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FEDERAL REGISTER

Vol. 83 Monday,
No. 190 October 1, 2018

Pages 49265–49458

OFFICE OF THE FEDERAL REGISTER

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0417; Product Identifier 2017–NM–132–AD; Amendment 39–19440; AD 2018–20–06]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2016–25–03, which applied to certain Airbus Model A300 F4–600R series airplanes. AD 2016–25–03 required repetitive high frequency eddy current (HