbers of rebuttals/surrebuttals that will be received. Because the rebuttals/surrebuttals will not require filling out as extensive of a form as an exclusion request or objection, and in most respects will be responding to an objection or a rebuttal of an objection, the amount of time estimated to submit a rebuttal/surrebuttal is estimated to be much less, at one hour per rebuttal/surrebuttal. The Department will reevaluate the estimates provided in today's rule and the two related paperwork collection notices published in support of this rule and make any needed adjustments.

Comment (d)(2): Supportive of having exclusion process. Commenters were supportive and appreciative of having an exclusion process. Commenters did not want to eliminate the exclusion/objection process, but almost all had suggestions for changes to the process. Many commenters asserted that while they think the duties and quantitative limitations should be lifted as soon as possible because of unintended effects on downstream users, they also recognize that there must be a workable product exclusion process. Several commenters asserted that they appreciated the opportunity to comment on the Department's March 19 rule and look forward to working with the Department to ensure that the exclusion request process is fair, inclusive, and effective. Commenters asserted that they understand the need for BIS to manage the product exclusion request process in a fair and transparent manner while taking appropriate account of the Proclamations' goals of ensuring sufficient U.S. production of steel and aluminum to meet fundamental national security requirements. These commenters believe several aspects of the supplements and forms added in the March 19 rule should be modified or clarified consistent with those goals.

BIS response: The Department appreciates the support for the exclusion/objection process, as well as the comments provided to improve the process. The Department believes with the publication of today's rule, the exclusion/objection process (along with the rebuttal/surrebuttal process being added) will be significantly improved.

Arbitrary and Capricious, Lacks Basic Due Process, Not Transparent, and Not Fair

The comments described here are also referenced and addressed in other parts of this preamble and the regulatory changes made below. The intent of the discussion here is to highlight the general concerns raised in this area, along with the general BIS response. The specific types of issues, *e.g.,* the need to add a rebuttal process, are addressed in other parts of the preamble and the regulatory text of this rule, and the Department believes the process will resolve these types of fairness and consistency concerns that were the focus of these commenters' concerns.

Comment (e)(1): Commenters raised concerns over lack of due process, fairness, or transparency. One commenter asserted that tying refunds to the date when the Department finally posts the petitions on its website is arbitrary. The commenter asked if an exclusion is granted, why that exclusion would not be granted retroactively to the date the tariff was imposed. Another commenter asserted that granting the exclusion for one year is arbitrary and that the decision process for whether to approve or deny exclusion requests is not specified and appears arbitrary. Other commenters asserted that it was critical for due process to include a formal rebuttal process in the exclusion and objection process. These commenters believe that without a rebuttal process, the Department risks finalizing actions without a complete record and taking action that is unfairly

biased against U.S. businesses that rely on imported articles or that may exacerbate risks to national security. Other commenters asserted that the current process increases the possibility of inconsistent treatment for individual requests that are only different based on an insignificant dimension. For example, one comment opined, ''One can easily imagine a situation where a company ends up only able to import certain dimensions without payments of tariffs, and being barred from similarly being able to import others, despite their otherwise identical nature.'' The comment continued, ''This would be the definition of an arbitrary act on the part of the agency, when it ''treats similar situations in dissimilar ways.'' Along similar lines, another commenter asserted that the Department may grant an exclusion for a specific product for some companies/end-users but unreasonably deny it for others for the identical product, a result that it contended would be arbitrary, particularly if the exemption was based upon ''short supply'' considerations or a general lack of U.S. availability.

BIS response: The review of all product exclusion applications from U.S. industry is being conducted on a case-by-case basis in a fair and transparent process. As described above, two specific Commerce components have worked closely in this effort—BIS and ITA. BIS is the lead agency deciding whether to grant steel and aluminum tariff exclusion requests, and ITA is analyzing requests and objections to evaluate whether there is domestic production available to meet the requestor's product needs, as provided in the exclusion requests. The Department appreciates all of the commenters' suggestions to improve the exclusion request process. Several of the commenters argued that they believe the March 19 rule and the exclusion process it established could be legally challenged because it appears arbitrary and capricious to them in certain respects. The Department does not agree with that assessment. However, the Department does believe the changes being made in today's rule should significantly address these concerns. For example, today's rule is adding a rebuttal/surrebuttal process under paragraphs (f) and (g) of the two supplements and making a number of other changes to make the criteria more well defined and their application more transparent for the public. The Department has been treating each exclusion request and objection received in a fair and equitable way based on the stated criteria included in the March 19 rule and standard operating procedures that have been developed for the exclusion and objection review process.

Comments for How the Exclusion and Objection Process Can Be Improved

Commenters in almost all cases noted that their comments applied equally to the steel and aluminum supplements. The rule published today makes the same improvements to each supplement to continue with parallel supplements (same parallel structure included in the March 19 rule), with only slight differences for information that is specific to steel or aluminum, *e.g.,* in some of the examples being added to the supplements to make the application of the criteria more transparent. These changes are described below under Changes made in this interim final rule to the exclusion/objection process.

Several commenters asked for clarification and guidance on how to apply for broader product exclusions that would apply to all importers in the United States. As described below in more detail, the Department has the discretion to make exclusions available to all importers if we find the circumstances so warrant, and we will exercise this discretion as appropriate. Individuals and organizations do not apply for such broad product exclusions, but rather the Department as it gains experience with the types of exclusion requests that are being repeatedly approved because the criteria are being met on a consistent basis over time, can exercise this type of discretion that will likely result in making the process more efficient. Several commenters wanted to quickly move toward these types of broad product exclusions, but the Department believes it better to begin with a deliberative assessment of individual requests in order to not undermine the purpose of the duties and quantitative limitations in place for steel and aluminum.

Comment (f)(1): Date of submission, not the date of posting on regulations.gov, should be the relevant date for all decisions. Commenters requested that the date used for all future decisions such as applicability of duties or retroactive relief of duties be the date of submission of a complete request. They asserted that providing such retroactivity is a matter of fairness, as the date that the Department posts the submission on *regulations.gov* is currently an unknown and lengthy amount of time which is costing U.S. manufacturers hundreds of thousands of dollars per week. Another commenter asserted that the Department could have flexibility in this area and still be consistent with the second Presidential Proclamation, which set forth that the exclusion would apply retroactively to the date the request was posted for public comment. The commenter asserted that such language was not language of limitation, and the Department, through its action in response to these comments, might further extend the period of application.

BIS response: The retroactive date for duty relief through the exclusion process is set by the Proclamations, not the Department. Today's rule, as described below in the description of the regulatory changes, in order to improve the transparency of the process is adding a new paragraph (h)(2)(iii) to specify the effective date for approved exclusions.

Improve Transparency, Including Making Information and Forms More Easily Accessible for the Public

Comment (f)(2)(i): Make information and process more transparent. Commenters requested that the Department provide detailed timing and criteria, based on the Proclamations, that set forth how decisions will be made. U.S. manufacturers should be able to quickly determine that an exclusion request or denial is based on a known set of facts and is consistent with other actions on requests received. Several commenters requested that the Department impose stricter and more certain deadlines for its own actions, providing some finite time period between when an exclusion request is filed with the Department and when it is posted for comment. Commenters provided a range of suggested times from immediately (which is not feasible under the current *regulations.gov* system being used for the exclusion/objection process, as well as for the rebuttal/surrebuttal process being added in today's rule) to 5 to 14 days. Commenters were less concerned with the actual number of days than with having a specified number of days, so they better know what to expect. Without some set period for this step in the process, filing companies have no certainty as to when they can likely get a response to their request and this uncertainty is extremely disruptive to U.S. businesses trying to cope with the duties and quantitative limitations. Commenters said that the *regulations.gov* website where documentation is posted is not easy to navigate nor fully transparent. Commenters requested that the Department develop a system to notify applicants of their application status and anticipated wait time to facilitate planning and communications with

customers. Commenters requested that the Department publish official guidance or an ''FAQ'' page to describe the steps of the exclusion/objection process in easy to understand language. Commenters believe that information provided to the public should include a clear description of an entity eligible to file and an inventory or checklist of the information/evidence that should be provided as supplemental materials.

BIS response: The Department published procedures for the product exclusion requests, as well as for objections, in the March 19 rule and subsequently made them available on the Department's website. Today's rule as described below adds Annex 1 to Supplements No. 1 and 2 to Part 705 that will assist the public in using *www.regulations.gov* for application issues that are specific to submitting rebuttals under the exclusion, objection, rebuttal, surrebuttal process. The Department has also posted a step-by-step visual guide to assist industry through the process and tips on how to properly complete the exclusion request forms based on issues identified during BIS's initial review of submissions, as well as based on ITA's experience in reviewing the submissions. The Department will update these guides as appropriate. BIS has established dedicated phone numbers and email addresses for U.S. industry to seek assistance or ask questions about the process. These phone numbers and email addresses were included in the press release announcing the exclusion process and in the supplements added in the March 19 rule. The procedures published in the March 19 rule set forth the requirements for submitting requests for exclusions and for submitting objections to such exclusion requests during a 30-day comment period. Today's rule is making a number of changes to better define the criteria used to review exclusion requests and objections that will be responsive to comments raising concerns about transparency and being able to predict the outcome for a particular exclusion request and any objections thereto.

Today's rule is adding a rebuttal/surrebuttal process that will specify that after the 30-day objection period, an exclusion requester may submit a rebuttal to any objection(s) within 7 days, and an objector(s) may respond to that rebuttal within an additional 7 days after the rebuttal period has ended and the 7-day surrebuttal comment period is opened. The Department will not open the 7-day rebuttal period until the 30-day objection period has concluded, all complete objections have been posted in *regulations.gov*, and the Department indicates on the tracking sheet that will be posted on the Department website that the 7-day rebuttal period has opened. The same type of process will be followed by the Department opening the 7-day surrebuttal comment period. The Department in order to not divert staff resources from reviewing 232 submissions will not be able to contact each submitter to notify that the rebuttal or surrebuttal review period have opened, so submitters will need to check the tracking sheet that will be posted on the Commerce website for updates on their 232 submissions. Only the individual or organization that submitted the exclusion request may submit a rebuttal during the rebuttal comment period. Only the individual or organization that submitted an objection to exclusion request that received a rebuttal may submit a surrebuttal during the rebuttal comment period. The Department is confident that these added procedures will allow it to more efficiently make determinations on exclusion requests. The Department also has the discretion to make exclusions available to all importers if we find the circumstances so warrant, and we will exercise this discretion as appropriate. The Department will expeditiously grant properly filed exclusion requests which receive no objections and present no national security concerns. The Department will work with U.S. Customs and Border Protection to ensure that the requester provided an accurate Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number. If so, BIS will immediately assess the request for any national security concerns. If BIS identifies no national security concerns, it will expeditiously post a decision on *regulations.gov* granting the exclusion request. The Department has already made these process improvements and in today's rule is adding a new paragraph (h)(2)(ii) in both supplements to specify this streamlined review policy for exclusion requests that receive no objections. These changes taken together should be responsive to the various comments described above on the exclusion/objection process.

Comment (f)(2)(ii): Establish consistent guidelines for filling out the forms. Commenters requested that the Department adopt objective and transparent standards and guidelines for completing and submitting the forms and curing deficiencies when refiling the forms. A commenter asserted that the Department has been inconsistent and non-transparent in processing and posting the forms and in determining which forms ''satisfy'' reporting requirements and which forms do not. The commenter asserts that some forms are accepted and posted even though they are inconsistent with the Department's detailed reporting specifications.

BIS response: The Department has already taken action to improve transparency in this area. The Department has posted guidance with step-by-step visual guides to assist industry through the process and with tips on how to properly complete the exclusion request forms based on issues identified during the Department's initial review of submissions. The most common issues have been incomplete forms or bundling numerous requests in a single submission, but as requesters have become more familiar with the process and *regulations.gov*, these issues have been reduced significantly. Today's rule is also making changes to paragraph (b), including adding text to paragraph (b)(5) to clarify the provisions for public disclosure and information protected from public disclosure, and changes to paragraphs (c) and (d) to better define and include application examples for the criteria used for reviewing exclusions and objections. As described below, today's rule also adds Annex 1 to Supplements No. 1 and 2 to Part 705, which will assist the public in using *www.regulations.gov* for application issues that are specific to submitting rebuttals and surrebuttals under the exclusion, objection, rebuttal, surrebuttal process.

Comment (f)(2)(iii): Backlog of requests and timely release of information. Commenters requested the Department streamline its process, asserting that the Department is simply not equipped to handle the crushing volume of exclusion requests, particularly with the details reported in the forms. They request that forms be simplified and that the information requested be streamlined and grouped. Commenters also identified much of the backlog as attributable to the duplicative filings required by the product specific and customer-specific filing requirements. Commenters believe the Department can alleviate much of this backlog by adopting product exclusions based on broader product groupings, regardless of source and supply chain, as discussed further in the comments below.

BIS response: The Department has worked to increase and organize its staff to efficiently process exclusion requests. Since July 2, the Department has been reviewing and posting about 1,800 requests and 700 objections weekly. As of August 1, the Department has posted more than 2,200 steel and aluminum

decisions and will be posting substantially more in the coming weeks. BIS's dedicated phone lines and email accounts are available to assist industry with any inquiries about their exclusion or objection filing. Due to the rolling nature of the exclusion/objection process, the wait time can vary. The Department has also modified its review procedures to expedite decisions on requests that have no corresponding objections, as described further in other parts of this rule, such as by adding a new paragraph (h)(2)(ii). This will not only speed processing of those requests but also facilitate review of requests with objections, and with the publication of today's rule, requests that have rebuttal/surrebuttal(s). More Departmental staff time will be available for reviews of the more difficult requests that involve an objection(s) and rebuttal/surrebuttals(s).

Confidentiality Issues

Comment (f)(3)(i): Create formal process to allow for and protect submissions of confidential business information (CBI). Most commenters requested the Department revise the supplements added in the March 19 rule to provide for a formal process for the submission of CBI. Commenters asserted that neither the March 19 rule nor the exclusion request and objection forms indicate the procedures for submitting confidential business information. Commenters asserted that the Department has much experience (in trade remedy proceedings) in protecting CBI through the use of ''protective orders.'' Commenters requested the Department establish a similar process where parties may submit a ''confidential'' version of an exclusion request and a separate redacted ''public'' version which is released to the public at large. Commenters asserted that they believe that concerns over CBI may depress the number of companies willing to submit objections to exclusions. Commenters requested that the Department clarify the following issues related to CBI and the exclusion and objection process: Is an application complete if CBI is not provided, such as when a company determines that certain fields on an exclusion or objection form require disclosing proprietary information? If the box for CBI is checked, how long does the submitter have to submit the CBI and how long will it take for the completed application to be posted in *regulations.gov*? Does the 25 page limit of the petition include CBI? If the Department accepts group submissions, how can individual members protect their CBI? Other commenters urged the Department to allow filing of CBI in a way that protects that information from public disclosure but allows the Department to use it in a balanced manner across all requesters.

Commenters raised concerns over fairness for the current process of dealing with CBI. The lack of a process for dealing with proprietary information means that when the Department posts an exclusion request or an objection with CBI in the supplementary material, there is no way for other parties to respond. For example, a commenter notes that objections from U.S. Steel have been posted, but certain information has not been provided, such as capacity and capacity utilization. Although the Department may reach out relating to such information, the requester will never know what the objector said about its capacity to supply the requested demand and, therefore, will never be able to rebut the issue. The commenter argues that the current system penalizes requesters whose requests may not be posted (or at a minimum may be delayed in being posted, thereby forestalling retroactive relief) if the exclusion request form is not fully filled out, yet an objector is able to unilaterally withhold data and delay consideration of the exclusion request. The commenter requests that such an objection be rejected as incomplete.

BIS response: The Department published the regulations establishing the exclusion request/objection process in the March 19 rule. The Department has made clear in the regulations that parties applying for an exclusion and those objecting to the exclusion requests should include only public information in their full submissions. The exclusion and objection forms include an area where parties can indicate if they have additional CBI that they believe is relevant to their submission, although the Department believes that the information requested in the forms, in most cases, should suffice to allow a determination to grant or deny. However, based on the number of comments received on this issue regarding concerns over protecting CBI, the Department understands that additional changes and clarifications need to be made. Today's rule is revising paragraph (b)(5) to clarify the procedures for public disclosure and the information protected from public disclosure, including specifying a process to be followed when making submissions that are not intended for public release.

Comment (f)(3)(ii): Exclusion/objection forms need to be scrubbed to eliminate questions that require disclosing CBI. Commenters asserted that much of the information the Department has requested in conjunction with objections to exclusion requests includes CBI, information that, if shared publicly, could raise intellectual property/trade secret, anti-trust, or customer-relation concerns. For example, a requester must provide chemical composition, dimensions, strength, toughness, ductility, magnetic permeability, surface finish, coatings, along with other technical data and must also provide the names of the suppliers used, as well as the quantity predicted to be needed from each supplier. An objector must provide capacity and capacity utilization data; production information, including production capacity and utilization data; technical specifications, including the detailed chemical composition; production/shipping timelines; and internal technical data to refute assertions made in the request. Commenters believed that this level of detail is unnecessary and burdensome for the purpose of this exercise and may require disclosure of proprietary information belonging not only to a requester or objector, but to a requester's supplier. Commenters were also concerned that the exclusion request form requires companies to provide support regarding their inability to source domestic suppliers which will often involve revealing non-public terms of sale discussions and available sources of supply. One commenter asserted that sharing such extensive information plays into the hands of foreign powers or other competitors, allowing them to easily amass a large amount of industrial information on the U.S.

BIS response: The Department designed both the steel and aluminum exclusion request and objection forms with input from a variety of U.S. Government and industry experts. The goal was to create a balance of information requested from the exclusion requester to allow a U.S. manufacturer of steel or aluminum to file a credible objection to that specific exclusion request. The Department is requesting that parties applying for an exclusion and those objecting to an exclusion request include only public information in their full submissions. The exclusions, objections, rebuttal, and surrebuttal forms include a section where parties can indicate if they have additional CBI that is relevant to their exclusion request or their objection. Metallurgical composition is not proprietary information. The Department does not ask for steel or

aluminum process information, which can be CBI. In almost every case, only public information is needed for a valid exclusion request and a valid objection. In the event that the Department determines that additional information of a proprietary nature is necessary to make a determination on an exclusion request, the Department will provide instructions to the affected parties and will protect this information from public disclosure. However, to address concerns in this area, today's rule is revising paragraph (b)(5) to add more provisions to clarify the procedures for public disclosure and the information protected from public disclosure, including specifying a process to be followed when making submissions not intended for public release as part of a request, objection, rebuttal, or surrebuttal.

Expand and Clarify What Parties Can Apply for Exclusions

Comment (f)(4)(i): Trade associations should be able to petition on behalf of industries. Commenters felt strongly that the exclusion process should be revised to allow for trade associations to file for a broader exclusion on behalf of similarly situated member importers. They asserted that this would cut down on the number of requests that the Department is receiving, making the process more efficient and less costly, and would benefit small business importers in particular. In cases where several companies would like to make the same exclusion request, such as when the imported product at issue is not produced in the U.S. and is used by multiple domestic manufacturers, they argued that it is very inefficient to ask each of the companies to file the same request. Commenters asserted that the supplements contemplate broader exclusions, which they thought would be a natural place for trade associations to play a beneficial role in the exclusion process, but the supplements provide no guidance on how to apply for such broader exclusions.

BIS response: Allowing trade associations to file requests will not make the process more efficient, because the information required for an exclusion request is unique to each individual or company applying for an exclusion. The individuals or organizations applying for an exclusion request must specify the precise steel or aluminum product, including whether a product is customized. Because the primary consideration in whether to grant or deny an exclusion request is evidence that the requested product is or readily can be made in sufficient quantity and quality by domestic manufacturers, it is essential that the precise product being sought be clearly identified, along with the quantity needed and the timeframe for delivery. This will necessarily be different for each individual or organization. A credible objection must state that the objector can produce the product being sought. Absent this specificity, it would be impossible for domestic manufacturers to determine whether or not they can produce the product. The need for specificity is why each individual or company needs to respond, as opposed to trade associations. The Secretary does have the discretion to make broader exclusions available to all importers if the Department finds the circumstances warrant, and the Secretary will exercise this discretion as appropriate.

Comment (f)(4)(ii): Confirm that contractors and distributors that supply others with steel may apply for exclusion requests. A commenter requested the Department confirm that the supplements added with the March 19 rule allow the Department to accept petitions from contractors and distributors that supply others with steel, as eligible individuals or organizations using steel in business activities. The commenter argued that it is important to accept such petitions, as these entities work with numerous clients and customers that need to procure steel needs for various oil and natural gas projects.

BIS response: The Department confirms that contractors and distributors in the U.S. that supply others with steel or aluminum in the U.S. may apply for exclusion requests to supply those U.S. customers.

Comment (f)(4)(iii): The Department should accept petitions from entities that are not the importer of record for products. Commenters requested the Department accept petitions from entities that are not importers of record, so that companies can submit petitions on behalf of their ultimate procurement needs that may be imported by other entities within their supply chains.

BIS response: The Department does not agree. The individual or organization that will be identified as the beneficiary of the exclusion request must also be the importer of record.

Comment (f)(4)(iv): U.S. importers of record—even though they may be foreign entities, should be able to submit exclusion requests. One commenter asserted that all of its European production exported to the United States is sold before that export. In such cases, this commenter believes the importers of record are more likely to have the information that would be useful to fill in the exclusion request forms as they are the ones involved with the actual act of importing and the ones responsible for tariffs. The commenter requests the Department allow such parties to apply for exclusions.

BIS response: The Department confirms that a U.S. importer of record, including foreign entities located in the United States, may submit an exclusion request, provided they meet the other applicable criteria. The Department is aware that in certain cases a U.S. importer of record may be a foreign entity not located in the United States and those U.S. importers of record would not be able to meet the other applicable criteria—meaning an exclusion request would not be granted to such a foreign entity. The supplements added in the March 19 rule already permitted these types of parties to apply for exclusions, so no regulatory changes are needed.

Comment (f)(4)(v): Allow affected foreign producers and exporters of steel and aluminum to apply for exclusions. One commenter asserted that foreign producers and/or exporters of steel and aluminum often have the most detailed information about the merchandise for which an exclusion is requested, including chemistry, standards, dimensions, availability, and quantities. This commenter asserted that foreign producers and exporters of steel and aluminum must often be consulted for this information by U.S. importers and end-users. The commenter requested the Department allow such foreign producers and exporters to submit exclusion requests on their own behalf to streamline the process. They asserted that doing so would be consistent with the Section 201 exclusion process, which allowed foreign producers to seek exclusions.

BIS response: Making this change would not be consistent with the Proclamations or the intent of the two supplements added in the March 19 rule.

Comment (f)(4)(vi): Permit and clarify flexibility in certain situations particular to the motor vehicle industry in the designation of the proper party to make the exclusion request. A major trade association representing the auto industry asserted that there are certain situations that may be unique to the motor vehicle industry. The first example provided by the commenter is a ''resale'' program, in which the purchaser and user of the materials are not the same company. The vehicle manufacturer will purchase steel directly from the foreign steel company but will then resell the steel to a parts supplier. That supplier will then use the

steel in the production of a part to be sold to the vehicle manufacturer who originally purchased the materials. In the second example provided by the commenter, the vehicle manufacturer will instruct the parts supplier to purchase specific materials from a foreign producer. The properties or chemical makeup of the materials being purchased and used may be unknown to the parts supplier. This commenter requested the Department clarify the application process and provide flexibility allowing either the parts supplier or the vehicle manufacturer to make the exclusion request.

BIS response: The Department clarifies that either the parts supplier or the vehicle manufacturer in these scenarios may submit an exclusion request. Individuals or organizations that apply for exclusion requests must use steel or aluminum articles in business activities in the United States, such as construction, manufacturing, or ''supplying these articles to users.'' In this scenario, where the ''vehicle manufacturer will purchase steel directly from the foreign steel company but will then resell the steel to a parts supplier,'' the Department would consider the vehicle manufacturer to be a party supplying these articles to users and therefore could apply for an exclusion request.

Tighten Exclusion Approval Criteria To Ensure That Intent and Scope of Exclusion Process Is Not Circumvented

Comment (f)(5)(i): Clarify approval criteria for exclusions to specify requester must show that neither product nor an equivalent or substitutable product is produced in the U.S. A commenter requested that a product-specific exclusion be granted only upon a showing that neither the product nor an equivalent or substitutable product is produced in the United States.

BIS response: The Department evaluates whether the steel or aluminum is ''produced in the United States in a satisfactory quality'' for consistency with the Proclamations. The exclusion review criteria ''not produced in the United States in a satisfactory quality'' does not mean the aluminum or steel needs to be identical, but it does need to be equivalent as a ''substitutable product.'' Today's rule adds a new paragraph (c)(6)(ii) to further define this criterion, including adding some application examples to assist the public's understanding and make the review process more transparent.

Comment (f)(5)(ii): Clarify approval criteria for exclusions to specify that simply avoiding duties is not sufficient basis for approval. A commenter requested clarification that product-specific exclusions will not be granted simply to allow a submitter to avoid paying the additional duty on a product that is commonly produced in several markets, including markets that are exempt from the duties. This commenter believes allowing exclusions on such grounds would severely undermine the purpose of the duties.

BIS response: The Department confirms that, based on the criteria of the Proclamations and the two supplements added in the March 19 rule, simply wanting to avoid the duties is not sufficient basis for approval.

Comment (f)(5)(iii): Definition of ''immediately'' is too rigid and should be lengthened. Commenters requested lengthening the period for what should constitute ''immediately.'' A commenter asserted that in several instances, the exclusion request form asks whether a product could be produced ''immediately,'' which is defined as ''within eight weeks.'' Unless an article is currently being manufactured, an eight-week window to begin production is unreasonable. Beginning production ''immediately'' should vary based on the level of processing and finishing involved (*i.e.,* semi-finished products should have the shortest time period while downstream finished products should have longer time periods, including some much longer than 8 weeks) as well as the volume requested (with larger volumes requiring more time). The commenter requested that if a specific time period is used in the forms and the Department's analysis for ''immediately,'' then it should be ''within twelve to sixteen weeks.''

BIS response: The Department disagrees. The definition of ''immediately'' is appropriate and requires no lengthening or shortening in order to meet the purposes of the exclusion and objection process and for consistency with the Proclamations. The Department emphasizes that the supplements added in the March 19 rule used the word ''generally'' to qualify the one year validity periods for approved exclusions. Because of the large number of comments received on the issue of the appropriate validity date and the need to improve the transparency of the decision making process and alert submitters of exclusion requests/objections/rebuttals/surrebuttals to the types of information that may warrant a longer or shorter validity period, today's rule is adding a new paragraph (h)(2)(iv) to provide more details on validity periods, including application examples.

Comment (f)(5)(iv): Clarify approval criteria for exclusions to specify that evidence of substitutable products is sufficient to deny. A commenter asserted the final rule should clarify that exclusion requests will be denied where a member of the domestic industry opposes the request and demonstrates that it produces a product with ''similar form, fit, function, and performance'' to the requested product.

BIS response: The Department agrees, provided ''similar form, fit, function, and performance'' being referenced by the commenter meets the definition of ''substitute product'' that is being added to the two supplements in today's rule and can be provided in the requisite quantity and time frame to meet the needs of the requester. Today's rule adds a new paragraph (c)(6)(ii) to provide a definition for the criterion ''not produced in the United States in a satisfactory quality.'' The new paragraph specifies that the exclusion review criterion ''not produced in the United States in a satisfactory quality'' does not mean the steel or aluminum needs to be identical, but it does need to be equivalent as a substitute product. This new paragraph will also include application examples to assist the public's understanding of ''substitute product.''

Comment (f)(5)(v): Specify that approved exclusions cannot be assigned for other companies to use. A commenter requested the Department to clarify that not only is an exclusion limited to the party that requested it, there can be no assignment or transfer of the exclusion once granted. Allowing the assignment of exclusions would allow importers to circumvent the duties by accumulating the ability to import under product-specific exclusions.

BIS response: The Department agrees and clarifies here that the use of an approved exclusion may not be assigned to another entity.

Comment (f)(5)(vi): Specify that all product needs to be imported within one year of the approved exclusion. A commenter requested further narrowing and clarifying the scope of exclusions to specify that goods must be imported into the United States prior to the end of the one-year (or any other period) for which the exclusion is granted.

BIS response: The Department agrees and confirms here that all products in an exclusion approved request must be imported within the validity period. A one-year validity period is standard. The Department communicates with CBP once an exclusion request is to be approved to provide the validity date. The Presidential Proclamations

establish the requirements for obtaining retroactive refunds from duties paid prior to the validity period of a granted exclusion.

Broaden Exclusion Criteria (To Make It Easier To Get Approved) To Better Achieve the Purpose of the Exclusion Process

Commenters that had concerns with the exclusion process made suggestions for broadening the exclusion criteria to make it easier to get approval as discussed in the next series of comments.

Comment (f)(6)(i): Department should not consider the availability of ''substitute steel products'' in assessing requests. In contrast to the comments above that advocated being more permissive to steel and aluminum manufacturers in the U.S., the commenter here requested that the Department not allow supposed product ''substitutes'' to form the basis of rejecting an exclusion request, arguing that doing so would be contrary to the Proclamations. The same commenter asserted that neither the Proclamations nor the text of the March 19 rule mention either ''substitute'' or ''near-equivalent'' products, so inclusion of this as part of the criteria is not appropriate. The same commenter asserted that neither ''substitute steel product'' nor ''near-equivalent steel product'' is defined, creating uncertainty as to what these fields mean and that the Department is in no position to make that determination on a factual or technical basis. The commenter noted that if a customer requires certification of the product, just being similar is not good enough to immediately replace a current supplier. The commenter also noted that manufacturers have production lines and operations created for exact technical properties and cannot just do with any raw material that is ''similar.'' The commenter also argued that if a manufacturer has a preference for products it uses as raw materials, it is wholly inappropriate for the government to force it to use another kind of product. A company's operations and equipment may need to change in order to use a ''substitute steel product'' and its workforce may not have the experience in dealing with a different kind of steel. Finally, the commenter asserted that even if the Department believes that substitute steel products should be considered, it must clarify how it is using that factor in its analysis and specify what factors are being considered as the exclusion request form does not fully address these issues. The commenter asserted that a company should be afforded a full opportunity to explain why it cannot use such ''substitute'' or ''near-equivalent'' products, and any problems that could arise from the use of such products.

BIS response: The Department disagrees with the concerns raised about considering substitute products. The Department understands the points raised about the importance of adding greater specificity for the criterion on what may constitute an equivalent product that is of satisfactory quality and how the criterion is used in the review of exclusion requests and objections. As noted above in response to comment (f)(5)(iv), today's rule is adding a new paragraph (c)(6)(ii) to provide a definition for the criterion ''not produced in the United States in a satisfactory quality,'' defining the term ''substitute product,'' and including application examples. The Department is also adding a rebuttal and surrebuttal process that will allow an exclusion requester to identify reasons why an alleged substitute product is not in fact a substitute. These changes are responsive to these types of comments.

Comment (f)(6)(ii): Definition of ''immediately'' should be kept the same or shortened. One commenter asserted that as the exclusions currently only last one year, the Department should not recognize objections unless they can produce the item at that point. If a domestic steel manufacturer is able to produce the good in the future, it would be then more appropriate to object to the following year's request.

BIS response: The Department agrees that the definition should remain the same, but disagrees that the definition needs to be shortened. The definition of ''immediately'' is appropriate and requires no lengthening or shortening in order to meet the purpose of the exclusion and objection process and for consistency with the Proclamations. As referenced above, today's rule is adding paragraph (h)(2)(iv) to provide more transparency and guidance to submitters on how the Department will determine the appropriate validity date for approved exclusions. Today's rule also is adding a rebuttal and surrebuttal process discussed in regulatory changes below that will be responsive to these types of comments and help to ensure the Department has all the relevant information needed to determine the appropriate validity period on a fair and consistent basis.

Comment (f)(6)(iii): Add metrics for determining U.S. domestic capacity to meet demand. Commenters raised concerns that the March 19 rule does not identify the criteria the Department will apply in determining whether an article is produced in the United States in a sufficient and reasonably available amount, which raises the following questions:

Comment (f)(6)(iii)(A): To what extent will the Department take into account quantities demanded by users of the article other than the applicant itself?

BIS response: The Department, including product experts from ITA, will review requests based on the information provided and representations made by the objector. Today's rule is adding a rebuttal and surrebuttal process where an individual or organization that submitted an exclusion request that received an objection could include in their rebuttal any concerns they had about an objector overcommitting the steel or aluminum manufacturer's current or future capacity. This rebuttal process will be included in a new paragraph (f) in both supplements.

Comment (f)(6)(iii)(B): To what extent will the Department verify the potential for U.S. manufacturers to increase capacity and/or capacity utilization?

BIS response: If the objector is asserting that it is not currently producing the steel identified in an exclusion request but can produce the steel or aluminum within eight weeks, the objector must identify how it will be able to start production within eight weeks. This requirement includes specifying in writing to the Department as part of an objection the timeline the objector anticipates to start or restart production of the steel or aluminum included in the exclusion request to which the manufacturer is objecting. Today's rule revises paragraph (d)(4) to add more specificity on these requirements for the substance of objections to submitted exclusion requests.

Comment (f)(6)(iii)(C): How does the Department intend to deal with multiple exclusion requests where each individual request might be fulfilled from U.S. domestic parties, but the total of such requests exceeds current U.S. capacity?

BIS response: The Department, including product experts from ITA, will be evaluating these factors as part of the review process when objections are received. The new rebuttal process this rule is adding to a new paragraph (f), as well as the surrebuttal process being added to paragraph (g), in each supplement, provides an additional way for the Department to receive input to help identify these types of trends that the Department agrees should be taken into account for an efficient and effective exclusion process.

Comment (f)(6)(iii)(D): What is the timeframe that the Department will use to determine if a U.S. domestic party is capable of producing the specific product? Is it within the period of the particular exclusion request (*i.e.,* one year)?

BIS response: The steel or aluminum product must be available ''immediately.'' ''Immediately'' means whether a product is currently being produced or could be produced and delivered ''within eight weeks'' in the amount needed for the business activities described in the exclusion request. Today's rule is adding a definition of ''immediately'' to paragraph (c)(6)(i) and application examples to assist the public's understanding.

Comment (f)(6)(iii)(E): Will the Department take into account product prices and the conflicting impacts of such prices on U.S. domestic steel producers and users in determining whether there could be sufficient domestic capacity?

BIS response: The Department will not consider this criterion. The Department only considers criteria taken from the Proclamations which are included in the review criteria of the two supplements and on the exclusion request and objection forms.

Comment (f)(6)(iii)(F): One commenter argued that the Department should apply reasonable standards to the review of exclusion requests and objections, which the commenter identified as not allowing unsupported assertions of production capacity and, after a *prima facie* case for an exclusion request is made (accepted as correct until proven otherwise), affording that request a presumption of approval.

BIS response: The Department agrees that it must hold requesters and objectors to a high and consistent review standard and will continue to do so with the rebuttals and surrebuttals being added with today's rule. However, the Department wants to emphasize that BIS and ITA do not prejudge or give greater weight to any particular submission, whether an exclusion request, an objection, a rebuttal, or a surrebuttal. The process is created to allow each party involved in the process to provide relevant information, including that specified on the forms by the Department, and any other information that the party involved in the process believes is relevant, in order to allow the Department to make a fair, impartial and consistent determination whether an exclusion request should be approved or denied.

Comment (f)(6)(iv): Broaden criterion for determining whether a U.S. steel or aluminum user has tried to source from U.S. suppliers to be longer than two years. One commenter requested that the Department broadly take into consideration requesters' attempts to source a product historically beyond the most recent two-year period. The commenter argued that if a requester has tried repeatedly over the years or is familiar enough with the market, it may not have regularly reached out to domestic suppliers in the most recent years. The commenter believed it would be unfair to expect a company to check annually whether or not a supplier has changed its production capabilities.

BIS response: The Department disagrees. The U.S. Government anticipates and is already seeing a resurgence in steel and aluminum production in the United States with new facilities opening and new capacity being actively planned. If an individual or organization has not looked to buy steel or aluminum manufactured in the United States, it would be well worth their effort to do so before applying for an exclusion request. This will also save the requester time, as well that of potential objectors and the Department, because the potential requester may find in conducting a search that steel or aluminum not available in the U.S. market before may now or soon be available in the United States.

Comment (f)(6)(v): Add metrics to determine sufficient quality. Commenters asserted that the Department should define and release metrics that will be used to determine whether U.S. steel manufacturers have the capacity to meet demand in order to provide greater clarity on how the Department will make its determination regarding production in the United States in a satisfactory quality. One commenter requested that objectors be required to show that they have the ability to produce steel goods that can actually be used by the supplier in the same way as the overseas product it had previously sourced. In the commenter's view, that would require a showing that the product is of the same quality and can be certified if necessary for the particular item and that it will be committed to this specific use if requested. Another commenter was concerned that it is easy for manufacturers to assert that they ought to be able to make a certain product but, in reality, it may turn out to be difficult and unfeasible. Still another commenter was concerned that for many steel items there is a certification process which can take years and require demonstrated consistency in the product, thereby pushing off by two to three years actual production by a replacement U.S. steel supplier, assuming the would-be supplier is able to pass the certification. The commenters argued that if the Department does not stringently assess U.S. steel producers' claims and consider extrinsic factors that affect available supply, it could create a situation where domestic steel users will have no usable steel supplies, driving them out of business.

BIS response: The Department agrees with some of the concerns raised and, as noted above, is adding a new paragraph (c)(6)(ii) to clarify issues regarding quality and provide the public with a better understanding of the application of the criterion. In addition, the Department notes that today's rule also is adding a rebuttal and surrebuttal process under paragraphs (f) and (g) that will allow requesters to provide a rebuttal if they believe an objector cannot meet their quality standards or if some other aspect of the objection warrants a response, as well as an opportunity for the objector receiving a rebuttal to submit a surrebuttal if it believes that is warranted.

Comment (f)(6)(vi): Allow companies to seek product exclusions on basis of internal quality standards. A commenter requested the Department specify how it will determine whether, in the case of highly specialized products, a domestic product's quality/standard is equivalent to the quality/standard of the foreign import. The same commenter requested the Department explain the weight that it will give to a user's stated needs regarding product quality in making its determination whether to grant an exclusion request. Commenters requested that the Department define the minimum quality thresholds that U.S. steel manufacturers must meet. In particular, commenters requested that the Department approve exclusions based on comparative performance standards. For products available from both domestic and international sources, commenters asserted that companies should be allowed to submit data identifying the companies' performance needs and comparing the performance of the domestic product vs. the international product; identifying specific products needed to meet a specific performance standard determined by the user, who is in the best position to identify the product quality requirements for any given project; and establishing the existence of a company's corporate approved Quality Assurance standards that exceed regulatory or industry approved standards.

BIS response: The purpose of the exclusion process is to protect

downstream manufacturers that rely on products not produced by U.S. domestic industry at this time. The guiding principle is that, if U.S. domestic industry does not or will not produce a given steel or aluminum product of the quality needed by users in the United States, companies that rely on those products will not pay duties on them. Today's rule adds paragraph (c)(6), including paragraph (c)(6)(ii), to respond to these types of comments concerned with ensuring that the exclusion review process adequately takes into account the quality needs of requesters.

Comment (f)(6)(vii): The Department should only deny an exclusion request if there is a domestic metals producer that can provide the same product to customer specifications in the time line needed by the requester. A commenter asserted that domestic capacity to make a product is not the same thing as the current ability to produce a needed product within a viable lead time to meet customer demands. The commenter was concerned that the Department not reject product exclusion requests based solely on a domestic producer's claim of capacity to make the product, noting that many of the objections posted on *regulations.gov*, have included phrases like ''Although we don't make this product. . .'' and ''We have the capacity to make this product. . .'' The commenter emphasized that a manufacturer that needs steel or aluminum to make its product needs it available in the U.S. marketplace within reasonable lead times and to specific specifications to meet customer demands.

BIS response: The Department agrees on the point generally, but also believes that a reasonable standard needs to be applied to balance the needs of requesters to obtain steel and aluminum in a timely fashion with providing an opportunity for U.S. steel and aluminum manufacturers to expand capacity when that can be done ''immediately''—meaning within eight weeks. This criterion is consistent with the intent of the Proclamations and the criteria of the two supplements added in the March 19 rule. The final rule published today is adding text to paragraph (d)(4), as well as adding new paragraphs (c)(6)(i) and (ii) to the supplements, to provide additional context for what constitutes sufficient quality and application examples for this criterion.

Comment (f)(6)(viii): Establish process to consider existing contracts and supplier agreements when reviewing exclusion requests. A commenter requested that the Department establish a process to evaluate existing contracts and supplier agreements when assessing exclusion requests in order to avoid undue disruption to the operations of U.S. companies that are already relying on qualified suppliers of needed inputs.

BIS response: The Department is not authorized by the Proclamations to grant product exclusions on the basis of existing contracts, except as described in the Presidential Proclamation 9777 of August 29, 2018 under clause 2 that requires the Secretary to grant exclusions from quantitative limitations. The August 29 Proclamation 9777 created the separate exclusion process to address concerns such as these for certain existing contracts that include steel articles. Other than clause 2, exclusions will only be granted if an article is not produced in the United States in a sufficient and reasonably available amount, is not produced in the United States in a satisfactory quality, or for specific national security considerations.

Comment (f)(6)(ix): Add metrics to determine ''national security considerations''—current criterion is too narrow for what should be considered national security. Commenters requested that national security considerations be defined more precisely and more broadly to take into account other economic considerations that are important to U.S. national security. A commenter requested that the Department must make ''national security considerations'' explicitly clear to requesters. It asserted that, if the Department produces exclusion guidance without defining this term or with a vague definition, requesters will have great difficulty in providing the necessary information in their requests and such vagueness could lead the Department to deny exclusion requests in an arbitrary and capricious manner. Smaller companies, the commenter remarked, would be at a severe disadvantage in responding to this criterion. Another commenter was concerned that national security was being defined too narrowly because the exclusion request form identifies U.S. national security requirements as ''critical infrastructure or national defense systems.'' The commenter was concerned that this form implies that these two criteria alone are the only national security justifications that may be made for a product exclusion request. The commenter requested that the Department consider a broader definition of ''national security'' for determining exclusion requests that mirrors the language of 19 U.S.C. Sec. 1862(d), which states that ''. . . [I]n the administration of this section, the Secretary and the President shall further recognize the close relation of the economic welfare of the Nation to our national security . . .'' A trade association commenter for the oil and gas industry asserted that they expect the Department to recognize the importance the oil and natural gas industry and to consider petitions for relief from the U.S. oil and natural gas industry in the spirit of President Trump's March 28, 2017 Executive Order (E.O.) entitled ''Promoting Energy Independence and Economic Growth.'' That E.O. states that ''[I]t is in the national interest to . . . avoid regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation'' and that regulatory actions that ''unduly burden the development of domestic energy resources'' be suspended, revised, or rescinded.

BIS response: Protecting U.S. national security is why the Section 232 process exists. The President has instructed the Department to grant exclusions from the tariff for specific national security considerations, and the Department, as well as the rest of the U.S. Government, must exercise some reasonable discretion in determining whether that standard is met when evaluating exclusion requests, objections, and the rebuttals and surrebuttals being added with the publication of today's rule. However, the Department also understands the importance of transparency in applying the national security review criterion in a fair and consistent way. The Department in today's rule is adding a new paragraph (c)(6)(iii) to each of the supplements to provide additional context for how the Department will apply the criterion ''*for specific national security considerations.*'' Similar to the other new paragraphs today's rule is adding to better define the criteria used to evaluate exclusion requests, objections, and the new rebuttals and surrebuttals process, examples are provided to assist the public in better understanding the application of the national security criterion.

Comment (f)(6)(x): Establish processes that evaluate the risks to approving an exclusion request, but also the risks of not approving. A commenter requested that the Department, in evaluating exclusion requests, consider the risks and potential effects of granting as well as not granting a requested exclusion on U.S. businesses, including downstream users of products with little or no national security applications.

BIS response: The Department considers the criteria of the Proclamations in deciding whether or

not to grant an exclusion request and is committed to applying those criteria in a fair and objective way.

Comment (f)(7): Separate requests for like products should be eliminated. There was overwhelming support by a large number of the commenters for the rule to be revised to allow exclusion requests to cover ranges or dimensions within the same HTSUS code and thereby streamline the process for both importers and the Department. Commenters asserted that not only do current limitations unduly burden the requester by requiring duplicative requests, they also burden objectors who must respond individually to each request and the Department that must consider each request. The commenters believe that substantively the Department could still adequately track what was being approved in exclusions without retaining this unnecessary restriction. Another commenter raised concerns that the current process increases the possibility of inconsistent treatment for individual requests that are only different based on an insignificant dimension. Commenters recommended the Department clarify that a single exclusion form may be submitted for similar products and allow reasonable ranging of chemistry and dimensions (including width, height, length, diameter, and thickness) based upon standard industry practice.

BIS response: BIS designed both the steel and aluminum exclusion and objection forms with input from a variety of U.S. Government and industry experts. The goal was to obtain sufficient information from the exclusion filer to allow a U.S. manufacturer of steel or aluminum to file a credible objection to that specific exclusion. To be credible, the objection must state that the objector can produce the specific product for which the exclusion is requested within the time frame covered by the exclusion request. The forms allow for a product that may be within a narrow range. Today's rule is adding two sentences to paragraph (c)(2) to clarify these types of issues.

Define Process for Obtaining ''Broad Exclusions'' and Use This Process To Make the Exclusion Process More Effective

Comment (f)(8)(i): Provide details on how to apply for broad exclusions. Commenters asserted that the statement ''unless Department approves a broader application of the product-based exclusion request to apply to additional importers'' clearly contemplates that the Department is considering approving broader exclusion requests that can apply to multiple importers and that the Department should provide guidance on a process for such exclusions. Many commenters requested that the Department explain the circumstances under which BIS will approve a broader product exclusion and how U.S. companies may request such an exclusion. Commenters believe these broader exclusions would allow steel products to be reviewed in a broader fashion and provide the Department with an opportunity to more accurately assess domestic availability in relation to all the requests relating to that particular type of steel. Some commenters, to further support their position, asserted that the Department and the USTR relied on such a product-based exclusion process as part of the Section 201 steel safeguard proceedings more than a decade ago.

BIS response: The March 19 rule was not clear enough on this issue. Identifying, evaluating, and approving broad product-based exclusions is done solely by the Department. Individuals and companies do play a role in this process, but that role is limited to submitting exclusion requests, objections, and the rebuttals and surrebuttals being added with the publication of today's rule. The Department is responsible for identifying market trends in specific exclusion requests that may warrant approving broad product-based exclusions. In identifying these market trends, the Department will place particular importance on the objections being provided or lack thereof. The Department understands that this is a more time intensive process for all parties involved, but it ensures that the granting of broad based product exclusions is done in a measured and deliberative way so as not to undermine the Proclamations and their objective of protecting critical U.S. national security interests.

Comment (f)(8)(ii): Product exclusions must not be company-specific and should apply broadly to all products from all sources meeting the exclusion requirements. Some commenters believe product exclusions should be broadly considered and granted on a product-specific basis, regardless of source, manufacturer, country-of-origin, or supply chain. They argued that the Department should use an exclusion process similar to the one used during the Section 201 safeguard measures on imported steel in 2002 in which exclusion requests were not tied to specific supply chains, manufacturers, or countries. The commenters asserted that a company-specific exclusion scheme is unduly restrictive, arbitrary, and ignores commercial realities. They argued that, under the current system, the Department may grant an exclusion for a specific product for some companies/end-users but unreasonably deny it for others for the identical product, a result that they contend is arbitrary, particularly if the exemption is based upon ''short supply'' considerations or a general lack of U.S. availability. Commenters also note that the current system increases the burden on requesters and the Department and creates needless enforcement and compliance issues at the border, as suppliers, importers, and end-users must determine how to monitor, segregate, track, and report all such supply chain details to CBP at the time of entry. Therefore, these commenters believe a ''product'' exclusion should be granted for ''the product'' itself, regardless of supplier or country of origin.

BIS response: The Department does not agree. Parties applying for exclusions are required to identify the source countries for the single product for which the exclusion is requested, the annual quantity to be supplied, and the name of the current manufacturer(s)/supplier(s), and the country of the manufacturer(s)/supplier(s). The exclusion request, if granted, will only pertain to the identified supplier(s) listed in the exclusion request form and the specific country of origin identified by the requester. The Secretary has the discretion to make broader exclusions available to all importers if the Department finds the circumstances warrant it, and the Secretary will exercise this discretion as appropriate, but only after exclusion request in the ordinary course.

Comment (f)(8)(iii): If the Department determines a product is not available in U.S., then broader product (categorical) exclusion available to all should be approved. Commenters requested that if a product is not made in the United States or is not made in sufficient quantity or quality, the Department grant a broader product exclusion (not just on company by company, product by product basis). Commenters requested that any domestic industry objections to such a categorical exclusions be accompanied by specific evidence demonstrating when domestic capacity is projected to come on line. One commenter requested that the Department allocate resources to accelerate the identification of products where there is currently no (or very limited) U.S. production and none is likely to be available before a to-be-determined future date. Such action would ease the burden on users of these types of products. Moreover, once the

review is completed, the commenter argued that the Department would be able to focus its resources on analyzing exclusion requests where there is substantial U.S. production or where there is expected to be substantial U.S. production in the foreseeable future.

BIS response: As asserted above, the individuals or organizations applying for an exclusion must specify the precise steel or aluminum product, including whether a product is customized. Parties applying for exclusions are required to identify the source countries for the single product for which the exclusion is requested, the annual quantity to be supplied, the name of the current manufacturer(s)/supplier(s), and the country of the manufacturer(s)/supplier(s). The exclusion request, if granted, will only pertain to the identified supplier(s) listed in the exclusion request form and the specific country of origin identified by the requester. The Secretary does have the discretion to make broader exclusions available to all importers if the Department finds the circumstances warrant it, and the Secretary will exercise this discretion as appropriate, but only after an exclusion request in the ordinary course.

Comment (f)(9): Provide streamlined process whereby a second company seeking to use an exclusion already granted to another U.S. company can quickly obtain the right to use the same type of product exclusion. Commenters thought requiring that each exclusion granted be available only to the company that requested it is inefficient and time-consuming. Commenters recommended the Department provide a streamlined process whereby a second company seeking to use an exclusion already granted to a U.S. company can quickly obtain the right to use the same product exclusion.

BIS response: The Department will allow exclusion requesters to reference a previously approved exclusion, but the new requester must still fill out the exclusion form and their new exclusion request will be evaluated based on the information included in their exclusion request. New requesters may include a copy of the original approved exclusion request, but simply referencing the approval identifier of the previous approved exclusion is sufficient and is what the Department recommends in such scenarios. The existence of a preexisting approved exclusion request for another individual or company would not be determinative for the review of a new exclusion request. Each request is reviewed on a case-by-case basis, and potential objectors will have an opportunity to review the new exclusion request, to object, and if they submitted an exclusion request or objection, to participate in the rebuttals/surrebuttals process created with the publication of today's rule. This is important because a domestic steel or aluminum manufacturer that may not have had the capacity to produce when reviewing the previously approved exclusion request may be able to produce ''immediately'' at the time a later exclusion request is filed.

Country of Origin (Various Recommendations for How It Should Be Used in the Exclusion Process)

Comment (f)(10)(i): Exclusions should not be country specific. One commenter recommended the Department allow companies granted product exclusions to import the product tariff-free from any country, given that the basis of the exclusion request is that the U.S. company cannot source the product domestically.

BIS response: As noted above, the Department, in consultation with other Federal agencies, has the authority to grant exclusions from the additional duties imposed in the Proclamations for products that are not produced in sufficient quantity or quality in the United States or for specific national security considerations. Parties applying for exclusions are required to identify the source countries for the single product for which the exclusion is requested, the annual quantity to be supplied, the name of the current manufacturer(s)/supplier(s), and the country of the manufacturer(s)/supplier(s). The exclusion request, if granted, will only pertain to the identified supplier(s) listed in the exclusion request form and the specific country of origin identified by the requester. The Secretary does have the discretion to make broader exclusions available to importers if the Department finds the circumstances warrant it, and the Secretary will exercise this discretion as appropriate, but only after an exclusion request in the ordinary course.

Comment (f)(10)(ii): Department should consider country of origin when assessing a request. A commenter recommended that the Department consider the country of origin, and prioritize the requests of those countries that are national security allies, such as members of the European Union. In the commenter's view, such an approach would be in consonance with the national security aims of the tariffs.

BIS response: The review criteria based on the Proclamations and the two supplements added in the March 19 rule do not take into account the country of origin, so it would be inappropriate for the Department to make the proposed change. However, as described below, today's rule does add a new Note to paragraph (c)(2) to both supplements to allow for product exclusions for countries subject to country-based quantitative limitations.

Validity Periods for Exclusions

Comment (f)(11)(i): Concerns that one year is insufficient and arbitrary. Commenters thought that granting of the exclusion for one year is arbitrary. A commenter asked if the product is not available domestically now, why the Department believes it will be available next year, or the year after, or ever. Commenters requested that instead of forcing importing manufacturers to go through this arduous exclusion petition process every year, the Department require aluminum and steel manufacturers to prove that the domestic supply exists in the quantities and the quality specifications necessary before ending any exclusion.

BIS response: Generally, an exclusion is granted for one year from the date of signature. Parties should review the decision document for this information. As described below, the Department does have discretion to approve varying validity dates depending on the facts surrounding an exclusion. Also as referenced above and described in more detail below, today's rule is adding a new paragraph (h)(2)(iii) to provide more information on the criteria the Department uses to determine the appropriate validity date for an exclusion.

Comment (f)(11)(ii): Clarify that approvals can be less than one year when warranted. One commenter requested that the final rule clarify that although exclusions generally will be granted for one year, a shorter time period may be granted if the objector provides information showing that an exclusion is only warranted for a shorter period of time (*e.g.,* that the objector can begin or expand domestic production in less than one year).

BIS response: The Department agrees and confirms approvals can be less than one year when warranted. Today's final rule is adding a new paragraph (h)(2)(iv) to provide additional context on the general one year validity date and when a shorter or longer validity date may be warranted. New paragraph (h)(2)(iv) includes application examples for when a longer period may be warranted for the validity period.

Comment (f)(11)(iii): Should be five years or longer. One commenter requested that the Department explicitly provide for exclusion validity periods of

five years, subject to renewal thereafter, and for the length of specific projects discussed in submitted exclusion requests where U.S. domestic parties cannot demonstrate sufficient capacity to meet the long-term requirements set forth in an individual exclusion request or multiple exclusion requests for the same specific product. This commenter supported its position by noting that while one year is an easily definable time period, it does not reflect the reality of business planning, particularly where long-term, large-scale investments and purchasing contracts are involved, such as are typical in the oil and natural gas industry. In the commenter's view, a five-year product exclusion is required to accommodate project planning and to reflect the reality of the long lead time from purchase order to delivery of products. The commenter recommended that U.S. manufacturers be provided the opportunity, regarding any exclusions granted, to prove that they have developed new capacity to meet quantity and/or quality specifications of entities granted petitions.

BIS response: As described above, today's final rule is adding a new paragraph (h)(2)(iv) to provide additional context on the general one year validity date and when a shorter or longer validity date may be warranted. The commenter's recommendation to allow objectors to provide additional information to permit re-reviewing an approved exclusion request would likely require adding provisions to revoke existing approvals. The Department did not add such provisions in this rule because the Department believes there are likely many other members of the public who believe such changes would add unpredictability and undermine their ability for long range planning. The Department does, however, welcome comments in response to today's rule on this commenter's idea of allowing longer validity periods, with the understanding that potential objectors could come back at any time during such periods to request a readjudication of the product exclusion.

Comment (f)(11)(iv): Exclusions should not be limited to an annual basis. Commenters requested that exclusions be indefinite until challenged and domestic production is demonstrated. These commenters asserted that a year is not a long time in the manufacturing cycle, and companies will need to plan out their supply chains further into the future. They also asserted that requiring all companies granted exclusion requests to go through this process yearly to ensure continuous supply would be a massive waste of the Department's resources and overly burdensome to domestic steel users. These commenters believe that if the Department has found in the first instance that an exclusion should be granted because of the lack of domestic supply, it should be up to the domestic suppliers to demonstrate that their capabilities have changed.

BIS response: As described above, today's rule is adding a new paragraph (h)(2)(iv) to provide additional context on the general one year validity date and when a shorter or longer validity date may be warranted. The new paragraph (h)(2)(iv) includes examples for when a longer period may be warranted.

Comment (f)(11)(v): Product exclusions should be permanent, not temporary (and on a universal basis). One commenter believes that temporary exclusions inject significant uncertainty into the business planning of companies and will only increase costs for companies as they have to alter their supply chains.

BIS response: The Department does not believe that permanent exclusions would be consistent with the intent of the Proclamations and is concerned that such exclusions might in fact undermine the resurgence of certain steel and aluminum manufacturing critical to protecting U.S. national security. The Secretary does have the discretion to make broader exclusions available to all importers if the Department finds the circumstances warrant it, and the Secretary will exercise this discretion as appropriate.

Comment (f)(12): Allow supporters of exclusion requests an opportunity to submit comments. One commenter was concerned that while the March 19 rule provides an opportunity for any individual or organization in the United States to file objections to exclusion requests, it does not provide a similar opportunity for such persons to make submissions in support of other parties' exclusion requests. This commenter recommends the Department permit such filings.

BIS response: The Department disagrees. The Department understands the desire of affected or similarly situated parties to provide submissions of support. However, the original submitter of an exclusion request is best situated to provide the specific information for the exclusion request and, under the new process for rebuttals and surrebuttals adopted in this rule, will be allowed to submit rebuttals to any objection received. Allowing other parties to submit statements of support is not needed in order for the Department to conduct its review of the exclusion request and would likely slow the entire process down. The number of exclusion requests being reviewed is substantial, and one of the purposes of today's rule is to make improvements in the efficiency of the process. Where warranted to improve the transparency or fairness of the process, the Department has implemented changes that may increase its workload, but otherwise the focus is on trying to streamline the process to improve it for all parties involved.

Add Rebuttal Process and Specify Criteria for Review of Objections

Comment (f)(13)(i): Must add a rebuttal process (to allow exclusion request submitters to respond to objectors). An area of significant concern for commenters was the absence of a formal rebuttal process in the March 19 rule. Commenters recommended that the final rule should provide an even-handed, reciprocal process that allows interested parties to respond to objections. The supplements added in the March 19 rule currently provide an unbalanced rebuttal process under which any interested party may respond to a request, but the requester is not permitted a response. These commenters believe that requesters must have the ability as a matter of procedural due process to respond to objections. These commenters recommended that the Department should therefore provide requesters a 15-day period to respond to any objections. These commenters asserted that a rebuttal process is consistent with due process and responsible administrative decision making.

Therefore, these commenters recommended that the final rule should provide: A limitation on rebuttals to potentially aggrieved domestic manufacturers of specific articles sought to be excluded, plus a response by the applicant; in the alternative, if rebuttals are not limited to domestic manufacturers, a response by an interested party. These commenters said that it is important to allow the requester an opportunity to reply to the objections raised to make certain that the Department has all the information necessary to determine whether domestic steel producers can actually fulfill their needs. For U.S. companies using steel in their production process, determining which suppliers to use is a decision that is carefully considered based on their economic and manufacturing needs. One commenter remarked, ''Without carefully assessing and soliciting reasons why certain steel suppliers are used in this process, the

Department runs the risk of creating lasting damage to the U.S. manufacturing sector.'' The commenters thus warned against finalizing product exclusion requests without a complete record, arguing that decisions in such cases could be arbitrary and capricious, unfairly biased against U.S. businesses that rely on imported articles, or exacerbate risks to national security.

BIS response: The Department agrees that adding a rebuttal and surrebuttal process will improve the process. The Department has accordingly developed and is adding with the publication of today's rule a rebuttal process described under paragraph (f) in the two supplements to allow exclusion requesters to provide evidence refuting objectors' claims of domestic capacity, as well as a surrebuttal process to allow the objector to respond to the rebuttal. The rebuttal and surrebuttal process will enhance the review process to ensure Department decision makers have as much relevant information as possible when assessing exclusion requests.

Comment (f)(13)(ii): More criteria needs to be added for objections. One commenter asserted that while the March 19 rule indicated a 90-day response time, it does not state the standards for reviewing an application or what consideration the Department will give to objections, including those that readily admit to not currently producing the subject material in the quantity, or the quality, needed. Along similar lines, another commenter raised concern that the March 19 rule says very little about the nature of or criteria for lodging the objection, other than it should ''clearly identify, and provide support for, its opposition'' to the exclusion. The objection form provides some additional requirements (including production capabilities in the U.S. relative to the exclusion request production), but it simply allows the objector to assert that it makes ''similar'' merchandise.

BIS response: The Department agrees that it would be beneficial to add additional information to the two supplements to better define the review criteria for objections. Today's rule amends paragraph (d)(4) to better define how the Department will review objections, including providing application examples and important considerations for objectors to take into account when they are making representations in an objection. Today's rule also makes changes to paragraph (h) to provide additional information for the disposition of objections. These changes will improve the transparency of the objection review process for the public.

Comment (f)(13)(iii): Failure to object should result in automatic approval. A commenter asserted that the supplements added in the March 19 do not indicate what happens if there is no objection filed to a request within 30 days. This commenter recommends that the Department should make clear in the final rule that the failure of any party to object to an exclusion request should result in automatic approval of the request, and the approval should be issued within 15 days of the end of the 30-day period.

BIS response: The Department will grant properly filed exclusion requests which meet the requisite criteria, receive no objections, and present no national security concerns. After an exclusion request's 30-day comment period on *regulations.gov*, BIS will work with CBP to ensure that the requester provided an accurate HTSUS statistical reporting number. If so, BIS will immediately assess the request for satisfaction of the requisite criteria and any national security concerns. If BIS concludes that the request satisfies the criteria and identifies no national security concerns with granting the request, BIS will expeditiously post a decision on *regulations.gov* granting the exclusion request. Today's rule adds in a new paragraph (h)(2)(ii) a streamlined process for approving exclusion requests that do not receive objections.

Comment (f)(13)(iv): Objection based on ability to produce. One commenter recommended that the objector be required to ensure that it can produce the precise product described in the exclusion form and not merely similar products. Many other commenters asserted similar concerns and recommendations in this area about not falling into an equivalent trap that would undermine the ability of these downstream users of steel and aluminum to function effectively.

BIS response: The Department agrees that an objector must be able to make the same steel or aluminum product or one that is equivalent, meaning ''substitutable for,'' the one identified in the exclusion request that is the subject of the objection. As discussed above, today's rule adds new paragraphs (c)(6)(ii) to better define what constitutes satisfactory quality and (c)(6)(i) to better define what constitutes sufficient and reasonably available steel or aluminum. The rebuttal and surrebuttal process that today's rule is adding to paragraphs (f) and (g) in the two supplements will enhance the review process and the information the Department is receiving to ensure appropriate decisions based on a common understanding of the facts at hand.

Comment (f)(13)(v): Objections based on future capacity. One commenter requested that any objector objecting based on anticipated capacity coming on line be required to provide specific evidence of when such capacity will come on line and that it can and actually will make the exact same product that is the subject of the exclusion. Many commenters hit on similar concerns and made similar type of recommendations.

BIS response: The Department agrees that representations made by objectors must be supported by information that identifies clearly whether the capacity is currently available or will be ''immediately.'' As described above, today's rule is adding a new paragraph (c)(6)(i) and revising paragraph (d)(4) to make these requirements clear to objectors. The information required on the objection form will assist the Department in making these determinations whether sufficient supply is available in the U.S. to warrant denying an exclusion request. The rebuttal and surrebuttal process in today's rule is adding to paragraphs (f) and (g) in the two supplements will enhance this process and the information the Department is receiving to ensure appropriate decisions are being made based on a common understanding of the facts at hand.

Comment (f)(14): Add fair administrative and judicial review procedures for exclusion determinations. One commenter requested that the final rule articulate fair administrative and judicial review procedures for exclusion determinations. This same commenter recommended that final action by the Department be immediately appealable to an appropriate administrative appellate body, and/or the Court of International Trade. The commenter provided its thoughts on what courts may be appropriate, including the limitations that may make those suggested courts not the right legal venue. The commenter asserted that while it believes the Court of International Trade may be the appropriate forum for some appeals, there are clear exceptions to the Court's jurisdiction where Presidential Proclamations involve matters other than tariffs, such as national security.

BIS response: There is no specific appeals process. However, if a request is denied, a party is free to submit another request for exclusion that may provide additional details or information to support the request. As described above,

today's rule is also adding a rebuttal and surrebuttal process to allow those individuals and organizations that submitted an exclusion request that received objections to submit rebuttals during a 7 day review period of the final objection posted for their exclusion request. These changes will improve the process and allow such parties an opportunity to provide additional information to the Department that they believe should be considered.

The Department Should Provide Detailed Information on the Process for Extending an Exclusion Request Beyond the Initial One Year

Comment (f)(15)(i): Allow submissions of renewals prior to expiration date of approved exclusions. A commenter recommended that the final rule be revised to clarify that requests for the extension of an exclusion be submitted prior to the exclusion's expiration to avoid any disruption to the supply chain.

BIS response: The Department agrees, but also clarifies that the existing provisions from the March 19 rule already allow renewal requests at any time. Technically, each new submission is a new exclusion request, but an applicant may, as an additional supporting document in a letter of explanation, reference a previous approval whether that is still valid or not. Individuals and companies will need to file a new exclusion request before the expiration of any granted exclusions to avoid any interruptions in their tariff relief. A copy of the previous approval is not needed, simply referring to the previous *regulations.gov* approval number in the new application is sufficient. The existing approved exclusion would not be amended, but may assist the Department in reviewing a new exclusion request. Each approved exclusion is limited to a set time period because there will be changing domestic production capabilities and product availability as U.S. steel and aluminum manufacturers increase production. Each exclusion request is reviewed on its own merit and on a case-by-case basis, so the existence of a previous exclusion approval is not a guarantee a new exclusion request will be approved. As a time saving tip, requesters may reuse the original form submission and just update the fields that need to be updated by downloading the form, making any needed updates, and then submitting the updated form in *regulations.gov* as a new submission.

Comment (f)(15)(ii): Renewal process should be simple, streamlined and burden placed on U.S. steel and aluminum manufacturers to make the case if circumstances have changed in terms of their capacity. Commenters were concerned about the lack of information provided on how the Department plans to review granted exclusions at the conclusion of their one-year approval period. They asserted that lack of information about the process injects a huge amount of uncertainty into supplier agreements, which typically extend well beyond one year. These commenters requested that additional information on the process for requesting renewal of an exclusion be provided and that such process be clearly explained and not overly burdensome. Commenters recommended that the Department require the domestic producers to provide evidence that the circumstances leading to the grant of the original exclusion order have changed. Several commenters recommended that the Department amend the supplements added in the March 19 rule such that, if no facts or circumstances regarding the original exclusion request have changed, a filing company would not be required to file a completely new exclusion request to retain the benefit of a request that has already been approved.

BIS response: The Department believes the renewal process outlined in the response to Comment (f)(15)(i) appropriately complies with the Proclamations and balances the competing interests.

Comments on the Exclusion Form

Comment (g)(1): Provide more guidance on using regulations.gov. A commenter requested BIS provide direction on the steps needed to use *regulations.gov* to submit an exclusion request. This commenter was having difficulty determining which link or button in *regulations.gov* it needed to use to submit the exclusion application submission itself.

BIS response: The Department agrees that providing guidance on the use of *regulations.gov* is needed and has already taken steps to address this issue. As described above, the Department has posted step-by-step guidance documents and various helpful tips on *regulations.gov* under the two docket numbers, as well as on the Commerce website, to assist the public's understanding and to reduce the burden in getting used to using *regulatons.gov.* Today's rule also, as described below, adds an Annex 1 to Supplements No. 1 and 2 to Part 705, which will assist the public in using *www.regulations.gov* for application issues specific to submissions under the exclusion, objection, rebuttal, surrebuttal process. As with any new process, there has been a learning curve for the public using *regulations.gov*, and this will continue to a lesser degree with the rebuttals and surrebuttals today's rule is adding. The Department has significantly increased the number of people working on exclusion requests and objections, including adding many new people who previously had not used *regulations.gov*, so we understand that it takes some time to get familiar with the system. The Department has also found for itself, as well as members of the public that we have spoken to on the phone regarding using *regulations.gov*, that the comfort level is increasing, and we anticipate this will continue.

Comment (g)(2): Ensure exclusion and objection criteria are limited to that covered by the Proclamation. A commenter was concerned whether the exclusion form was introducing criteria that was not consistent with the Proclamations. The commenter asserted that the Proclamation is clear that if a steel article is not produced in the United States in a sufficient and reasonably available amount or of satisfactory quality, the Department should grant an exclusion. However, the exclusion request form contains many fields beyond those factors. The commenter recommended that the Department make it clear that it will not be considering if ''substitute products'' are available, nor the ability of CBP to easily distinguish the product when making its decision as to whether an exclusion is approved.

BIS response: The Department does not agree that information being requested on the forms is inconsistent with the criteria included in the Proclamations and the supplements added in the March 19 rule. The information being requested is needed by the Department to make a determination whether one of the three criteria identified in the Proclamations can be met. As described above, today's rule is making various changes to clarify these types of issues and to add greater transparency to the process. The changes being made in today's rule will give the public a better understanding of the criteria that the Department is using to review exclusion requests, objections, and rebuttals and surrebuttals being added with today's rule. Today's rule also clarifies the references to CBP and how they fit into the process to ensure that what is being approved is implementable. Providing false information to CBP in the form or providing a HTSUS statistical reporting number that is not correct may result in other import or export clearance related penalties from the U.S. Government, so

ensuring that an individual or organization that submitted an exclusion request used the correct HTSUS statistical reporting number will ensure an approved exclusion is implementable, as well as being consistent with other U.S. regulations.

Comment (g)(3): Concern over the use of ranges on the forms. Commenters raised concern that the form has caused confusion in the industry due to the seemingly contradictory language wherein field 2.j. notes that ''Ranges . . . are allowed,'' but field 3.b. prohibits ''a range of products and or sizes.'' These commenters believe these inconsistencies have added additional uncertainty to an already opaque process, with requesters unsure if and when ranges are permissible. Therefore, these commenters recommended that the Department clarify what it means regarding permissible use of ranges and do so with specific examples, including illustrative examples demonstrating the outer bounds of any impermissible range for each such physical dimension (*e.g.,* width range generally may not exceed 100 mm; thickness range may not exceed 50 mm).

BIS response: The Department designed both the steel and aluminum exclusion/objection forms with input from a variety of U.S. Government experts and industry association material experts. The goal was to create a balance of information requested from the exclusion filer to allow a U.S. manufacturer of steel or aluminum to file a credible objection to that specific exclusion. The forms allow for a product that may be within a range but not products across a wide range. A permissible range must be within the minimum and maximum range that is specified in the tariff provision and applicable legal notes for the provision. As referenced above, today's rule is adding two sentences to paragraph (c)(2) to clarify these types of issues.

Comments on the Objection Form

Comment (h)(1): Rule and the objection form are not in sync for who may submit an objection because of certain questions on the objection form. A commenter asserted the March 19 rule indicates that ''any individual or organization in the United States may file objections to steel exclusion requests.'' However, the commenter asserted that the *Response Form for Objections to Posted Section* 232 *Exclusion Requests—Steel* (the Response Form) is structured to accept only the information of a single company, which would not appear to provide an opportunity for a joint submission by an *ad hoc* association of companies in opposition to a request, even if the association included the specific data requested for evaluating the objection. The commenter believes the submission of a single objection representing the views of a range of steel producing companies is a far more efficient way for the Department to receive comments in opposition to an exclusion request.

BIS response: The Department agrees that there is an inconsistency between the objection form and the supplements added in the May 19 rule. In order to address this inconsistency, today's rule is revising paragraph (d) in both supplements to clarify that the individuals and organizations in the U.S. that may submit objections are limited to those using aluminum or steel in business activities (*e.g.,* construction, manufacturing, or supplying steel or aluminum products to users). The purpose of the objection process (as well as the surrebuttal process being adding in today's rule) is to determine whether an exclusion should be approved or denied, so the objector needs to be able to provide information relevant to the fields identified on the form. The Department needs the information identified in those fields to fairly and consistently make determinations on the disposition of exclusion requests when objections are submitted, as well as rebuttals and surrebuttals being added to the process with the publication of today's rule. The need for efficiency requires that objectors be able to address all of the applicable fields on the objection form in order to submit a credible objection that may warrant the Department's denying an exclusion request. Today's rule addresses this inconsistency by revising paragraph (d)(1) to clarify who may submit an objection to a submitted exclusion request.

Comment (h)(2): Specific fields on the objection form that would appear to prevent certain parties from being able to submit objections. Question 2b on the objection form asks respondents to ''discuss the suitability of your organization's steel products'' and question 3 asks ''what percentage of the total steel product tonnage requirement covered under the exclusion request . . . can your organization manufacture?'' These questions appear to create a bias against opposition comments from organizations that are not actual producers of steel product, given that the March 19 rule indicates that objections that do not include the information requested on the objection form ''will not be considered.''

BIS response: The Department disagrees that there is any bias in the process, but this commenter, similar to commenter (h)(1) above, did highlight an inconsistency that needs to be addressed between the objection form and the two supplements added in the March 19 rule. As described in the BIS response to comment (h)(1) above, today's rule is making changes to address this inconsistency between the objection form and the two supplements added in the March 19 rule by revising paragraph (d)(1).

Comment (h)(3): Consolidated objections from industry would allow for better analysis by the Department and reduce burden on industry and the Department. A commenter asserted that for particularly large volume exclusion requests, one domestic steel manufacturer may not have the entire unutilized capacity to meet the needs that form the basis of that exclusion request. However, the domestic industry may very well have capacity in the aggregate to meet such orders. Absent permitting a single combined submission by members of the domestic industry that can provide aggregate data for the Department to review, the Department would need to collect that information from each of the members, expending unnecessary time and resources and increasing the risk that complete information will not be available to consider. Thus, at the very least, the commenter requested that the Department revise the supplements added in the March 19 rule and objection form to provide for joint submissions of *ad hoc* associations of companies to oppose ''insufficient volume''-based exclusion requests.

BIS response: The Department does not agree. The Department is relying on the product expertise of ITA, as well as the information that the Department is receiving through the exclusion requests and objections, which will be enhanced further with the rebuttal and surrebuttal process being added by today's rule. Because of the significant amount of exclusion request and objection activity the Department has been managing since March 19, the information that the Department has on the U.S. market for steel and aluminum production and its gaps (both in supply and quality) is deepening quickly. The Department is the party that will identify when broader based exclusions may be warranted for approval after consideration and approval by the Secretary. The Department acknowledges that this process may not be the most efficient for approving these types of broader exclusions, but it will ensure that any approved exclusions do not undermine the larger objectives of

the tariffs and the need to protect critical U.S. national security interests.

Suggestions for Examples of Broad Based Product Exclusions That Could Be Implemented

A number of commenters representing a wide range of industries submitted their initial suggestions for what should be included in broad based product exclusions. These requests for broad based product exclusions included primary aluminum and fabricated can sheet, aluminum foil, Grain Oriented Electric Steel (''GOES''), tinplate and tin free steel, specialty chrome products used in deepwater oil and gas wells, products used across the entire crude oil and natural gas production industry, and certain steel and aluminum products that are critical to motor vehicle parts manufacturers. At this time, the Department does not believe it is warranted to add a broad based product exclusion for any of the examples provided in the comments received on the March 19 rule. This does not preclude the Department from reevaluating this determination once additional exclusion requests are submitted and additional information provided to the Department in the objection, rebuttal, and surrebuttal processes is evaluated further and patterns begin to develop that may warrant granting broad product based exclusions for some or all of these referenced items. The intent of the March 19 rule was for the Department to identify these candidates for broad product exclusions over time based on experience with reviewing and approving exclusion requests submitted by individuals or companies. This is the reason why the March 19 rule did not have any provisions that described how individuals or organization could request broad based product exclusion requests. The Department believes this is the correct approach and is continuing this same regulatory framework in today's rule.

Process and Timing for Obtaining Tariff Refunds for Approved Exclusion Requests

Comment (j)(1): Clarify effective date for exclusions. Commenters were concerned that the slowness of the process may nullify exclusions for many interested parties. A commenter was concerned that exclusions (once granted) appear to apply only to imports of a specific product arriving *after* the request was posted for public comment. This means merchandise imported *prior* to the posting of the request will not receive the benefits of the exclusion, even if the exclusion is ultimately granted. The commenter is concerned that this creates huge disadvantages for those seeking and obtaining exclusions because any merchandise on the water (or about to be shipped) remains subject to potential duties until the forms are posted, regardless of eligibility for exclusion.

BIS response: The date for applying duty refunds is established in the Proclamations as amended.

Comment (j)(2): Clarify who pays and the process for obtaining refunds for tariffs paid before exclusion granted? Commenters were concerned about the lack of information on the process for obtaining refunds for tariffs once an exclusion request is approved. Commenters asserted that the supplements are silent on the issue of whether a company that successfully obtains a product exclusion may obtain a refund of duties paid on such products already entered through U.S. customs procedures. Commenters recommended that the rule should be amended to describe this refund process in detail.

BIS response: The Department clarifies here that if an exclusion is granted, the party would then work with CBP on the refund mechanism. CBP has provided public guidance on the process for requesting refunds in CBP's Cargo Systems Messaging Service message #18–000378 available at *https://csms.cbp.gov/viewmssg.asp?Recid=23577&page=&srch_argv=232&srchtype=&btype=&sortby=&sby=.*

Comments Dealing With CBP Enforcement and Implementation of Product Based Exclusions and Country Based Exclusions

Comment (k)(1): Concerns with CBP implementation and enforcement of exclusions. A commenter raised concerns that the detailed and individualized nature of the exclusion requests (*i.e.,* product specificity and supply chain specificity) virtually ensures that compliance and enforcement will be complicated. A commenter requested that the Department clarify the following details to facilitate enforcement by CBP:

Amendments to Entry Forms: The commenter argued that the Department should recommend changes to CBP entry forms to allow easier enforcement. Such changes might include creation of a separate line item on the 7501 form to declare such duties, similar to the way CBP enforces the collection of antidumping and countervailing duties.

Entry Documentation: The commenter suggested that the Department specify the documents required to be produced at entry by each party in the supply chain to create predictability and to help simplify the process for importing excluded merchandise without delay or duties, *e.g.,* mill test certificates, origin certificates, and export licenses.

A commenter requested that the Department clarify how it will instruct and assist CBP in enforcing and administering exclusion requests, including whether it will adopt any type of import licensing system.

A commenter requested that the Department address how it will enforce and administer product exclusions simultaneously with country exemptions, particularly given the current temporary nature of some of the country exemptions. A country exemption establishes a quantitative limit for steel or aluminum that may be imported from a specific country, but once the quantitative limitation is reached no additional quantity of that steel or aluminum may be imported from that country. Commenters assert they are concerned about the quantitative limitations because if the supply of steel or aluminum is needed from such a country once the quantitative limitation is reached, there will be no alternative supply. For countries not subject to quantitative limitations an unlimited amount of steel or aluminum may be imported, but if not subject to a product exclusion, would be required to pay the applicable tariff of 25 percent for steel and 10% for aluminum. The commenter requested that if country exemptions are tied to quotas (referred to henceforth as quantitative limitations) (or any other type of import restriction), the Department work with the USTR and CBP to develop a workable solution to simultaneously monitor and enforce product exclusions, country exemptions, and any quantitative limitations used to enforce country exemptions.

BIS response: The Department has been working closely with CBP in the development and implementation of the product exclusion process. BIS will not issue a decision granting an exclusion until CBP confirms that the exclusion is administrable, meaning the exclusion request designates the correct HTSUS statistical reporting number. The Department will provide CBP with information that will identify each approved exclusion request, as described in the preceding paragraph. Individuals or organizations whose exclusion requests are approved must report information concerning any applicable exclusion to CBP.

Comment (k)(2): Department should clarify that CBP's ability to distinguish a steel product is not a criterion for granting an exclusion request. One

commenter asserted that neither the Proclamations nor the March 19 rule say anything about weighing the burden on the CBP to administer an exclusion as being part of the criteria for whether to approve an exclusion request. Therefore, this commenter requests the Department not use this field on the exclusion form as the basis for rejecting a request.

BIS response: The Department does not agree. In order for critical U.S. national security interests to be protected and to be consistent with the Proclamations, the items included in an approved exclusion must be able to be adequately identified by CBP to ensure importers are not exceeding the scope of approvals. Also as referenced above on a similar comment, importers are responsible for providing a correct HTSUS statistical reporting number to CBP, so the Department's process of ensuring the HTS number is correct also helps the importer to ensure the information that they are otherwise required to provide to CBP is correct. BIS will not issue a decision granting an exclusion until CBP confirms that the exclusion is administrable. In cases where a request is denied for HTSUS issues, companies are encouraged to work with CBP to confirm the proper classifications and resubmit.

Country Based Exclusions Must Be Taken Into Account When Determining U.S. Supply

Comment (l)(1): Country based exclusions must also be taken into account when determining U.S. supply. A commenter was concerned that the March 19 rule and the exclusion request process and exclusion and objection forms appear to place too much emphasis on the availability of supply in the U.S. market. The fact that U.S. production cannot meet 100 percent of demand for a product should not itself be the basis for a product-specific exclusion. This commenter recommended the proper interpretation of short-supply should be that the product cannot be produced at all in either the U.S. or one of the other exempted countries.

BIS response: The Department does not agree. The Proclamations authorize the Secretary of Commerce to grant exclusions from the duties only if the Secretary determines that the steel or aluminum article for which the exclusion is requested is not produced in the United States in a sufficient and reasonable available amount or of a satisfactory quality or should be excluded based upon specific national security considerations. As described in more detail below, today's rule is adding paragraph (c)(6)(i)–(iii) to be responsive to these types of comments.

Comment (l)(2): Product exclusion requests must be coordinated with country exemptions to prevent ''double-dipping.'' A commenter requested in order to ensure that the tariffs serve their purpose of boosting U.S. steel production, the Department and the USTR coordinate the allocation of product-specific requests with any country-specific exemptions and any applicable quantitative limitations to prevent ''double-dipping.''

BIS response: The Department does not agree. The product based exclusions process and the country exemptions process are separate processes. The Department does not take into account approved country exemptions when evaluating whether to approve an exclusion request. Questions specific to country exemptions should be directed to USTR. Today's rule does, however, add a new Note to paragraph (c)(2) to allow for product exclusion requests for countries subject to quantitative exclusions using the same criteria specified in the supplements added in the March 19 rule and the Proclamations. The review criteria for whether to grant exclusion requests from countries subject to quantitative limitations does not take into account the current level remaining of a quantitative limitation for a particular country, but today's rule does, for consistency with the August 29, 2018, Presidential Proclamation 9777 and the August 29, 2018, Presidential Proclamation 9776, takes steps along with CBP to ensure that the exclusions granted under the scope of paragraph (c) do not undermine the purpose of the country based quantitative limitations.

Country Based Exemptions Must Not Be Taken Into Account When Determining U.S. Supply

Comment (n)(1): No way to guarantee foreign supply would be available to a U.S. based user. A commenter asserted that the ability to potentially source from a foreign country does not mean that a U.S. manufacturer would be able to receive supplies from that foreign country and that such a consideration serves no purpose with regard to the goal of the Section 232 tariffs. Therefore, this commenter recommends it should not be considered in this context.

BIS response: The exclusion process is intended to be as narrowly focused as possible to ensure the larger objective of the tariffs—to protect critical U.S. national security—is achieved. The Proclamations authorize the Secretary to grant exclusions from the duties only if the Secretary determines the steel or aluminum article for which the exclusion is requested is not produced in the United States in a sufficient and reasonable available amount or of a satisfactory quality or for specific national security considerations. As described above and in more detail below, today's rule adds a Note to paragraph (c)(2) that will be partially responsive to these types of comments.

Comment (n)(2): Country exemptions have been fluid, so difficult to include that in the product exclusion analysis. One commenter asserted that the country exemptions are fluid or not finalized, with caveats that the President ''will consider re-imposing the tariff'' or ''revisit this determination, as appropriate,'' which makes it difficult to reliably include country exemptions as part of the analysis for product based exclusions.

BIS response: The product exclusion process operates independently of country exemption discussions. Decisions about country exemptions are made by the President, based on his assessment of the factors described in his Proclamations. Under the authority granted by the earlier Proclamations, an exclusion request only applies to aluminum or steel imported from a country subject to a tariff. However, the Proclamations 9777 and 9776 of August 29, 2018, allowed the Secretary to grant exclusions from quantitative limitations as described in this rule with the addition of Note to paragraph (c)(2). As noted above, the Proclamation 9777 under clause 2 also created a separate process that requires the Secretary to grant exclusions from quantitative limitations. The Department cannot grant exclusion requests for aluminum or steel products imported from a country subject to a quantitative limitation, except as specified in the Note to paragraph (c)(2) for purposes of today's rule, or under clause 2 of Proclamation 9777.

Comment (n)(3): Product based exclusions should not be country specific and should be available for countries with quantitative limitations. A commenter requested the Department authorize all companies granted product exclusions to import tariff-free from any available market economy source country because the basis of the exclusion request is that the U.S. company cannot source the product domestically. While the exclusion request process, managed by the Department, is separate from the country exemption process being managed by the USTR, the commenter urged the Department and USTR to coordinate and allow companies to apply for and be granted exclusion

requests or pay the tariffs on products that go beyond a country's quantitative limitation.

BIS response: As noted above, the exclusion request and objection process operates independently of country exemption discussions. Decisions about exemptions are made by the President, based on his assessment of the factors described in his Proclamations. Under the authority granted by the Proclamations, an exclusion request only applies to aluminum or steel imported from a country subject to a tariff. The Department cannot grant exclusion requests for aluminum or steel products imported from a country subject to a quantitative limitation, except as specified in the Note to paragraph (c)(2) (in Supplements No. 1 and 2 for aluminum and steel).

Comment (n)(4): Concerns that country quantitative limitations will further restrict U.S. supply. A trade association commenter asserted that it understands that the Department will not entertain exclusion requests covering steel from South Korea subject to a filled quantitative limitation and urges the Department to reverse this policy. The commenter argues that the policy treats steel from countries with exemptions, such as South Korea, less favorably than those countries that have not been granted exemptions, such as Russia and China. In this example, Russian and Chinese steel and aluminum would be permitted to be imported into the U.S. with an exclusion or be subject to tariffs. After the steel quantitative limitation for South Korea is reached, however, companies would not be permitted to apply for exclusions or pay tariffs on additional South Korean steel, and steel shipments would have to be returned or destroyed. Another commenter had concerns that since these are absolute quantitative limitations, there is no opportunity for importers to pay the tariff and import the product if the quantitative limitation is filled, which constrains supply even further. These commenters requested the that Department allow interested parties who are subjected to quantitative limitations be able to use the Section 232 exclusion process to request an exclusion from the quantitative limitations for ''short supply'' or similar reasons regarding lack of domestic availability.

BIS response: As noted above, the exclusion request and objection process operates independently of country exemption discussions. Decisions about exemptions are made by the President, based on his assessment of the factors described in his Proclamations. Under the authority granted by the Proclamations, an exclusion request only applies to aluminum or steel imported from a country subject to a tariff, except as specified in the Note to paragraph (c)(2)(in Supplements No. 1 and 2 for steel and aluminum). Under today's rule, the Department will be able to grant exclusion requests for aluminum or steel products imported from a country subject to a quantitative limitation under the conditions specified in the Note to paragraph (c)(2) (in Supplements No. 1 and 2 for steel and aluminum).

Changes Made in This Interim Final Rule to the Exclusion and Objection Process

In order to improve the fairness, transparency and efficiency of the exclusion and objection process, as well as add a rebuttal and surrebuttal process, BIS, on behalf of the Secretary, is publishing today's interim final rule to make a number of changes to improve the process. These changes are responsive to the comments received on the March 19 rule and should improve the process significantly. Because the two supplements are nearly identical, with the same paragraph structure and regulatory provisions, this interim final rule makes the same changes to both Supplement No. 1 and No. 2 to Part 705. The only places where the regulatory changes made in this rule differ slightly is in the application examples that are specific to steel or aluminum and the samples of naming conventions for submissions in *regulations.gov* that use the respective docket numbers in the examples (BIS–2018–0006 (steel) and BIS–2018–0002 (aluminum)).

Today's rule makes conforming edits throughout the two supplements to add references to the new rebuttal and surrebuttal process that today's rule is adding. The new rebuttal process is described below under paragraph (f). The new surrebuttal process is described below under paragraph (g). Except for the changes to new paragraphs (f) and (g), the additional references to rebuttal and surrebuttal are being added when the process is being referenced as a whole in the two supplements—meaning whenever the terms ''exclusion request'' and ''objection'' are used to describe the process. References to these two terms will, after the publication of today's rule, encompass exclusion requests, objections, rebuttals and surrebuttals.

It is important to understand that the Department is committed to having as fair, transparent and efficient a process as possible for managing product exclusion requests. As asserted above by the commenters and confirmed by the experience of the Department, the number of submissions for exclusion requests and objections have far exceeded original expectations, and the Department is taking steps in this rule to improve the efficiency of adjudicating those requests. In addition, the Department is making changes to improve the fairness of the process by allowing the individual or organization that submitted an exclusion request or an objection to have an opportunity to respond to information provided by the other party, leading to better and more informed decisions on exclusion requests.

In paragraph (b)(5)(*Public disclosure*), today's rule is making explicit the procedures for protecting and submitting confidential business information. Changes to paragraph (b)(5) will result in additional submissions by email that the Department will need to review and address, but the overall benefit of creating a more transparent process outweighs any possible reduction in the overall efficiencies of the overall process. This rule revises the paragraph (b)(5) heading to add the phrase ''and information protected from public disclosure,'' splits paragraph (b)(5) into new paragraphs (b)(5)(i) and (ii), and adds a new paragraph (b)(5)(iii). Paragraph (b)(5)(i) specifies that, except for the information described in the new paragraph (b)(5)(iii), individuals and organizations must otherwise fully complete the relevant forms. Paragraph (b)(5) as added in the March 19 rule already included this requirement, but based on the comments received, there was some confusion about whether all fields needed to be completed on the exclusion and objection forms and whether that requirement changed if the submission included confidential business information. Today's rule is addressing those issues and will state clearly in the regulatory text that all fields have to be completed.

New paragraph (b)(5)(ii)(*Information not subject to public disclosure should not be submitted*) contains provisions to explain clearly what information should not be included on the forms, or in the information provided in rebuttals and surrebuttals, because these submissions and documents will be made publicly available on *regulations.gov*. The revisions made to paragraph (b)(5)(ii) include adding a cross reference to new paragraph (b)(5)(iii)(*Procedures for identifying, but not disclosing confidential or propriety business information (CBI) in the public version, and procedures for submitting confidential business information*). Paragraph (b)(5)(iii) describes in detail

how to submit confidential business information as a separate email submission to the Department that would not be disclosed to the public, but would still inform the Department's review process of exclusion requests, objections, rebuttals, and surrebuttals. These new requirements include specifying that an individual or organization filing a submission that contains information for which CBI treatment is claimed must file a public version of the submission and then follow on the same day the public version was submitted, the requirements in paragraph (b)(5)(iii). These requirements include specifying how the information that will be submitted separately by email as confidential business information will be summarized in a public version. New paragraph (b)(5)(iii) includes timelines for the separate email submission of confidential business information in relation to the public submission. The new paragraph (b)(5)(iii) also specifies that submissions that contain confidential business information that is not for public release must follow the procedures in paragraphs (b)(5)(iii)(A)–(C). The requirements in these paragraphs for email submission assist the Department in identifying these submissions to allow the Department to properly associate these email submissions with the respective 232 submissions posted in *regulations.gov*. Today's rule adds a limitation in new paragraph (b)(5)(iii)(C) to specify the confidential business information is limited to a maximum of 5 pages per rebuttal or surrebuttal.

In paragraph (c)(2)(*Identification of exclusion requests*), today's rule adds two sentences to clarify certain aspects of the forms and the two supplements that caused confusion for several commenters on whether ranges or multiple dimensions were permissible. The first new sentence specifies that the exclusion request forms allow for minimum and maximum dimensions. The second new sentence specifies that ranges are acceptable if the manufacturing process permits small tolerances. A permissible range must be within the minimum and maximum range that is specified in the tariff provision and applicable legal notes for the provision. When additional context or explanation is needed on these types of issues, the Department encourages submitters—both requesters and objectors—to provide additional explanation as warranted.

Today's rule also adds a new Note to paragraph (c)(2) to describe the process for how an individual or organization may submit an exclusion request for importing steel or aluminum from a country that has a country exemption. The exclusion form has been revised to include one additional field for these types of exclusion requests. In requesting one of these types of exclusions, the requester will select the field on the exclusion request form to indicate that the exclusion request is for importing from a country eligible for a country exemption. This is important to assist the Department in identifying these types of exclusion requests, assisting the Department in coordinating its review with other parts of the U.S. Government as warranted, and when coordinating with CBP on the implementation of these product based exclusions from countries subject to quantitative limitations. Today's rule also adds examples of the types of information that a requester is required to include in support of these types of exclusion requests.

In paragraph (c)(*Exclusion requests*), today's rule is adding a new paragraph (c)(6)(*Criteria used to review exclusion requests*). As described above, several commenters on the May 19 rule had concerns regarding whether the Department was managing the process in a fair and transparent manner. Several commenters said that because of the lack of specificity surrounding the three criteria included in the Proclamations and used in the supplements and exclusion request and objection forms, it was difficult for the public to judge whether the process was being conducted in a fair and transparent manner. Today's rule adds new paragraph (c)(6) to specify in much greater detail the criteria the Department is using to review the exclusion requests. These additions to the two supplements will be responsive to the various comments the Department received on the May 19 rule. The introductory text of paragraph (c)(6) specifies that the Department, as has been the case since the March 19 rule was published, will review each exclusion request in a fair and transparent manner to determine whether an article described in an exclusion request meets any of the three criteria included in the Proclamations. Specifically, whether the article is not produced in the United States in a sufficient and reasonably available amount, is not produced in the United States in a satisfactory quality, or for specific national security considerations. New paragraphs (c)(6)(i)–(iii) provide more information on the criteria used to review requests, including by defining keys terms used in the review criteria and adding illustrative application examples of the criteria to enhance understanding in new paragraph (c)(6)(i)(*Not produced in the United States in a sufficient and reasonably available amount*), paragraph (c)(6)(ii)(*Not produced in the United States in a satisfactory quality*), and paragraph (c)(6)(iii)(*For specific national security considerations*).

In paragraph (d)(*Objections to submitted exclusion requests*), today's rule makes two changes, the first by revising paragraph (d)(1) to narrow the scope of the phrase ''any individual or organization in the United States'' to also require that these individuals or organizations must be using steel or aluminum in business activities (*e.g.,* construction, manufacturing, or supplying steel product or aluminum product to users) to file objections to steel or aluminum exclusion requests. The Department views this change as a clarification to the two supplements added in the March 19 rule to better align the regulatory text with the text and intent of the Proclamations and the objection forms. Commenters on the March 19 rule correctly asserted that there was an inconsistency in the supplements that appeared to allow for any individual or organization in the United States to file objections to steel or aluminum exclusion requests where the objection form itself required answering a series of questions that could only reasonably be completed by an individual or organization in the United States that manufactures steel or aluminum articles. As asserted by the commenters, this inconsistency in the text created confusion for the submitters on who may be eligible to submit an objection. Taking into account the intended purpose of an objection (*i.e.,* identifying whether the criteria described above being added to new paragraph (c)(6)(i) and (ii) are met), the Department has determined that the most appropriate way to resolve the inconsistency between the supplements and the forms is to revise the regulatory text to more closely align with the objection form. As described above, this is an example where the revisions made to the two supplements differ to make each revision specific to the supplement—meaning that steel is referenced in the revision to Supplement No. 1 to part 705 and aluminum is referenced in the revisions to Supplement No. 2 to part 705. The Department also is making this change to improve the fairness of the exclusion request and objection process. Commenters correctly asserted that in the March 19 rule the criteria for who may submit an exclusion request under

paragraph (c) was more restrictive than who may submit an objection. Commenters thought that difference was not treating parties consistently or fairly. The changes being made to paragraph (d)(1) in today's rule will resolve that issue.

Secondly, in paragraph (d)(4)(*Substance of objections to submitted exclusion requests*), today's rule is making changes to make the criteria the Department uses to review objections to submitted exclusion requests clearer and more transparent. Similar to the addition of new paragraph (c)(6) described above, today's rule is better defining the criteria, including the key term ''immediately.'' These revisions to paragraph (d)(4) will also better align the regulatory text with the text used in the objection form. These changes will improve the transparency of the review process, and reduce the burden on all parties involved in the exclusion request, objection, rebuttal, and surrebuttal process. Many comments from individuals or organizations that submit exclusion requests requested that objectors be required to be more specific about timelines and disclosing any potential hurdles that may limit their ability to truly start producing the needed steel or aluminum to which they are objecting. Commenters were concerned about objection forms that seem to broadly assert that an objector could conceivably make a steel or aluminum item, but do not provide much specificity on how they would meet the target to start producing the steel or aluminum. The Department agreed with these commenters that adding greater specificity in the requirements for objections would aid both objectors to more easily understand what information would be helpful to include in an objection and requesters in understanding when a legitimate objection is filed that would warrant denying their exclusion request or at least warrant the submission of a rebuttal. Today's rule makes those changes to paragraph (d)(4). As described above, the exclusion request, objection, rebuttal, and surrebuttal process has the potential to be adversarial in nature, so the Department believes it important to establish clear criteria to allow all parties to better understand the facts at hand.

In paragraph (e)(*Limitations on the size of submissions*) today's rule makes two conforming changes. First, today's rule excludes any CBI that is submitted from the 25 page exclusion and objection limit. As described above regarding paragraph (b)(5), submission made under (b)(5)(iii) will be a separate email submission to the Department. The page limit for confidential business information is limited to a maximum of 5 pages pursuant to paragraph (b)(5)(iii)(B). Therefore, the 25 page limitation does not apply for CBI included in the original submission of an exclusion or objection, or for a rebuttal or a surrebuttal as described below regarding new paragraphs (f) and (g). The page limit for rebuttals and surrebuttals is limited to a maximum of 10 pages pursuant to new paragraphs (f)(2) and (g)(2). Because the maximum size that may be submitted is less than 10 MB, today's rule is including a maximum 10 MB file size requirement to paragraph (e). The Department of Commerce has included this in our step-by-step guides and quick tips for submissions that are posted in *regulations.gov*. User manual for *regulations.gov* also make reference to this file size limitation, so adding this less than 10 MB file size limitation to the two supplements should reduce the number of occasions where the submission exceeds the limitation and the submitter has to follow up with the BIS support telephone number or email, or has to call to the *regulations.gov* support telephone number. This type of confusion wastes the time of the submitter, as well as the United States Government, so adding this to paragraph (e) should likely help reduce this problem.

Today's rule redesignates paragraphs (f) and (g) as paragraphs (h) and (i), respectively, to account for adding a new paragraph (f) for the rebuttal process and a new paragraph (g) for the surrebuttal process.

Paragraph (f)(*Rebuttal process*) is being added as a new paragraph to both supplements. Paragraph (f) creates a rebuttal process to allow only individuals or organizations that have submitted an exclusion request pursuant to one of the two supplements to submit a rebuttal to any objection(s) posted to their exclusion request in *regulations.gov*. Many commenters requested the Department make this type of a change to ensure that the process was fair and the Department had all of the relevant information when an objector made an objection to an exclusion request. The formal objection process in paragraph (d) that was included in the March 19 rule already established a process for objections to exclusions, but commenters expressed strongly that fairness required providing parties that submitted an exclusion request with a transparent opportunity to formally respond, in particular if they disagreed with some or all of the representations being made by an objector.

Paragraph (f)(1)*(Identification of rebuttals)* describes the process for submitting a rebuttal in *regulations.gov*. Paragraph (f)(1) specifies that when submitting a rebuttal, the individual or organization that submitted the exclusion request would submit a comment on the submitted objection to the submitted exclusion request in *regulations.gov*. Paragraph (f)(1) also includes guidance on the naming convention to use for rebuttals to ease the burden on the Department in identifying rebuttals.

Paragraph (f)(2)(*Format and size limitations for rebuttals)* describes the format for submitting rebuttals. Paragraph (f)(2) includes guidance on the same types of size limitations noted above to ensure that submitters do not include an attachment as part of their rebuttal that exceeds the size of 10 MB. Paragraph (f)(2) limits rebuttals to a maximum of 10 pages inclusive of all exhibits and attachments, but exclusive of the rebuttal form and any confidential business information (CBI is limited to a maximum of 5 pages) provided to the Department.

Paragraph (f)(3) (*Substance of rebuttals*) provides the criteria that a good rebuttal must address. First, rebuttals must address an objection to the exclusion request made by the requester. If multiple objections were received on a particular exclusion, the requester may submit a rebuttal to each objector. Paragraph (f)(3) specifies that the most effective rebuttals will be those that aim to correct factual errors or misunderstandings in the objection(s). A good rebuttal should assist the parties involved to come to a common understanding of the facts at hand. Coming to a common understanding regarding the facts of a particular exclusion or objection will better inform the Department's review process. Although the rebuttal process will add an additional step, it should lead to better and fairer outcomes for all parties involved in the product exclusion request process.

Paragraph (f)(4)(*Time limit for submitting rebuttals)* specifies the timing for submitting rebuttals. The rebuttal period will begin on the date the Department opens the rebuttal period, after posting the last objection in *regulations.gov*, and will last for 7 days. There will be a single rebuttal period that will apply for all objections received on an exclusion request. The Department will open the 7 day rebuttal period once the Department has posted all of the complete objections received on an exclusion request. As described

below, the opening of the rebuttal comment period will be specified in a daily list the Department will prepare that will be available on *www.commerce.gov/232.* The 7 day period is intended to allow for the individual or organization that submitted an exclusion request to submit any written rebuttals that they believe are warranted. The Department of Commerce will not notify the individual or organization that submitted the exclusion request, other than posting the last objection and opening the rebuttal comment period for 7 days. If you submitted an exclusion request, after the objection comment period closes for your exclusion request, you should search for all the objections on the *www.regulations.gov* website using the tutorial available on *www.regulations.gov.* Commerce will also prepare a daily list available on *www.commerce.gov/232* that will assist you with determining whether an objection was filed for your product exclusion request, that will supplement the information included in Annex 1 to Supplements No. 1 and 2 and in *regulations.gov*. It will be the responsibility of submitters of exclusion requests to monitor the status in *regulations.gov* or on *www.commerce.gov/232* to determine if objections have been received and, if they believe it is warranted to submit a rebuttal(s), to do that once the last objection received in their exclusion request is posted by the Department following the procedures specified in new paragraph (f) being added to both supplements.

Today's rule is also adding a Note to paragraph (f)(4) to add grandfathering provisions to allow for exclusion requests already posted, but not yet fully adjudicated, to be reopened to allow for rebuttals, as well as surrebuttals, as described in Note to paragraph (g)(4) below. The grandfathering provisions will be available for any pending exclusion request that meets all three of the following criteria included in the Note to paragraph (f)(4), as of September 11, 2018. In order to be eligible for grandfathering, the exclusion request must meet the following: The exclusion request received an objection(s), the 30 day objection review period has closed, and the Department has not posted a final determination on the exclusion request. The Note to paragraph (f)(4) specifies that the date of reopening will start the review periods identified in paragraph (f)(4) for those grandfathered exclusions. The Department will reopen the requests on a rolling basis starting on the date of publication of today's rule, and will seek to complete the reopening process on the date that is seven days after the date of publication of today's rule, on September 18, 2018, to serve as the start date for the review periods identified in paragraph (f)(4) for those requests.

Paragraph (g)(*Surrebuttal process*) is being added as a new paragraph to both supplements. Paragraph (g) creates a surrebuttal process to allow only individuals or organizations that have a posted objection and had a rebuttal filed on their objection, to a submitted exclusion request to be able to submit a surrebuttal to a rebuttal posted to their objection in *regulations.gov*. The paragraph structure of the rebuttal process and surrebuttal process are the same, and the provisions of the two paragraphs have most elements in common. The differences between paragraphs (f) and (g) are primarily the party in the process that is responding (the party that submitted the exclusion request for rebuttals, or the party that submitted the objection for surrebuttals) and the timing of the rebuttal and surrebuttal that occurs in a sequential order to allow each party sufficient review time before submitting a rebuttal or surrebuttal.

Many commenters requested the Department make this type of a change to ensure that the process was fair and the Department had all of the relevant information when an objection to an exclusion request received a rebuttal. The commenters on the March 19 rule described conceptually what they thought was needed to create a fair process for all parties and these types of additional opportunities to provide input with a rebuttal, followed by surrebuttal process, were recommended. The Department agrees this would improve the process and is making these changes with the addition of paragraph (g) described here and (f) above. The formal objection process in paragraph (d) that was included in the March 19 rule already established a process for objectors to respond to exclusion requests in their objections. However, because today's rule is adding a rebuttal process, for fairness it is also adding a surrebuttal process for objectors. The detailed exclusion request and objection forms help to establish an important baseline for allowing the Department to evaluate exclusion requests and objections, but the Department agrees that allowing the rebuttals and surrebuttals described here will provide the Department with better information and lead to better decisions even though it does add more time to the overall process.

Paragraph (g)(1)*(Identification of surrebuttals)* describes the process for submitting a surrebuttal in *regulations.gov.* Paragraph (g)(1) specifies that when submitting a surrebuttal, the individual or organization that submitted the objection would submit a comment on the rebuttal submitted on the objection to the exclusion request in *regulations.gov.* Paragraph (g)(1) also includes guidance on the naming convention to use for surrebuttals to ease the burden on the Department in identifying surrebuttals.

Paragraph (g)(2)(*Format and size limitations for surrebuttals)* describes the format for submitting surrebuttals. Paragraph (g)(2) also includes guidance on the same types of size limitations noted above to ensure submitters do not include an attachment as part of their surrebuttal that exceeds the size of 10 MB. Paragraph (g)(2) limits surrebuttals to a maximum of 10 pages inclusive of all exhibits and attachments, but exclusive of the surrebuttal form and any confidential business information (CBI is limited to a maximum of 5 pages) provided to the Department.

Paragraph (g)(3)(*Substance of surrebuttals*) provides the criteria that a good surrebuttal must address. First, surrebuttals must address a rebuttal to the objection to the exclusion request made by the submitter of the objection. Paragraph (g)(3) specifies that the most effective surrebuttals will be those that aim to correct factual errors or misunderstandings in the rebuttal to an objection. The surrebuttal process, although it will add an additional step in the process, should lead to better and fairer outcomes for all parties involved in the product exclusion request process.

Paragraph (g)(4)(*Time limit for submitting surrebuttals)* specifies the timing for submitting surrebuttals. Paragraph (g)(4) specifies that the surrebuttal period will begin on the date the Department opens the surrebuttal period, after posting the last rebuttal to an objection to an exclusion request in *regulations.gov*, and will last for 7 days. The 7 day period is intended to allow for the individual or organization that submitted an objection and received a rebuttal to submit any written surrebuttals that they believe are warranted. The Department of Commerce will not notify the individual or organization that submitted the objection request that received a rebuttal, other than posting the rebuttal received for each objection and opening the surrebuttal comment period for 7 days. If you submitted an objection to an exclusion request, after the rebuttal

comment period closes on an exclusion request, you should search for all the rebuttals on the *www.regulations.gov* website using the tutorial available on *www.regulations.gov.* Commerce will also prepare a daily list available on *www.commerce.gov/232* that will assist you with determining whether a rebuttal was filed on your objection. You must have the exclusion request ID # (BIS–2018–000X–XXXXX) to locate rebuttals to your objection. It will be the responsibility of submitters of objections to monitor the status in *regulations.gov* or on *www.commerce.gov/232* to determine if their objection has received a rebuttal and, if they believe it is warranted, to submit a surrebuttal following the procedures specified in new paragraph (g) being added to both supplements.

In newly redesignated paragraph (h)(*Disposition of 232 submissions),* previously paragraph (f), today's rule is revising the heading, along with making several other changes. In newly redesignated paragraph (h)(1)(*Disposition of incomplete submissions*), today's rule is adding new paragraphs (h)(1)(iii) for rebuttals and (h)(1)(iv) for surrebuttals to specify that filings that do not satisfy the reporting requirements specified in paragraph (f) for rebuttals or specified in paragraph (g) for surrebuttals will not be considered.

In newly redesignated paragraph (h)(2)*(Disposition of complete submissions),* today's rule is revising the existing text, along with adding new text to broaden the scope of this paragraph and provide more specificity to make these provisions more transparent for the public. These changes include designating some of the existing text as paragraph (h)(2)(i)*(Posting of responses),* including adding a reference to rebuttal and surrebuttal where needed.

In new paragraph (h)(2)(ii)(*Streamlined review process for* ''*No Objection*'' *requests*), today's rule makes a change to improve the efficiency of the exclusion process. Under this streamlined review process, the Department will grant properly filed exclusion requests which meet the requisite criteria, receive no objections, and present no national security concerns. After the 30-day comment period on *regulations.gov*, BIS will work with CBP to ensure that the requester provided an accurate HTSUS statistical reporting number. If the HTSUS is correct, BIS will immediately assess the request to determine whether it satisfies the criteria and for any national security concerns (see paragraph (c)(6)(iii)(*For specific national security considerations*) and if it satisfies the criteria and presents no national security concerns, BIS will expeditiously post a decision on *regulations.gov* granting the exclusion request. The Department has already made this process change as an important step in helping to resolve the initial backlog of the exclusion requests that were received as of March 19. The Department believes going forward that creating a streamlined review process for exclusion requests when no objections are received will benefit those requesting exclusions and the Department in more efficiently managing the exclusion, objection, rebuttal, and surrebuttal process. The more efficient process being added under paragraph (h)(2)(ii) will provide more time for the Department to focus on exclusions where there are objections, and after the publication of today's rule for exclusions and objections that also include rebuttals and surrebuttals. As described above in the discussion of adding a rebuttal and surrebuttal process, those new submissions will increase the fairness and transparency of the process, but will result in more overall submissions. The changes described in new paragraph (h)(2)(ii) are an important efficiency improvement to the overall process that the Department anticipates will help deserving requesters receive exclusions in an expedited fashion when no objection has been filed.

In new paragraph (h)(2)(iii)(*Effective date for approved exclusions and date used for calculating duty refunds*), today's rule is adding new paragraphs (h)(2)(iii)(A) and (B). Paragraph (h)(2)(iii)(A)(*Effective date for approved exclusions*) includes the original text from paragraph (f) that was redesignated, and some minor conforming changes today's rule makes to this paragraph. The date used for calculating tariff refunds will be set by Proclamation, so today's rule does not make any changes to paragraph (h)(2)(iii)(A) to address providing additional guidance for calculating duty refunds. Commenters also requested more guidance on and greater specificity in the supplements for what part of the government should be contacted for obtaining refunds on the duties. Today's rule adds new paragraph (h)(2)(iii)(B)(*Contact for obtaining tariffs refunds*), to clarify that the Department is not involved with providing duty refunds and to direct individuals and organizations with approved exclusions to contact CBP for questions regarding obtaining duty refunds.

In new paragraph (h)(2)(iv)(*Validity period for exclusion requests*), today's rule is moving the redesignated text from paragraph (f) that stated that exclusions would generally be approved for one year to new paragraph (h)(2)(iv) introductory text. The Department emphasizes that the supplements added in the March 19 rule used the term ''generally,'' so it was never the intent for the Department to make all exclusions fit into a one year validity. Commenters questioned whether one year was an arbitrary number, but as noted above the Department believes that a general one year validity is appropriate for purposes of the criteria included in the supplements and the purpose of the Proclamations. However, because a large number of comments requested more information on when the Department may grant a longer validity or a shorter validity period, today's rule is adding text to the introductory text of paragraph (h)(2)(iv) to make clearer for the public the criteria that the Department, and other agencies as warranted, will take into account when determining when a non-standard validity period may be warranted. The Department also is adding paragraphs (h)(2)(iv)(A)(*Examples of what fact patterns may warrant a longer exclusion validity period*), (B)(*Examples of what criteria may warrant a shorter exclusion validity period*), and (C) to make the application of these criteria even more transparent through illustrative examples under paragraphs (h)(2)(iv)(A) and (B). Today's rule adds new paragraph (h)(2)(iv)(C) to qualify that the fact patterns identified in paragraphs (h)(2)(iv)(A) or (B) will not be determinant in themselves for determining the appropriate validity period, but still encouraging submitters to reference this type of information when warranted to justify a shorter or longer validity period.

For example, if a company that requested an exclusion for one year determines during the objection, rebuttal, and surrebuttal process that a U.S. manufacturer may be able to make the product within nine months, it may assist the company that requested the exclusion to have a shorter nine month exclusion validity and make business plans to start purchasing steel from the U.S. manufacturer. This would allow for advanced business planning (a concern that was asserted by a number of commenters as being important) for both the party with the granted exclusion request and the objector, eliminate the need to apply for a subsequent exclusion request that likely would be denied if the U.S. manufacturer's production did come online at nine

months with suitable quality, and help improve the efficiency of the system by reducing the number of new exclusions the Department would need to review and allowing the Department to focus on other exclusion requests.

Under newly redesignated paragraph (h)(3)*(Review period and implementation of any needed conforming changes),* today's rule revises existing text and adds new text to make these provisions more transparent for the public, in particular to address how BIS interacts with CBP on determining whether to approve an exclusion request. Commenters were confused whether the references to CBP in the supplements and on the exclusion form in particular meant CBP's approval was an additional criterion that needed to be met for an exclusion request to be approved. It is not, but the comments identified an area where adding greater specificity to the regulatory provisions would improve the public's understanding of how the Department interacts with CBP, in particular the important role CBP plays in confirming the HTSUS statistical reporting number is correct, which is a prerequisite in order for an exclusion request to implementable at the border. New paragraph (h)(3)(i) (*Review period*) specifies that the review period normally will not exceed 106 days, increased from 90 days to account for the additional time added to the review process for the rebuttal and surrebuttal process described above being added to paragraphs (f) and (g). In addition, as a conforming change for the addition of the streamlined ''No Objections'' process described under paragraph (h)(2)(ii) described above, today's rule is qualifying that the 106 days does not apply to that streamlined review process for ''No Objection'' requests.

New paragraph (h)(3)(ii)(*Coordination with other agencies on approval and implementation*), adds existing text that references coordination with other agencies of the U.S. Government, such as the United States International Trade Commission (USITC) and CBP, to take any additional steps needed to implement an approved exclusion request. Because the USITC is not involved with the exclusion process, today's rule removes it from the illustrative list of government agencies. To add greater transparency on the type of coordination that is occurring with CBP on exclusion requests, this rule adds a sentence to paragraph (h)(3)(ii) to clarify that these additional steps in coordination with CBP are needed to implement an approved exclusion request. The new sentence clearly states that this coordination is not part of the review criteria used by the Department to determine whether to approve an exclusion request, but it does emphasize that this coordination is an important component in ensuring the approved exclusion request can be properly implemented—meaning the HTSUS statistical reporting number provided by the requester is in fact correct.

In newly redesignated paragraph (i)(*For further information),* previously paragraph (g), today's rule is adding one sentence to highlight some of the training sources that the Department has created and posted on *regulations.gov* under the *regulations.gov* docket numbers for steel and aluminum and on the BIS website. These include FAQs, best practices other companies have used for submitting exclusion requests and objections, and helpful checklists to improve understanding.

Today's final rule adds a new Annex 1 to Supplements No. 1 and 2 to Part 705. This Annex provides instructions on the steps to follow to file (submit) rebuttal comments in *www.regulations.gov.* The Annex includes five steps that will assist the public in using *www.regulations.gov* for application issues that are specific to submitting rebuttals under the product exclusion request process. The *www.regulations.gov* website already includes various guidance on using the website portal for submitting comments on publications, but the guidance in the Annex will supplement that existing guidance with information that is specific to the rebuttal process. For example, the Annex provides guidance on how to identify whether an exclusion request has received objections and information on how to see when the rebuttal comment period opens in *regulations.gov* for an exclusion request that received an objection, including an exclusion request that received more than one objection. For the same reasons, the new Annex also includes five steps to follow to file surrebuttal comments in *www.regulations.gov.* Because of the additional complexity being added to the process for using *www.regulations.gov* with the addition of rebuttals and surrebuttals, the Department is adding these instructions as part of an Annex to assist the pubic to better understand using *regulations.gov* when submitting rebuttals and surrebuttals.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The March 19 rule was determined to be a ''significant regulatory action,'' although not economically significant, under section 3(f) of Executive Order 12866. Today's rule has also been determined to be to be a ''significant regulatory action,'' although not economically significant, under section 3(f) of Executive Order 12866. However, as stated under Section 4 of Presidential Proclamation 9704 and Section 4 of Proclamation 9705 of March 8, 2018, this rule is exempt from Executive Order 13771 (82 FR 9339, February 3, 2017).

2. The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) provides that an agency generally cannot conduct or sponsor a collection of information, and no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, unless that collection has obtained Office of Management and Budget (OMB) approval and displays a currently valid OMB Control Number.

The Department requested and OMB authorized emergency processing of two information collections involved in this rule, consistent with 5 CFR 1320.13. OMB approved these two information collections as emergency collections on March 18, 2018. The Presidential Proclamations authorized the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, the United States Trade Representative, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and other senior Executive Branch officials as appropriate, to grant exclusions for the import of goods not currently available in the United States in a sufficient quantity or satisfactory quality, or for other specific national security reasons. He further directed the Secretary to establish the process for submitting and granting these requests for exclusions within 10 days, and the publication of the March 19 interim final rule fulfilled that directive. Based on the comments received in response to the comment period for the interim final rule, however, the agency has determined that changes need to be made to the March 19 rule to achieve the stated obectives of the March 19 rule and the President's directive to establish an

efficient exclusion process to ensure downstream users of steel and aluminum in the United States were not unnecessarily hurt by the tariffs that have been implemented on steel and aluminum. The immediate implementation of an effective exclusion request process, consistent with the intent of the Presidential Proclamations, also required creating a process to allow any individual or organization in the United States to submit objections to submitted exclusion requests, and based on the comments received on the March 19 rule also requires adding a rebuttal and surrebuttal process. In the March 19 rule, the Department determined the following conditions had been met:

a. The collection of information was needed prior to the expiration of time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act in view of the President's Proclamations issued on March 8, 2018, for the Presidential Proclamation on Adjusting Imports of Steel into the United States, *https://www.whitehouse.gov/presidential-actions/presidential-proclamation-adjusting-imports-steel-united-states/,* and for the Presidential Proclamation on Adjusting Imports of Aluminum into the United States, *https://www.whitehouse.gov/presidential-actions/presidential-proclamation-adjusting-imports-aluminum-united-states/.*

b. The collection of information was essential to the mission of the Department, in particular to the adjudication of exclusion requests and objections to exclusions requests and, with the publication of today's interim final rule that makes revisions to the two supplements added in the March 19 rule to the adjudication of rebuttals and surrebuttals.

c. The use of normal clearance procedures would have prevented the collection of information of exclusion requests and objections to exclusion requests, for national security purposes, as well as for rebuttals and surrebuttals being added in today's rule, as discussed under section 232 of the Trade Expansion Act of 1962 as amended and the Presidential Proclamations issued on March 8, 2018.

The Commerce Department provided a separate 60-day notice in the **Federal Register** requesting public comment on the information collections contained within the March 19 rule. This notice was published in the **Federal Register** on May 1, 2018, 83 FR 19044 and 19045. The Commerce Department intends to provide separate 60-day notice in the **Federal Register** requesting public comment on the two revised and expanded information collections contained within today's interim final rule.

Agency: Commerce Department.

Type of Information Collection: Revised and Expanded Collections.

Title of the Collection [0694–0139]: Procedures for Submitting Requests for Exclusions from the Remedies Instituted by the President in the Presidential Proclamations 9705 and 9704 of March 8, 2018 Adjusting Imports of Steel into the United States and Adjusting Imports of Aluminum into the United States.

Revised Collection Estimates for Exclusion Request Filings Based on Data Since March 19, 2018

Affected Public: Private Sector—Businesses.

Total Estimated Number of Respondents: [96,954].

Average Responses per Year: [1].

Total Estimated Number of Responses: [96,954].

Average Time per Response: 4 hours.

Total Annual Time Burden: [387,816].

Type of Information Collection: [Revised Collection].

Title of the Collection [0694–0138]: Objection Filing to Posted Section 232 Exclusion Request: Steel; and Objection Filing to Posted Section 232 Exclusion Request: Aluminum, respectively.

Revised Collection Estimates for Objection Filings Based on Data Since March 19, 2018

Affected Public: Private Sector—Businesses.

Total Estimated Number of Respondents: [38,781].

Average Responses per Year: [1].

Total Estimated Number of Responses: [38,781].

Average Time per Response: [4].

Total Annual Time Burden: [155,124].

Type of Information Collection: [Revised Collection].

OMB Control Number: [0694–0138].

In addition to the two collections referenced above for the March 19 rule, the Commerce Department requested, and OMB authorized, emergency processing of an additional information collection involved in today's rule, consistent with 5 CFR 1320.13. As was noted in the report submitted by the Secretary to the President, steel and aluminum are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security of the United States and therefore any delay in implementing these remedial actions (as described Proclamations 9704 and 9705 of March 8, 2018) would further undermine U.S. national security interests. In order to ensure that the remedial actions from the Presidential Proclamations do not undermine users of these articles in the United States that may need the foreign supply of these articles for manufacturing other articles in the United States that are critical to protecting the national security of the United States, or are otherwise important to protecting the U.S. economy because there is not currently a sufficient and reasonably available amount or of a satisfactory quality of these articles in the United States, the Presidential Proclamations authorized the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of State, the United States Trade Representative, and other agency heads as appropriate to grant exclusions. This emergency collection is needed in order for today's rule to establish the process for submitting rebuttals and surrebuttals to help better inform the process of granting these requests for exclusions. This action is needed immediately to protect national security interests of the United States.

If this emergency collection were delayed to allow for public comment before becoming effective, individuals and organizations in the United States would not have the opportunity to submit rebuttals and surrebuttals during the comment period and during the finalization of the collection, with the possible result of economic hardship for the U.S. companies and an overall less effective exclusion process. BIS intends to publish a notice in the **Federal Register** informing the public that DOC submitted a request for an emergency collection and the request was approved by OMB.

The Department has determined the following conditions have been met:

a. The collection of information is needed prior to the expiration of time period normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act in view of the President's proclamations issued on March 8, 2018, for the *Presidential Proclamation on Adjusting Imports of Steel into the United States, https://www.whitehouse.gov/presidential-actions/presidential-proclamation-adjusting-imports-steel-united-states/,* and for the *Presidential Proclamation on Adjusting Imports of Aluminum into the United States, https://www.whitehouse.gov/presidential-actions/presidential-proclamation-adjusting-imports-aluminum-united-states/.*

b. The collection of information is essential to the mission of the Department, in particular to the adjudication exclusion requests, objections to exclusions requests, rebuttals and surrebuttals.

c. The use of normal clearance procedures would prevent the collection of information for rebuttals and surrebuttals and would make the review of exclusion requests and objections to exclusion requests less effective. Exclusion requests and objections to exclusions requests are important for national security purposes, as discussed under section 232 of the Trade Expansion Act of 1962 as amended and the Presidential Proclamations issued on March 8, 2018.

The Commerce Department intends to provide separate 60-day notice in the **Federal Register** requesting public comment on the information collections contained within this rule.

Agency: Commerce Department.

Type of Information Collection: New Collection.

Title of the Collection 0694–0141: Procedures for Submitting Rebuttals and Surrebuttals Requests for Exclusions from and Objections to the Section 232 National Security Adjustments of Imports of Steel and Aluminum.

Submissions of Rebuttals (To Respond to Objections to Exclusions)

Affected Public: Private Sector—Businesses.

Total Estimated Number of Respondents: [34,902].

Average Responses per Year: [1].

Total Estimated Number of Responses: [34,902].

Average Time per Response: 1 hours.

Total Annual Time Burden: [34,902].

Type of Information Collection: [New Collection].

OMB Control Number: [0694–0141].

Submissions of Surrebuttals (To Respond to Rebuttals to Objections)

Affected Public: Private Sector—Businesses.

Total Estimated Number of Respondents: [27,921].

Average Responses per Year: [1].

Total Estimated Number of Responses: [27,921].

Average Time per Response: 1 hours.

Total Annual Time Burden: [27,921].

Type of Information Collection: [New Collection].

OMB Control Number: [0694–0141].

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States. (*See* 5 U.S.C. 553(a)(1)). As explained in the reports submitted by the Secretary to the President, steel and aluminum are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security of the United States and therefore the President is implementing these remedial actions (as described Proclamations 9704 and 9705 of March 8, 2018) to protect U.S. national security interests. That implementation includes the creation of an effective process by which affected domestic parties can obtain exclusion requests ''based upon specific national security considerations.'' The Department started this process with the publication of the March 19 rule and is continuing this process with the publication of today's interim final rule. The revisions to the exclusion request process are informed by the comments received in response to the March 19 rule and the Department's experience with managing the exclusion request and objection process. Commenters were generally supportive and welcomed the idea of creating an exclusion process, but most of the commenters believe the exclusion process is not working well and needs to be significantly improved in order for it to achieve the intended purpose. The commenters identified a number of areas where transparency, effectiveness, and fairness of the process could be improved. The Department understands the importance of having a transparent, fair and efficient product exclusion request process, consistent with the directive provided by the President to create this type of process to mitigate any unintended consequences of imposing the tariffs on steel and aluminum in order to protect critical U.S. national security interests. The publication of today's rule should make significant improvements in all three respects, but because of the scope of this new process, BIS is publishing today's rule as an interim final rule with request for comments.

In addition, the Department finds that there is good cause under 5 U.S.C. 553(b)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment and under 5 U.S.C. 553(d)(3) to waive the delay in effective date because such delays would be either impracticable or contrary to the public interest. In order to ensure that the actions taken to adjust imports do not undermine users of steel or aluminum that are subject to the remedial actions instituted by the Proclamations and are critical to protecting the national security of the United States, the Presidential Proclamations authorized the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, the United States Trade Representative, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and other senior Executive Branch officials as appropriate, to grant exclusions for the import of goods not currently available in the United States in a sufficient quantity or satisfactory quality, or for other specific national security reasons. He further directed the Secretary to, within 10 days, issue procedures for submitting and granting these requests for exclusions and this interim final rule fulfills that direction. As described above, the Secretary complied with the directive from the President with the publication of the March 19 rule and is taking the next step in improving the exclusion and objection process by making needed changes with the publication of today's rule, as well as adding the needed rebuttal and surrebuttal process. The immediate implementation of an effective exclusion request process, consistent with the intent of the Presidential Proclamations, also required creating a process to allow any individual or organization in the United States to submit objections to submitted exclusion requests. The objection process was created with the publication of the March 19 rule. This publication of today's rule makes needed changes in the objection process and adds a rebuttal and surrebuttal process to create the type of fair, transparent, and efficient process that was intended in the March 19 rule, but was found lacking by the commenters in several key respects. Today's rule makes critical changes to ensure a fair, transparent, and efficient exclusion process.

If this interim final rule were delayed to allow for public comment or for thirty days before companies in the U.S. were allowed to benefit from the improvements made in the exclusion, objection, and newly added rebuttal and surrebuttal process from the remedies instituted by the President, those entities could face significant economic hardship that could potentially create a detrimental effect on the general U.S. economy. The comments received on

the March 19 rule were clear whether they were supportive of tariffs or against tariffs, that an efficient exclusion request, objection, and rebuttal and surrebuttal process was needed, that the March 19 rule had not sufficiently created such a process; if specific improvements are not made, dire economic consequences could occur. Commenters also thought the inefficiencies of the process could undermine other critical U.S. national security interests. Likewise, our national security could be impacted if particular national security considerations justify an exclusion, but the process for obtaining such exclusion were delayed, or the Department lacked adequate information to make a fair, transparent and efficient determination for all parties involved and to ensure the critical national security considerations are being protected.

Finally, the 30 day delay in effectiveness for final rules is inapplicable under 5 U.S.C. 553(d)(1) because this rule relieves a restriction.

Because a notice of proposed rulemaking and an opportunity for prior public comment are not required for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

Pursuant to Proclamations 9704 and 9705 of March 8, 2018, the establishment of procedures for an exclusion process under each Proclamation shall be published in the **Federal Register** and are exempt from Executive Order 13771.

List of Subjects in 15 CFR Part 705

Administrative practice and procedure, Business and industry, Classified information, Confidential business information, Imports, Investigations, National security.

For the reasons set forth in the preamble, part 705 of subchapter A of 15 CFR chapter VII is amended as follows:

PART 705—[AMENDED]

■ 1. The authority citation for part 705 continues to read as follows:

Authority: Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) and Reorg. Plan No. 3 of 1979 (44 FR 69273, December 3, 1979).

■ 2. Revise Supplement No. 1 and Supplement No. 2 to Part 705 to read as follows:

Supplement No. 1 to Part 705—Requirements for Submissions Requesting Exclusions From the Remedies Instituted in Presidential Proclamation 9705 of March 8, 2018 Adjusting Imports of Steel Articles Into the United States

On March 8, 2018, the President issued Proclamation 9705 concurring with the findings of the January 11, 2018 report of the Secretary of Commerce on the effects of imports of steel mill articles (steel articles) identified in Proclamation 9705 (''steel'') on the national security and determining that adjusting steel imports through the imposition of duties is necessary so that imports of steel will no longer threaten to impair the national security. Clause 3 of Proclamation 9705 also authorized the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, the United States Trade Representative, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and other senior Executive Branch officials as appropriate, to grant exclusions from the duties at the request of directly affected parties located in the United States if the steel articles are determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality or based upon specific national security considerations. On August 29, 2018, the President issued Proclamation 9776. Clause 1 of Proclamation 9776 authorized the Secretary of Commerce, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the United States Trade Representative (USTR), the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior Executive Branch officials as the Secretary deems appropriate, to provide relief from the applicable quantitative limitations set forth in Proclamation 9740 and Proclamation 9759 and their accompanying annexes, as amended, at the request of a directly affected party located in the United States for any steel article determined by the Secretary to not be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality. The Secretary is also authorized to provide such relief based upon specific national security considerations.

(a) *Scope.* This supplement specifies the requirements and process for how directly affected parties located in the United States may submit requests for exclusions from the remedies instituted by the President. This supplement also specifies the requirements and process for how parties in the United States may submit objections to submitted exclusion requests for relief from the duties or quantitative limitations imposed by the President, and rebuttals to submitted objections and surrebuttals (collectively, ''232 submissions''). This supplement identifies the time periods for such submissions, the method of submission, and the information that must be included in such submissions.

(b) *Required forms.* The U.S. Department of Commerce has posted four separate fillable forms on the BIS website at *https://www.bis.doc.gov/index.php/232-steel* and on the Federal rulemaking portal (*http://www.regulations.gov*) that are to be used for submitting exclusion requests, objections to exclusion requests, rebuttals, and surrebuttals described in this supplement. On *regulations.gov,* you can find these four forms for steel exclusion requests, objections to exclusion requests, rebuttals to objections, and surrebuttals by searching for its *regulations.gov* docket number, which is BIS–2018–0006. The U.S. Department of Commerce requires requesters and objectors to use the appropriate form as specified under paragraphs (b)(1) and (2) of this supplement for submitting exclusion requests and objections to submitted exclusion requests, and the forms specified under paragraphs (b)(3) and (4) for submitting rebuttals and surrebuttals.

(1) *Form required for submitting exclusion requests.* The name of the form used for submitting exclusion requests is *Request for Exclusion from Remedies: Section 232 National Security Investigation of Steel Imports.* The Title in *www.regulations.gov* is *Exclusion Request—Steel* and is posted under ID # BIS–2018–0006–0002.

(2) *Form required for submitting objections to submitted exclusion requests.* The name of the form used for submitting objections to submitted exclusion requests is *Objection Filing to Posted Section 232 Exclusion Request: Steel.* The Title in *www.regulations.gov* is *Objection Filing—Steel* and is posted under ID # BIS–2018–0006–0003.

(3) *Form required for submitting rebuttals.* The name of the form used for submitting rebuttals to objections is *Rebuttal to Objection Received for Section* 232 *Exclusion Request: Steel.* The Title in *www.regulations.gov* is *Rebuttal Filing—Steel* and is posted under ID # BIS–2018–0006–45144.

(4) *Form required for submitting surrebuttals.* The name of the form used for submitting surrebuttals to objections is *Surrebuttal to Rebuttal Received on Section 232 Objection: Steel.* The Title in *www.regulations.gov* is *Surrebuttal Filing—Steel* and is posted under ID # BIS–2018–0006–45145.

(5) *Public disclosure and information protected from public disclosure.*

(i) Information submitted in 232 submissions will be subject to public review and made available for public inspection and copying, except for the information described in paragraph (b)(5)(iii) of this supplement. Individuals and organizations must fully complete the relevant forms.

(ii) *Information not subject to public disclosure should not be submitted.* Personally identifiable information, including social security numbers and employer identification numbers, should not be provided. Information that is subject to government-imposed access and dissemination or other specific national security controls, *e.g.,* classified information or information that has U.S. Government restrictions on dissemination to non-U.S. citizens or other categories of persons that would prohibit public disclosure of the

information, may not be included in 232 submissions. Individuals and organizations that have confidential business information (''CBI'') that they believe relevant to the Secretary's consideration of the 232 submission should so indicate in the appropriate field of the relevant form, or on the rebuttal or surrebuttal submission, following the procedures in paragraph (b)(5)(iii) of this supplement.

(iii) *Procedures for identifying, but not disclosing confidential or proprietary business information (CBI) in the public version, and procedures for submitting CBI.* For persons seeking to submit confidential or proprietary business information (CBI), the 232 submission available to the public must contain a summary of the CBI in sufficient detail to permit a reasonable understanding of the substance of the information. If the submitting person claims that summarization is not possible, the claim must be accompanied by a full explanation of the reasons supporting that claim. Generally, numerical data will be considered adequately summarized if grouped or presented in terms of indices or figures within 10 percent of the actual figure. If an individual portion of the numerical data is voluminous (*e.g.,* 5 pages of numerical data), at least one percent of the numerical data, representative of that portion, must be summarized. In order to submit CBI that is not for public release as a separate email submission to the U.S. Department of Commerce, you must follow the procedures in paragraphs (b)(3)(iii)(A)–(C) of this supplement to assist the U.S. Department of Commerce in identifying these submissions and associating these submissions with the respective 232 submission posted in *regulations.gov*. Submitters with classified information should contact the U.S. Department of Commerce for instructions on the appropriate methods to send this type of information. If you are submitting a rebuttal or a surrebuttal, Annex 1 to Supplements No. 1 and 2 includes additional guidance for submitting CBI.

(A) On the same day that you submit your 232 submission in *www.regulations.gov,* send an email to the U.S. Department of Commerce. The email address used is different depending on the type of submission the emailed CBI is for, as follows: CBI for rebuttals use *232rebuttals@doc.gov*; and CBI for surrebuttals use *232surrebuttals@doc.gov*.

(B) The email subject line must only include the original exclusion request ID # (BIS–2018–000X–XXXXX) and the body of the email must include the 11-digit alphanumeric tracking number (XXX–XXXX–XXXX) you received from *regulations.gov* when you successfully submitted your rebuttal, or surrebuttal. This naming convention will assist the U.S. Department of Commerce to associate the CBI, that will not be posted in *regulations.gov*, with the information included in the public submission.

(C) Submit the CBI as an attachment to that email. The CBI is limited to a maximum of 5 pages per rebuttal, or surrebuttal. The email is to be limited to sending your CBI. All other information for the public submission, and public versions of the CBI, where appropriate, for a 232 submission must be submitted using *www.regulations.gov* following the procedures identified in this supplement.

Note to Paragraph (b) for Submission of Supporting Documents (Attachments): Supporting attachments must be emailed as PDF documents.

(c) *Exclusion requests.*

(1) *Who may submit an exclusion request*? Only directly affected individuals or organizations located in the United States may submit an exclusion request. An individual or organization is ''directly affected'' if they are using steel in business activities (*e.g.,* construction, manufacturing, or supplying steel product to users) in the United States.

(2) *Identification of exclusion requests.* The file name of the submission must include the submitter's name, date of submission, and the 10-digit Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number. For example, if Company A is submitting an exclusion request on June 1, 2018, the file should be named as follows: ''Company A exclusion request of 6–1–18 for 7207200045 HTSUS.'' Separate exclusion requests must be submitted for steel products with chemistry by percentage breakdown by weight, metallurgical properties, surface quality (*e.g.,* galvanized, coated), and distinct critical dimensions (*e.g.,* 0.25-inch rebar, 0.5-inch rebar, 0.5-inch sheet, or 0.75 sheet) covered by a common HTSUS subheading. The exclusion request forms allow for minimum and maximum dimensions. Ranges are acceptable if the manufacturing process permits small tolerances. A permissible range must be within the minimum and maximum range that is specified in the tariff provision and applicable legal notes for the provision. Separate exclusion requests must also be submitted for products falling in more than one 10-digit HTSUS statistical reporting number. The U.S. Department of Commerce will approve exclusions on a product basis, and the approvals will be limited to the individual or organization that submitted the specific exclusion request, unless Commerce approves a broader application of the product-based exclusion request to apply to additional importers. Other directly affected individuals or organizations located in the United States that wish to submit an exclusion request for a steel product that has already been the subject of an approved exclusion request may submit an exclusion request under this supplement. These additional exclusion requests by other directly affected individuals or organizations in the United States are not required to reference the previously approved exclusion but are advised to do so, if they want Commerce to take that into account when reviewing a subsequent exclusion request. Directly affected individuals and organizations in the United States will not be precluded from submitting a request for exclusion of a product even though an exclusion request submitted for that product by another requester or that requester was denied or is no longer valid.

Note to Paragraph (c)(2): For directly affected individuals or organizations located in the United States seeking exclusions from quantitative limitations imposed on certain countries, the requester must select the field on the exclusion form to indicate that the exclusion request is for importing from a country subject to a quantitative limitation. In addition to selecting this field on the exclusion request form, a requester must provide information that it believes supports allowing the requester to import steel that may otherwise exceed the quantitative limitation for this country. For example, the requester may indicate it believes the steel identified in the exclusion request is not available from any U.S. suppliers, and indicate that the quantitative limitation has been exceeded or will likely soon be exceeded leading to this individual or organization not being able to import or otherwise obtain (from any other country) the needed steel. Providing information as part of the exclusion requests that supports these types of statements is required for the U.S. Department of Commerce to consider these types of exclusion requests.

(3) *Where to submit exclusion requests?* All exclusion requests must be in electronic form and submitted to the Federal rulemaking portal (*http://www.regulations.gov*). You can find the interim final rule that added this supplement by searching for the *regulations.gov* docket number, which is BIS–2018–0006.

(4) *No time limit for submitting exclusion requests.* All exclusion requests must be in electronic form and submitted to the Federal rulemaking portal (*http://www.regulations.gov*), but may be submitted at any time.

(5) *Substance of exclusion requests.* An exclusion request must specify the business activities in the United States within which the requester is engaged that qualify the individual or organization to be directly affected and thus eligible to submit an exclusion request. The request should clearly identify, and provide support for, the basis upon which the exclusion is sought. An exclusion will only be granted if an article is not produced in the United States in a sufficient and reasonably available amount, is not produced in the United States in a satisfactory quality, or for specific national security considerations.

(6) *Criteria used to review exclusion requests.* The U.S. Department of Commerce will review each exclusion request to determine whether an article described in an exclusion request meets any of the following three criteria: the article is not produced in the United States in a sufficient and reasonably available amount, is not produced in the United States in a satisfactory quality, or for specific national security considerations. To provide additional context on the meaning and application of the criteria, paragraphs (c)(6)(i)–(iii) of this supplement define keys terms used in the review criteria and provide illustrative application examples. The U.S. Department of Commerce will use the same criteria identified in paragraphs (c)(6)(i)–(iii) of this supplement when determining whether it is warranted to approve broader product-based exclusions based on trends the Department may see over time with 232 submissions. The

public is not permitted to request broader product-based exclusions that would apply to all importers, because the Department makes these determinations over time by evaluating the macro trends in 232 submissions.

(i) *Not produced in the United States in a sufficient and reasonably available amount.* The exclusion review criterion ''not produced in the United States in a sufficient and reasonably available amount'' means that the amount of steel that is needed by the end user requesting the exclusion is not available immediately in the United States to meet its specified business activities. ''Immediately'' means whether a product is currently being produced or could be produced ''within eight weeks'' in the amount needed in the business activities of the user of steel in the United States described in the exclusion request. The U.S. Department of Commerce reviews an exclusion request based on the information included in the exclusion request, any objections to an exclusion request, any rebuttals to the objections made by an individual or organization that submitted the exclusion request, and any surrebuttals. If the Department denies an exclusion request based on a representation made by an objector, which later is determined to be inaccurate (*e.g.,* if the objector was not able to meet the requirement of being able to ''immediately'' supply the steel that was included in a denied exclusion request in the quantity needed), the requester may submit a new exclusion request that refers back to the original denied exclusion request and explains that the objector was not able to supply the steel. The U.S. Department of Commerce would take that into account in reviewing a subsequent exclusion request.

(ii) *Not produced in the United States in a satisfactory quality.* The exclusion review criterion ''not produced in the United States in a satisfactory quality'' does not mean the steel needs to be identical, but it does need to be equivalent as a substitute product. ''Substitute product'' for purposes of this review criterion means that the steel being produced by an objector can meet ''immediately'' (*see* paragraph (c)(6)(i) of this supplement) the quality (*e.g.,* industry specs or internal company quality controls or standards), regulatory, or testing standards, in order for the U.S. produced steel to be used in that business activity in the United States by that end user. For example, if a U.S. business activity requires that steel plates to be provided must meet certain military testing and military specification standards in order to be used in military combat vehicles, that requirement would be taken into account when reviewing the exclusion request and any objections, rebuttals and surrebuttals submitted. As another example, if a U.S. business activity requires that steel tubing to be provided must meet certain Food and Drug Administration (FDA) approvals to be used in medical devices, that requirement would be taken into account when reviewing the exclusion request and any objections, rebuttals, and surrebuttals submitted. Another example would be a food manufacturer that requires tin-plate approval from the U.S. Department of Agriculture (USDA) to make any changes in the tin-plate it uses to make cans for fruit juices. An objector would not have to make steel for use in making the cans that was identical, but it would have to be a ''substitute product'' meaning it could meet the USDA certification standards.

(iii) *For specific national security considerations.* The exclusion review criterion ''or for specific national security considerations'' is intended to allow the U.S. Department of Commerce, in consultation with other parts of the U.S. Government as warranted, to make determinations whether a particular exclusion request should be approved based on specific national security considerations. For example, if the steel included in an exclusion request is needed by a U.S. defense contractor for making critical items for use in a military weapons platform for the U.S. Department of Defense, and the duty or quantitative limitation will prevent the military weapons platform from being produced, the exclusion will likely be granted. The U.S. Department of Commerce, in consultation with the other parts of the U.S. Government as warranted, can consider other impacts to U.S. national security that may result from not approving an exclusion, *e.g.,* the unintended impacts that may occur in other downstream industries using steel, but in such cases the demonstrated concern with U.S. national security would need to be tangible and clearly explained and ultimately determined by the U.S. Government.

(d) *Objections to submitted exclusion requests.*

(1) *Who may submit an objection to a submitted exclusion request*? Any individual or organization that manufactures steel articles in the United States may file objections to steel exclusion requests, but the U.S. Department of Commerce will only consider information directly related to the submitted exclusion request that is the subject of the objection.

(2) *Identification of objections to submitted exclusion requests.* When submitting an objection to a submitted exclusion request, the objector must locate the exclusion request and submit a comment on the submitted exclusion request in *regulations.gov*. The file name of the objection submission should include the objector's name, date of submission of the objection, name of the organization that submitted the exclusion request, and date the exclusion request was posted. For example, if Company B is submitting on April 1, 2018, an objection to an exclusion request submitted on March 15, 2018 by Company A, the file should be named: ''Company B objection_4–1–18 for Company A exclusion request_3–15–18.'' In *regulations.gov* once an objection to a submitted exclusion request is posted, the objection will appear as a document under the related exclusion request.

(3) *Time limit for submitting objections to submitted exclusions requests.* All objections to submitted exclusion requests must be in electronic form and submitted to the Federal rulemaking portal (*http://www.regulations.gov*) no later than 30 days after the related exclusion request is posted.

(4) *Substance of objections to submitted exclusion requests.* The objection should clearly identify, and provide support for, its opposition to the proposed exclusion, with reference to the specific basis identified in, and the support provided for, the submitted exclusion request. If the objector is asserting that it is not currently producing the steel identified in an exclusion request but can produce the steel within eight weeks (meaning the objector meets the definition of being able to supply the steel ''immediately'' in order to meet the demand identified in the exclusion request), the objector must identify how it will be able to produce the article within eight weeks. This requirement includes specifying in writing to the U.S. Department of Commerce as part of the objection, the timeline the objector anticipates in order to start or restart production of the steel included in the exclusion request to which it is objecting. For example, a summary timeline that specifies the steps that will occur over the weeks needed to produce that steel would be helpful to include, not only for the U.S. Department of Commerce review of the objection, but also for the requester of the exclusion and its determination whether to file a rebuttal to the objection. The U.S. Department of Commerce understands that in certain cases regulatory approvals, such as from the Environmental Protection Agency (EPA) or some approvals at the state or local level may be required to start or restart production and that some of these types of approvals may be not controllable by an objector.

(e) *Limitations on the size of submissions.* Each exclusion request and each objection to a submitted exclusion request is to be limited to a maximum of 25 pages, inclusive of all exhibits and attachments, but exclusive of the respective forms and any CBI provided to the U.S. Department of Commerce. Each attachment to a submission must be less than 10 MB.

(f) *Rebuttal process.* Only individuals or organizations that have submitted an exclusion request pursuant to this supplement may submit a rebuttal to any objection(s) posted to their exclusion request in the Federal rulemaking portal (*http://www.regulations.gov*). The objections to submitted exclusion requests process identified under paragraph (d) of this supplement already establish a formal response process for steel manufacturers in the United States. The objection process is an important part of ensuring the duties and quantitiative limitations are working as intended to achieve the stated purposes of the President's Proclamations and the objectives of implementing these duties and quantitative limitations to protect U.S. national security interests. In order to enhance the fairness of this process and to allow the individual or organization that submitted an exclusion request to respond to any objections submitted to its exclusion request, this paragraph (f) allows for subsequent written submissions under the rebuttal process.

(1) *Identification of rebuttals.* When submitting a rebuttal, the individual or organization that submitted the exclusion request submits a comment on the objection submitted to the exclusion request in the

Federal rulemaking portal (*http://www.regulations.gov*). *See* Annex 1 to Supplements No. 1 and 2 to Part 705 for a five-step process for how to submit rebuttals. Annex 1 describes the naming convention used for identification of rebuttals and the steps needed to identify objections to exclusion requests when using *www.regulations.gov* to submit a rebuttal. Submitters of rebuttals must follow the steps described in Annex 1, including following the naming convention of rebuttals. In *regulations.gov* once a rebuttal to an objection to a submitted exclusion request is posted, the rebuttal will appear as a document under the related exclusion request.

(2) *Format and size limitations for rebuttals.* Similar to the exclusion process identified under paragraph (c) and the objection process identified under paragraph (d) of this supplement, the rebuttal process requires the submission of a government form as specified in paragraph (b)(3). The rebuttal must be in writing and submitted in *regulations.gov.* Each rebuttal is to be limited to a maximum of 10 pages, inclusive of all exhibits and attachments, but exclusive of the rebuttal form and any CBI provided to the U.S. Department of Commerce. Each attachment to a submission must be less than 10 MB.

(3) *Substance of rebuttals.* Rebuttals must address an objection to the exclusion request made by the requester. If multiple objections were received on a particular exclusion, the requester may submit a rebuttal to each objector. The most effective rebuttals will be those that aim to correct factual errors or misunderstandings in the objection(s).

(4) *Time limit for submitting rebuttals.* The rebuttal period begins on the date the Department opens the rebuttal period after posting the last objection in *regulations.gov.* This beginning date will be sometime between thirty-one to forty-five days (a fifteen day range) after an exclusion request has been posted. The range of days is needed to account for time needed by the U.S. Department of Commerce to review any objections submitted to determine whether the objections are complete and should be posted in *regulations.gov.* The rebuttal period ends seven days after the rebuttal comment period is opened. This seven day rebuttal period allows for the individual or organization that submitted an exclusion request pursuant to this supplement to submit any written rebuttals that it believes are warranted.

Note to Paragraph (f)(4): For exclusion requests that received an objection(s) but for which the U.S. Department of Commerce has not posted a final determination on the exclusion request as of September 11, 2018, the Department will reopen the requests to allow for the submission of rebuttals. The Department will reopen the requests on a rolling basis starting on September 11, 2018, and will seek to complete the reopening process on the date that is seven days after the date of publication of this notice in the **Federal Register**, September 18, 2018, to serve as the start date for the review periods identified in paragraph (f)(4) for those requests.

(g) *Surrebuttal process.* Only individuals or organizations that have a posted objection to a submitted exclusion request pursuant to this supplement may submit a surrebuttal to a rebuttal (*see* paragraph (f)) posted to their objection to an exclusion request in the Federal rulemaking portal (*http://www.regulations.gov*). The objections process identified under paragraph (d) of this supplement already establishes a formal response process for steel manufacturers in the United States and is an important part of ensuring the duties and quantitative limitations are working as intended to achieve the stated purposes of the President's Proclamations and the objectives of implementing these duties and quantitative limitations to protect U.S. national security interests. In order to enhance the fairness of this process and to allow the individual or organization that submitted an objection to a submitted exclusion request to respond to any rebuttals submitted pursuant to paragraph (f) of this supplement, paragraph (g) allows for subsequent written submissions under this surrebuttal process.

(1) *Identification of surrebuttals.* When submitting a surrebuttal, the individual or organization that submitted the objection to an exclusion request would submit a comment on the submitted rebuttal to the objection submitted in the Federal rulemaking portal (*http://www.regulations.gov*). *See* Annex 1 to Supplements No. 1 and 2 to Part 705 for a five-step process for how to submit surrebuttals. Annex 1 describes the naming convention used for identification of surrebuttals and the steps needed to identify rebuttals in regulations when using *www.regulatons.gov* to submit a surrebuttal. Submitters of surrebuttals must follow the steps described in Annex 1, including following the naming convention of surrebuttals. In *regulations.gov* once a surrebuttal to a rebuttal to an objection to a submitted exclusion request is posted, the surrebuttal will appear as a document under the related exclusion request.

(2) *Format and size limitations for surrebuttals.* Similar to the exclusion process identified under paragraph (c) of this supplement, the objection process identified under paragraph (d), and the rebuttal process identified under paragraph (f), the surrebuttal process requires the submission of a government form as specified in paragraph (b)(4). The surrebuttal must be in writing and submitted in *regulations.gov.* Each surrebuttal is to be limited to a maximum of 10 pages, inclusive of all exhibits and attachments, but exclusive of the surrebuttal form and any CBI provided to the U.S. Department of Commerce. Each attachment to a submission must be less than 10 MB.

(3) *Substance of surrebuttals.* Surrebuttals must address a rebuttal to an objection to the exclusion request made by the requester. The most effective surrebuttals will be those that aim to correct factual errors or misunderstandings in the rebuttal to an objection.

(4) *Time limit for submitting surrebuttals.* The surrebuttal period begins on the date the Department opens the surrebuttal comment period after posting the last rebuttal to an objection to an exclusion request in *regulations.gov.* This will be sometime within a fifteen-day range after the rebuttal period has closed. The range of days is needed to account for time needed by the U.S. Department of Commerce to review any rebuttals to objections submitted to determine whether the rebuttals are complete and should be posted in *regulations.gov.* The surrebuttal period ends seven days after the surrebuttal comment period is opened. This seven-day surrebuttal period allows for the individual or organization that submitted an objection to a submitted exclusion request pursuant to this supplement to submit any written surrebuttals that it believes are warranted to respond to a rebuttal.

(h) *Disposition of 232 submissions.*

(1) *Disposition of incomplete submissions.*

(i) Exclusion requests that do *not* satisfy the requirements specified in paragraphs (b) and (c) of this supplement will be denied.

(ii) Objection filings that do not satisfy the requirements specified in paragraphs (b) and (d) will not be considered.

(iii) Rebuttal filings that do not satisfy the requirements specified in paragraphs (b) and (f) will not be considered.

(iv) Surrebuttal filings that do not satisfy the requirements specified in paragraphs (b) and (g) will not be considered.

(2) *Disposition of complete submissions.*

(i) *Posting of responses.* The U.S. Department of Commerce will post responses in *regulations.gov* to each exclusion request submitted under docket number BIS–2018–0006. The U.S. Department of Commerce response to an exclusion request will also be responsive to any of the objection(s), rebuttal(s) and surrebuttal(s) for that submitted exclusion request submitted under docket number BIS–2018–0006.

(ii) *Streamlined review process for ''No Objection'' requests.* The U.S. Department of Commerce will expeditiously grant properly filed exclusion requests which meet the requisite criteria, receive no objections, and present no national security concerns. If an exclusion request's 30-day comment period on *regulations.gov* has expired and no objections have been submitted, the U.S. Department of Commerce will work with U.S. Customs and Border Protection (CBP) to ensure that the requester provided an accurate HTSUS statistical reporting number. If so, BIS will immediately assess the request for any national security concerns. If BIS identifies no national security concerns, it will expeditiously post a decision on *regulations.gov* granting the exclusion request.

(iii) *Effective date for approved exclusions and date used for calculating duty refunds.*

(A) *Effective date for approved exclusions.* Approved exclusions will be effective five business days after publication of the U.S. Department of Commerce response granting an exclusion in *regulations.gov.* Starting on that date, the requester will be able to rely upon the approved exclusion request in calculating the duties owed on the product imported in accordance with the terms listed in the approved exclusion request.

(B) *Contact for obtaining duty refunds.* The U.S. Department of Commerce does not provide refunds on tariffs. Any questions on

the refund of duties should be directed to CBP.

(iv) *Validity period for exclusion requests.* Exclusions will generally be approved for one year, but may be valid for shorter or longer than one year depending on the specifics of the exclusion request; any objections filed; and analysis by the U.S. Department of Commerce and other parts of the U.S. Government, as warranted, of the current supply and demand in the United States, including any limitations or other factors that the Department determines should be considered in order to achieve the national security objectives of the duties and quantitative limitations.

(A) *Examples of what fact patterns may warrant a longer exclusion validity period.* Individuals or organizations submitting exclusion requests or objections may specify and are encouraged to specify how long they believe an exclusion may be warranted and specify the rationale for that recommended time period. For example, an individual or organization submitting an exclusion request may request a longer validity period if there are factors outside of their control that may make it warranted to grant a longer period. These factors may include regulatory requirements that make a longer validity period justified, *e.g.,* for an aircraft manufacturer that would require a certain number of years to make a change to an FAA approved type certificate or for a manufacturer of medical items to obtain FDA approval. Business considerations, such as the need for a multi-year contract for steel with strict delivery schedules in order to complete a significant U.S. project by an established deadline, *e.g.,* a large scale oil and gas exploration project, is another illustrative example of the types of considerations that a person submitting an exclusion request may reference.

(B) *Examples of what criteria may warrant a shorter exclusion validity period.* Objectors are encouraged to provide their suggestions for how long they believe an appropriate validity period should be for an exclusion request. In certain cases, this may be an objector indicating it has committed to adding new capacity that will be coming online within six months, so a shorter six-month period is warranted. Conversely, if an objector knows it will take two years to obtain appropriate regulatory approvals, financing and/or completing construction to add new capacity, the objector may, in responding to an exclusion that requests a longer validity period, *e.g.,* three years, indicate that although they agree a longer validity period than one year may be warranted in this case, that two years is sufficient.

(C) None of the illustrative fact patterns identified in paragraphs (h)(2)(iv)(A) or (B) of this supplement will be determinative in and of themselves for establishing the appropriate validity period, but this type of information is helpful for the U.S. Department of Commerce to receive, when warranted, to help determine the appropriate validity period if a period other than one year is requested.

(3) *Review period and implementation of any needed conforming changes.*

(i) *Review period.* The review period normally will not exceed 106 days for requests that receive objections, including adjudication of objections submitted on exclusion requests and any rebuttals to objections, and surrebuttals. The estimated 106 day period begins on the day the exclusion request is posted in *regulations.gov* and ends once a decision to grant or deny is made on the exclusion request.

(ii) *Coordination with other agencies on approval and implementation.* Other agencies of the U.S. Government, such as CBP, will take any additional steps needed to implement an approved exclusion request. These additional steps needed to implement an approved exclusion request are not part of the review criteria used by the U.S. Department of Commerce to determine whether to approve an exclusion request, but are an important component in ensuring the approved exclusion request can be properly implemented. The U.S. Department of Commerce will provide CBP with information that will identify each approved exclusion request pursuant to this supplement. Individuals or organizations whose exclusion requests are approved must report information concerning any applicable exclusion in such form as CBP may require. These exclusion identifiers will be used by importers in the data collected by CBP in order for CBP to determine whether an import is within the scope of an approved exclusion request.

(i) *For further information.* If you have questions on this supplement, you may contact Director, Industrial Studies, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce, at (202) 482–5642 or *Steel232@bis.doc.gov* regarding steel exclusion requests. *See* Annex 1 to Supplements Nos. 1 and 2 to Part 705 for application issues that are specific to using *www.regulations.gov* for submitting rebuttals and surrebuttals under these two supplements. The U.S. Department of Commerce has posted in *regulations.gov* training documents to assist your understanding when submitting exclusion requests and objections, including step- by-step screen shots of the process when using *regulations.gov.* The U.S. Department of Commerce website also includes FAQs, best practices other companies have used for submitting exclusion requests and objections, and helpful checklists.

Supplement No. 2 to Part 705—Requirements for Submissions Requesting Exclusions From the Remedies Instituted in Presidential Proclamation 9704 of March 8, 2018 To Adjusting Imports of Aluminum Into the United States

On March 8, 2018, the President issued Proclamation 9704 concurring with the findings of the January 17, 2018 report of the Secretary of Commerce on the investigation into the effects of imports of aluminum identified in Proclamation 9704 (''aluminum'') on the national security and determining that adjusting aluminum imports through the imposition of duties is necessary so that imports of aluminum will no longer threaten to impair the national security. Clause 3 of Proclamation 9704 also authorized the Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, the United States Trade Representative, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and other senior Executive Branch officials as appropriate, to grant exclusions from the duties at the request of directly affected parties located in the United States if the aluminum articles are determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality or based upon specific national security considerations. On August 29, 2018, the President issued Proclamation 9776. Clause 1 of Proclamation 9776 authorized the Secretary of Commerce, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the United States Trade Representative (USTR), the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior Executive Branch officials as the Secretary deems appropriate, to provide relief from the applicable quantitative limitations set forth in Proclamation 9704 and Proclamation 9758 and their accompanying annexes, as amended, at the request of a directly affected party located in the United States for any aluminum article determined by the Secretary to not be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality. The Secretary is also authorized to provide such relief based upon specific national security considerations.

(a) *Scope.* This supplement specifies the requirements and process for how directly affected parties located in the United States may submit requests for exclusions from the remedies instituted by the President. This supplement also specifies the requirements and process for how parties in the United States may submit objections to submitted exclusion requests for relief from the duties or quantitative limitations imposed by the President, and rebuttals to submitted objections and surrebuttals (collectively, ''232 submissions''). This supplement identifies the time periods for such submissions, the method of submission, and the information that must be included in such submissions.

(b) *Required forms.* The U.S. Department of Commerce has posted four separate fillable forms on the BIS website at *https://www.bis.doc.gov/index.php/232-aluminum* and on the Federal rulemaking portal (*http://www.regulations.gov*) that are to be used by organizations for submitting exclusion requests, objections to exclusion requests, rebuttals, and surrebuttals described in this supplement. On *regulations.gov*, you can find these four forms for aluminum exclusion requests, objections to exclusion requests, rebuttals to objections, and surrebuttals by searching for its *regulations.gov* docket number, which is BIS–2018–0002. The U.S. Department of Commerce requires requesters and objectors to use the appropriate form as

specified under paragraphs (b)(1) and (2) of this supplement for submitting exclusion requests and objections to submitted exclusion requests, and the forms specified under paragraphs (b)(3) and (4) for submitting rebuttals and surrebuttals.

(1) *Form required for submitting exclusion requests.* The name of the form used for submitting exclusion requests is *Request for Exclusion from Remedies: Section 232 National Security Investigation of Aluminum Imports.* The Title in *www.regulations.gov* is *Exclusion Request—Aluminum* and is posted under ID # BIS–2018–0002–0002.

(2) *Form required for submitting objections to submitted exclusion requests.* The name of the form used for submitting objections to submitted exclusion requests is *Objection Filing to Posted Section 232 Exclusion Request: Aluminum.* The Title in *www.regulations.gov* is *Objection Filing—Aluminum* and is posted under ID # BIS–2018–0002–0003.

(3) *Form required for submitting rebuttals.* The name of the form used for submitting rebuttals to objections is *Rebuttal to Objection Received for Section* 232 *Exclusion Request: Aluminum.* The Title in *www.regulations.gov* is *Rebuttal Filing—Aluminum* and is posted under ID # BIS–2018–0002–4393.

(4) *Form required for submitting surrebuttals.* The name of the form used for submitting surrebuttals to objections is *Surrebuttal to Rebuttal Received on Section 232 Objection: Aluminum*. The Title in *www.regulations.gov* is *Surrebuttal Filing—Aluminum* and is posted under ID # BIS–2018–0002–4394.

(5) *Public disclosure and information protected from public disclosure.*

(i) Information submitted in 232 submissions will be subject to public review and made available for public inspection and copying, except for the information described in paragraph (b)(5)(iii) of this supplement. Individuals and organizations must otherwise fully complete the relevant forms.

(ii) *Information not subject to public disclosure should not be submitted.* Personally identifiable information, including social security numbers and employer identification numbers, should not be provided. Information that is subject to government-imposed access and dissemination or other specific national security controls, *e.g.,* classified information or information that has U.S. Government restrictions on dissemination to non-U.S. citizens or other categories of persons that would prohibit public disclosure of the information, may not be included in 232 submissions. Individuals and organizations that have confidential business information (''CBI'') that they believe relevant to the Secretary's consideration of the 232 submission should so indicate in the appropriate field of the relevant form, or on the rebuttal or surrebuttal submission, following the procedures in paragraph (b)(5)(iii) of this supplement.

(iii) *Procedures for identifying, but not disclosing, confidential or proprietary business information (CBI) in the public version, and procedures for submitting CBI.* For persons seeking to submit CBI, the 232 submission available to the public must contain a summary of the CBI in sufficient detail to permit a reasonable understanding of the substance of the information. If the submitting person claims that summarization is not possible, the claim must be accompanied by a full explanation of the reasons supporting that claim. Generally, numerical data will be considered adequately summarized if grouped or presented in terms of indices or figures within 10 percent of the actual figure. If an individual portion of the numerical data is voluminous (*e.g.,* 5 pages of numerical data), at least one percent of the numerical data, representative of that portion must be summarized. In order to submit CBI that is not for public release as a separate email submission to the U.S. Department of Commerce, you must follow the procedures in paragraphs (b)(3)(iii)(A)–(C) of this supplement to assist the U.S. Department of Commerce in identifying these submissions and associating these submissions with the respective 232 submission posted in *regulations.gov.* Submitters with classified information should contact the U.S. Department of Commerce for instructions on the appropriate methods to send this type of information. If you are submitting a rebuttal or a surrebuttal, Annex 1 to Supplements No. 1 and 2 includes additional guidance for submitting CBI.

(A) On the same day that you submit your 232 submission in *www.regulations.gov,* send an email to the U.S. Department of Commerce. The email address used is different depending on the type of submission the emailed CBP is for, as follows: CBI for rebuttals use *232rebuttals@doc.gov*; and CBI for surrebuttals use *232surrebuttals@doc.gov.*

(B) The email subject line must only include the original exclusion request ID # (BIS–2018–000X–XXXXX) and the body of the email must include the 11-digit alphanumeric tracking number (XXX–XXXX–XXXX) you received from *regulations.gov* when you successfully submitted your rebuttal, or surrebuttal. This naming convention will assist the U.S. Department of Commerce to associate the CBI, that will not be posted in *regulations.gov*, with the information included in the public submission.

(C) Submit the CBI as an attachment to that email. The CBI is limited to a maximum of 5 pages per rebuttal, or surrebuttal. The email is to be limited to sending your CBI. All other information for the public submission, and public versions of the CBI, where appropriate, for a 232 submission must be submitted using *www.regulations.gov* following the procedures identified in this supplement.

Note to Paragraph (B) for Submission of Supporting Documents (Attachments): Supporting attachments must be emailed as PDF documents.

(c) *Exclusion requests.*

(1) *Who may submit an exclusion request*? Only directly affected individuals or organizations located in the United States may submit an exclusion request. An individual or organization is ''directly affected'' if they are using aluminum in business activities (*e.g.,* construction, manufacturing, or supplying aluminum product to users) in the United States.

(2) *Identification of exclusion requests.* The file name of the submission must include the submitter's name, date of submission, and the 10-digit Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number. For example, if Company A is submitting an exclusion request on June 1, 2018, the file should be named as follows: ''Company A exclusion request of 6–1–18 for 7604293050 HTSUS.'' Separate exclusion requests must be submitted for aluminum products with distinct critical dimensions (*e.g.,* 10 mm diameter bar, 15 mm bar, or 20 mm bar) covered by a common HTSUS statistical reporting number. The exclusion request forms do allow for minimum and maximum dimensions. Ranges are acceptable if the manufacturing process permits small tolerances. A permissible range must be within the minimum and maximum range that is specified in the tariff provision and applicable legal notes for the provision. Separate exclusion requests must also be submitted for products falling in more than one 10-digit HTSUS statistical reporting number. The U.S. Department of Commerce will approve exclusions on a product basis and the approvals will be limited to the individual or organization that submitted the specific exclusion request, unless Commerce approves a broader application of the product-based exclusion request to apply to additional importers. Other directly affected individuals or organizations located in the United States that wish to submit an exclusion request for an aluminum product that has already been the subject of an approved exclusion request may submit an exclusion request under this supplement. These additional exclusion requests by other directly affected individuals or organizations in the United States are not required to reference the previously approved exclusion but are advised to do so, if they want Commerce to take that into account when reviewing a subsequent exclusion request. Directly affected individuals and organizations in the United States will not be precluded from submitting a request for exclusion of a product even though an exclusion request submitted for that product by another requester or that requester was denied or is no longer valid.

Note to Paragraph (c)(2): For directly affected individuals or organizations located in the United States seeking exclusions from quantitative limitations imposed on certain countries, the requester must select the field on the exclusion form to indicate that the exclusion request is for importing from a country subject to a quantitative limitation. In addition to selecting this field on the exclusion request form, a requester must provide information that it believes supports allowing the requester to import aluminum that may otherwise exceed the quantitative limitation for this country. For example, the requester may indicate it believes the aluminum identified in the exclusion request is not available from any U.S. suppliers, and indicate that the quantitative limitation has been exceeded or will likely soon be exceeded leading to this individual or organization not being able to import or

otherwise obtain (from any other country) the needed aluminum. Providing information as part of the exclusion requests that supports these types of statements is required for the U.S. Department of Commerce to consider these types of exclusion requests.

(3) *Where to submit exclusion requests*? All exclusion requests must be in electronic form and submitted to the Federal rulemaking portal (*http://www.regulations.gov*). You can find the interim final rule that added this supplement by searching for the *regulations.gov* docket number, which is BIS–2018–0002.

(4) *No time limit for submitting exclusion requests.* All exclusion requests must be in electronic form and submitted to the Federal rulemaking portal (*http://www.regulations.gov*), but may be submitted at any time.

(5) *Substance of exclusion requests.* An exclusion request must specify the business activities in the United States in which the requester is engaged that qualify the individual or organization to be directly affected and thus eligible to submit an exclusion request. The request should clearly identify, and provide support for, the basis upon which the exclusion is sought. An exclusion will only be granted if an article is not produced in the United States in a sufficient and reasonably available amount, is not produced in the United States in a satisfactory quality, or for specific national security considerations.

(6) *Criteria used to review exclusion requests.* The U.S. Department of Commerce will review each exclusion request to determine whether an article described in an exclusion request meets any of the following three criteria: The article is not produced in the United States in a sufficient and reasonably available amount, is not produced in the United States in a satisfactory quality, or for specific national security considerations. To provide additional context on the meaning and application of the criteria, paragraphs (c)(6)(i)–(iii) of this supplement define keys terms used in the review criteria and provide illustrative application examples. The U.S. Department of Commerce will use the same criteria identified in paragraphs (c)(6)(i)–(iii) of this supplement when determining whether it is warranted to approve broader product-based exclusions based on trends the Department may see over time with 232 submissions. The public is not permitted to request broader product-based exclusions that would apply to all importers, because the Department makes these determinations over time by evaluating the macro trends in 232 submissions.

(i) *Not produced in the United States in a sufficient and reasonably available amount.* The exclusion review criterion ''not produced in the United States in a sufficient and reasonably available amount'' means that the amount of aluminum that is needed by the end user requesting the exclusion is not available immediately in the United States to meet its specified business activities. ''Immediately'' means whether a product is currently being produced or could be produced ''within eight weeks'' in the amount needed in the business activities of the user of aluminum in the United States described in the exclusion request. The U.S. Department of Commerce reviews an exclusion request based on the information included in the exclusion request, any objections to an exclusion request, any rebuttals to the objections made by an individual or organization that submitted the exclusion request, and any surrebuttals. If the U.S. Department denies an exclusion request based on a representation made by an objector, which later is determined to be inaccurate (*e.g.,* if the objector was not able to meet the requirement of being able to ''immediately'' supply the aluminum that was included in a denied exclusion request in the quantity needed), the requester may submit a new exclusion request that refers back to the original denied exclusion request and explains that the objector was not able to supply the aluminum. The U.S. Department of Commerce would take that into account in reviewing a subsequent exclusion request.

(ii) *Not produced in the United States in a satisfactory quality.* The exclusion review criterion ''not produced in the United States in a satisfactory quality'' does not mean the aluminum needs to be identical, but it does need to be equivalent as a substitute product. ''Substitute product'' for purposes of this review criterion means that the aluminum being produced by an objector can meet ''immediately'' (*see* paragraph (c)(6)(i) of this supplement) the quality (*e.g.,* industry specs or internal company quality controls or standards), regulatory, or testing standards, in order for the U.S. produced aluminum to be used in that business activity in the United States by that end user. For example, if a U.S. business activity requires that aluminum to be provided must meet certain military testing and military specification standards in order to be used in military aircraft, that requirement would be taken into account when reviewing the exclusion request and any objections, rebuttals, and surrebuttals submitted. Another example, would be a U.S. pharmaceutical manufacturer that requires approval from the Food and Drug Administration (FDA) to make any changes in its aluminum product pill bottle covers. An objector would not have to make aluminum for use in making the product covers that was identical, but it would have to be a ''substitute product'' meaning it could meet the FDA certification standards.

(iii) *For specific national security considerations.* The exclusion review criterion ''or for specific national security considerations'' is intended to allow the U.S. Department of Commerce, in consultation with other parts of the U.S. Government as warranted, to make determinations whether a particular exclusion request should be approved based on specific national security considerations. For example, if the aluminum included in an exclusion request is needed by a U.S. defense contractor for making critical items for use in a military weapons platform for the U.S. Department of Defense, and the duty or quantitative limitation will prevent the military weapons platform from being produced, the exclusion will likely be, the exclusion will likely be granted. The U.S. Department of Commerce, in consultation with the other parts of the U.S. Government as warranted, can consider other impacts to U.S. national security that may result from not approving an exclusion, *e.g.,* the unintended impacts that may occur in other downstream industries using aluminum, but in such cases the demonstrated concern with U.S. national security would need to be tangible and clearly explained and ultimately determined by the U.S. Government.

(d) *Objections to submitted exclusion requests.*

(1) *Who may submit an objection to a submitted exclusion request*? Any individual or organization that manufactures aluminum articles in the United States may file objections to aluminum exclusion requests, but the U.S. Department of Commerce will only consider information directly related to the submitted exclusion request that is the subject of the objection.

(2) *Identification of objections to submitted exclusion requests.* When submitting an objection to a submitted exclusion request, the objector must locate the exclusion request and submit a comment on the submitted exclusion request in *regulations.gov.* The file name of the objection submission should include the objector's name, date of submission of the objection, name of the organization that submitted the exclusion request, and date the exclusion request was posted. For example, if Company X is submitting on April 1, 2018, an objection to an exclusion request submitted on March 15, 2018 by Company A, the file should be named: ''Company X objection_4–1–18 for Company A exclusion request_3–15–18.'' In *regulations.gov* once an objection to a submitted exclusion request is posted, the objection will appear as a document under the related exclusion request.

(3) *Time limit for submitting objections to submitted exclusions requests.* All objections to submitted exclusion requests must be in electronic form and submitted to the Federal rulemaking portal (*http://www.regulations.gov*) no later than 30 days after the related exclusion request is posted.

(4) *Substance of objections to submitted exclusion requests.* The objection should clearly identify, and provide support for, its opposition to the proposed exclusion, with reference to the specific basis identified in, and the support provided for, the submitted exclusion request. If the objector is asserting that it is not currently producing the aluminum identified in an exclusion request but can produce the aluminum within eight weeks (meaning the objector meets the definition of being able to supply the aluminum ''immediately'' in order to meet the demand identified in the exclusion request), the objector must identify how it will be able to produce the article within eight weeks. This requirement includes specifying in writing to the U.S. Department of Commerce as part of the objection, the timeline the objector anticipates in order to start or restart production of the aluminum included in the exclusion request to which it is objecting. For example, a summary timeline that specifies the steps that will occur over the weeks needed to produce that aluminum would be helpful to include, not

only for the U.S. Department of Commerce review of the objection, but also for the requester of the exclusion and its determination whether to file a rebuttal to the objection. The U.S. Department of Commerce understands that in certain cases regulatory approvals, such as from the Environmental Protection Agency (EPA) or some approvals at the state or local level may be required to start or restart production and that some of these types of approvals may be not controllable by an objector.

(e) *Limitations on the size of submissions.* Each exclusion request and each objection to a submitted exclusion request is to be limited to a maximum of 25 pages, respectively, inclusive of all exhibits and attachments, but exclusive of the respective forms and any CBI provided to the U.S. Department of Commerce. Each attachment to a submission must be less than 10 MB.

(f) *Rebuttal process.* Only individuals or organizations that have submitted an exclusion request pursuant to this supplement may submit a rebuttal to any objection(s) posted to their exclusion request in the Federal rulemaking portal (*http://www.regulations.gov*). The objections to submitted exclusion requests process identified under paragraph (d) of this supplement already establish a formal response process for aluminum manufacturers in the United States. The objection process is an important part of ensuring the duties and quantitative limitations are working as intended to achieve the stated purposes of the President's Proclamations and the objectives of implementing these duties and quantitative limitations to protect U.S. national security interests. In order to enhance the fairness of this process and to allow the individual or organization that submitted an exclusion request to respond to any objections submitted to its exclusion request, this paragraph (f) allows for subsequent written submissions under the rebuttal process.

(1) *Identification of rebuttals.* When submitting a rebuttal, the individual or organization that submitted the exclusion request submits a comment on the objection to the submitted exclusion request in the Federal rulemaking portal (*http://www.regulations.gov*). *See* Annex 1 to Supplements No. 1 and 2 to Part 705 for a five-step process for how to submit rebuttals. Annex 1 describes the naming convention used for identification of rebuttals and the steps needed to identify objections to exclusion requests when using *www.regulations.gov* to submit a rebuttal. Submitters of rebuttals must follow the steps described in Annex 1, including following the naming convention of rebuttals. In *regulations.gov* once a rebuttal to an objection to a submitted exclusion request is posted, the rebuttal will appear as a document under the related exclusion request.

(2) *Format and size limitations for rebuttals.* Similar to the exclusion process identified under paragraph (c) of this supplement and the objection process identified under paragraph (d), the rebuttal process requires the submission of a government form as specified in paragraph (b)(3). The rebuttal must be in writing and submitted in *regulations.gov*. Each rebuttal is to be limited to a maximum of 10 pages, inclusive of all exhibits and attachments, but exclusive of the rebuttal form and any CBI provided to the U.S. Department of Commerce. Each attachment to a submission must be less than 10 MB.

(3) *Substance of rebuttals.* Rebuttals must address an objection to the exclusion request made by the requester. If multiple objections were received on a particular exclusion, the requester may submit a rebuttal to each objector. The most effective rebuttals will be those that aim to correct factual errors or misunderstandings in the objection(s).

(4) *Time limit for submitting rebuttals.* The rebuttal period begins on the date the Department opens the rebuttal period after posting the last objection in *regulations.gov*. This beginning date will be sometime between thirty-one to forty-five days (a fifteen day range) after an exclusion request has been posted. The range of days is needed to account for time needed by the U.S. Department of Commerce to review any objections submitted to determine whether the objections are complete and should be posted in *regulations.gov*. The rebuttal period ends seven days after the rebuttal comment period is opened. This seven day rebuttal period allows for the individual or organization that submitted an exclusion request pursuant to this supplement to submit any written rebuttals that it believes are warranted.

Note to Paragraph (f)(4): For exclusion requests that received an objection(s) but for which the U.S. Department of Commerce has not posted a final determination on the exclusion request as of September 11, 2018, the Department will reopen the requests to allow for the submission of rebuttals. The Department will reopen the requests on a rolling basis starting on September 11, 2018, and will seek to complete the reopening process on the date that is seven days after the date of publication of this notice in the **Federal Register**, September 18, 2018, to serve as the start date for the review periods identified in paragraph (f)(4) for those requests.

(g) *Surrebuttal process.* Only individuals or organizations that have a posted objection to a submitted exclusion request pursuant to this supplement may submit a surrebuttal to a rebuttal (*see* paragraph (f)) posted to their objection to an exclusion request in the Federal rulemaking portal (*http://www.regulations.gov*). The objections process identified under paragraph (d) of this supplement already establishes a formal response process for aluminum manufacturers in the United States and is an important part of ensuring the duties and quantitative limitations are working as intended to achieve the stated purposes of the President's Proclamations and the objectives of implementing these duties and quantitative limitations to protect U.S. national security interests. In order to enhance the fairness of this process and to allow the individual or organization that submitted an objection to a submitted exclusion request to respond to any rebuttals pursuant to paragraph (f) of this supplement, paragraph (g) allows for subsequent written submissions under this surrebuttal process.

(1) *Identification of surrebuttals.* When submitting a surrebuttal, the individual or organization that submitted the objection to an exclusion request would submit a comment on the submitted rebuttal to the objection submitted in the Federal rulemaking portal (*http://www.regulations.gov*). *See* Annex 1 to Supplements No. 1 and 2 to Part 705 for a five-step process for how to submit surrebuttals. Annex 1 describes the naming convention used for identification of surrebuttals and the steps needed to identify rebuttals in regulations when using *www.regulations.gov* to submit a surrebuttal. Submitters of surrebuttals must follow the steps described in Annex 1, including following the naming convention of surrebuttals. In *regulations.gov* once a surrebuttal to a rebuttal to an objection to a submitted exclusion request is posted, the surrebuttal will appear as a document under the related exclusion request.

(2) *Format and size limitations for surrebuttals.* Similar to the exclusion process identified under paragraph (c) of this supplement, the objection process identified under paragraph (d), and the rebuttal process identified under paragraph (f), the surrebuttal process requires the submission of a government form as specified in paragraph (b)(4). The surrebuttal must be in writing and submitted in *regulations.gov*. Each surrebuttal is to be limited to a maximum of 10 pages, inclusive of all exhibits and attachments, but exclusive of the surrebuttal form and any CBI provided to the U.S. Department of Commerce. Each attachment to a submission must be less than 10 MB.

(3) *Substance of surrebuttals.* Surrebuttals must address a rebuttal to an objection to the exclusion request made by the requester. The most effective surrebuttals will be those that aim to correct factual errors or misunderstandings in the rebuttal to an objection(s).

(4) *Time limit for submitting surrebuttals.* The surrebuttal period begins on the date the Department opens the surrebuttal period, after posting the last rebuttal to an objection to an exclusion request in *regulations.gov*. This will be sometime within a fifteen-day range after the rebuttal period has closed. The range of days is needed to account for time needed by the U.S. Department of Commerce to review any rebuttals to objections submitted to determine whether the rebuttals are complete and should be posted in *regulations.gov*. The surrebuttal period ends seven days after the surrebuttal period is opened. This seven-day surrebuttal period allows for the individual or organization that submitted an objection to a submitted exclusion request pursuant to this supplement to submit any written surrebuttals that it believes are warranted to respond to a rebuttal.

(h) *Disposition of 232 submissions.*

(1) *Disposition of incomplete submissions.*

(i) Exclusion requests that do *not* satisfy the requirements specified in paragraphs (b) and (c) of this supplement will be denied.

(ii) Objection filings that do not satisfy the requirements specified in paragraphs (b) and (d) will not be considered.

(iii) Rebuttal filings that do not satisfy the requirements specified in paragraphs (b) and (f) will not be considered.

(iv) Surrebuttal filings that do not satisfy the requirements specified in paragraphs (b) and (g) will not be considered.

(2) *Disposition of complete submissions.*

(i) *Posting of responses.* The U.S. Department of Commerce will post responses in *regulations.gov* to each exclusion request submitted under docket number BIS–2018–0002. The U.S. Department of Commerce response to an exclusion request will also be responsive to any of the objection(s), rebuttal(s), and surrebuttal(s) for that submitted exclusion request submitted under docket number BIS–2018–0002.

(ii) *Streamlined review process for ''No Objection'' requests.* The U.S. Department of Commerce will expeditiously grant properly filed exclusion requests which meet the requisite criteria, receive no objections, and present no national security concerns. If an exclusion request's 30-day comment period on *regulations.gov* has expired and no objections have been submitted, the U.S. Department of Commerce will work with U.S. Customs and Border Protection (CBP) to ensure that the requester provided an accurate HTSUS statistical reporting number. If so, BIS will immediately assess the request for any national security concerns. If BIS identifies no national security concerns, it will expeditiously post a decision on *regulations.gov* granting the exclusion request.

(iii) *Effective date for approved exclusions and date used for calculating duty refunds.*

(A) *Effective date for approved exclusions.* Approved exclusions will be effective five business days after publication of the U.S. Department of Commerce response granting an exclusion in *regulations.gov*. Starting on that date, the requester will be able to rely upon the approved exclusion request in calculating the duties owed on the product imported in accordance with the terms listed in the approved exclusion request.

(B) *Contact for obtaining duty refunds.* The U.S. Department of Commerce does not provide refunds on tariffs. Any questions on the refund of duties should be directed to CBP.

(iv) *Validity period for exclusion requests.* Exclusions will generally be approved for one year, but may be valid for shorter or longer than one year depending on the specifics of the exclusion request; any objections filed; and analysis by the U.S. Department of Commerce and other parts of the U.S. Government, as warranted, of the current supply and demand in the United States, including any limitations or other factors that the Department determines should be considered in order to achieve the national security objectives of the duties and quantitative limitations while not unduly burdening other parts of U.S. industry.

(A) *Examples of what fact patterns may warrant a longer exclusion validity period.* Individuals or organizations submitting exclusion requests or objections may specify and are encouraged to specify how long they believe an exclusion may be warranted and specify the rationale for that recommended time period. For example, an individual or organization submitting an exclusion request, may request a longer validity period if there are factors outside of their control that may make it warranted to grant a longer period. These factors may include regulatory requirements that make a longer validity period justified, *e.g.,* for an aircraft manufacturer that would require a certain number of years to make a change to an FAA approved type certificate or for a manufacturer of medical items to obtain FDA approval. Business considerations, such as the need for a multi-year contract for aluminum with strict delivery schedules in order to complete a significant U.S. manufacturing project by an established deadline, *e.g.,* a large scale petrochemical project, is another illustrative example of the types of considerations that a person submitting an exclusion request may reference.

(B) Examples of what criteria may warrant a shorter exclusion validity period. Objectors are encouraged to provide their suggestions for how long they believe an appropriate validity period should be for an exclusion request. In certain cases, this may be an objector indicating it has committed to adding new capacity that will be coming online within six months, so a shorter six-month period is warranted. Conversely, if an objector knows it will take two years to obtain appropriate regulatory approvals, financing and/or completing construction to add new capacity, the objector may, in responding to an exclusion that requests a longer validity period, *e.g.,* three years, indicate that although they agree a longer validity period than one year may be warranted in this case, that two years is sufficient.

(C) None of the illustrative fact patterns identified in paragraphs (h)(2)(iv)(A) or (B) of this supplement will be determinative in and of themselves for establishing the appropriate validity period, but this type of information is helpful for the U.S. Department of Commerce to receive, when warranted, to help determine the appropriate validity period if a period other than one year is requested.

(3) *Review period and implementation of any needed conforming changes.*

(i) *Review period.* The review period normally will not exceed 106 days for requests that receive objections, including adjudication of objections submitted on exclusion requests and any rebuttals to objections, and surrebuttals. The estimated 106-day period begins on the day the exclusion request is posted in *regulations.gov* and ends once a decision to grant or deny is made on the exclusion request.

(ii) *Coordination with other agencies on approval and implementation.* Other agencies of the U.S. Government, such as CBP, will take any additional steps needed to implement an approved exclusion request. These additional steps needed to implement an approved exclusion request are not part of the review criteria used by the U.S. Department of Commerce to determine whether to approve an exclusion request, but are an important component in ensuring the approved exclusion request can be properly implemented. The U.S. Department of Commerce will provide CBP with information that will identify each approved exclusion request pursuant to this supplement. Importers are directed to report information concerning any applicable exclusion granted by Commerce in such form as CBP may require. These exclusion identifiers will be used by importers in the data collected by CBP in order for CBP to determine whether an import is within the scope of an approved exclusion request.

(i) *For further information.* If you have questions on this supplement, you may contact Director, Industrial Studies, Office of Technology Evaluation, Bureau of Industry and Security, U.S. Department of Commerce, at (202) 482–4757 or *Aluminum232@bis.doc.gov* regarding aluminum exclusion requests. *See* Annex 1 to Supplements Nos. 1 and 2 to Part 705 for application issues that are specific to using *www.regulations.gov* for submitting rebuttals and surrebuttals under these two supplements. The U.S. Department of Commerce has posted in *regulations.gov* training documents to assist your understanding when submitting 232 submissions. These documents include step-by-step screen shots of the process for using *regulations.gov.* The U.S. Department of Commerce website also includes FAQs and best practices other companies have used for submitting exclusion requests and objections.

■ 1. Add Annex 1 to Supplements No. 1 and 2 to Part 705, to read as follows:

Annex 1 to Supplements No. 1 and 2 to Part 705—Steps for Using *Regulations.gov* To File Rebuttals and Surrebuttals

How To File Rebuttal Comments

Step 1: After the objection comment period closes for your exclusion request, you should search for all the objections on the *www.regulations.gov* website using the tutorial available on *www.regulations.gov.* Commerce will also prepare a daily list available on *www.commerce.gov/232* that will assist you with determining whether an objection was filed for your product exclusion request. You must have your request ID # (BIS–2018–000X–XXXXX) to locate a specific exclusion request.

Step 2: Using the list on *www.commerce.gov/232* and your exclusion request ID #, filter the list for your request. If your request ID # is not on this list, it did not receive any objections and no rebuttal period will be opened and Commerce will process it accordingly. If your request ID # is on this list, locate the objections filed for your request. Please note that your request ID # will be listed more than once if it received more than one objection. Be advised that you should continue to monitor *www.regulations.gov* and the list on *www.commerce.gov/232* to determine if objections were filed on your exclusion request.

Step 3: To review the objections filed, go to *www.regulations.gov* and enter the objection ID # that corresponds to your exclusion request. Some exclusion requests may have multiple objections.

Step 4: If you decide to file a rebuttal to an objection, visit *www.regulations.gov* to

locate the rebuttal submission form. Submit one rebuttal form for each objection you wish to rebut along with no more than 10 pages of supporting documentation. The 10 pages should include public documents and the public version of your confidential or proprietary business information (CBI) documentation. All rebuttal materials must be submitted within the 7-day rebuttal period.

Step 5: If you wish to submit CBI as part of your rebuttal, you must mark the appropriate box in the rebuttal form. The CBI document must be emailed to *232rebuttals@doc.gov* on the same day you submit your rebuttal on *regulations.gov*. The email subject line must include the original exclusion request ID # (BIS–2018–000X–XXXXX) and the body of the email must include the 11-digit alphanumeric tracking number (XXX–XXXX–XXXX) you received from *regulations.gov* when you successfully submitted your rebuttal. Submit no more than 5 pages of supporting CBI documentation via email. As noted in Step 4 above, an adequate public version, adhering to the requirements outlined in the body of this regulation, must accompany the submission of each rebuttal form on *regulations.gov. If you do not file a public version of the CBI, Commerce will not consider your rebuttal to be properly submitted and exclude it from the analyses.*

For any questions, call (202) 482–5642 (steel) or (202) 482–4757 (aluminum).

How To File Surrebuttal Comments

Step 1: After the rebuttal comment period closes on an exclusion request, you should search for all the rebuttals on the *www.regulations.gov* website using the tutorial available on *www.regulations.gov.* Commerce will also prepare a daily list available on *www.commerce.gov/232* that will assist you with determining whether a rebuttal was filed on your objection. You must have the exclusion request ID # (BIS–2018–000X–XXXXX) to locate rebuttals to your objection.

Step 2: Using the list on *www.commerce.gov/232* filter the objection ID #, column using your objection ID #. If no rebuttals were filed for your objection, then the list will indicate, ''No Rebuttal'' under the Rebuttal ID column. Be advised that you should continue to monitor *www.regulations.gov* and the list on *www.commerce.gov/232* to determine if rebuttals were filed on your objection.

Step 3: To review the rebuttals filed, go to *www.regulations.gov* and enter the exclusion request ID # that corresponds to your objection.

Step 4: If you decide to file a surrebuttal, visit *www.regulations.gov* to locate the surrebuttal submission form. Submit one surrebuttal form for each rebuttal you wish to rebut along with no more than 10 pages of supporting documentation. The 10 pages should include public documents and the public version of your CBI documentation. All surrebuttal materials must be submitted within the 7-day surrebuttal period.

Step 5: If you wish to submit CBI as part of your surrebuttal, you must mark the appropriate box in the surrebuttal form. The CBI document must be emailed to *232surrebuttals@doc.gov* on the same day you submit your surrebuttal on *regulations.gov*. The email subject line must only include the original exclusion request ID # (BIS–2018–000X–XXXXX) and the body of the email must include the 11-digit alphanumeric tracking number (XXX–XXXX–XXXX) you received from *regulations.gov* when you successfully submitted your surrebuttal. Submit no more than 5 pages of supporting CBI documentation via email. As noted in Step 4 above, an adequate public version, adhering to the requirements outlined in the body of this regulation, must accompany the submission of each surrebuttal form on *regulations.gov. If you do not file a public version of the CBI, Commerce will not consider your surrebuttal to be properly submitted and exclude it from the analyses.*

For any questions, call (202) 482–5642 (steel) or (202) 482–4757 (aluminum).

Dated: September 5, 2018.

Wilbur L. Ross,

Secretary of Commerce.

[FR Doc. 2018–19662 Filed 9–6–18; 4:15 pm]

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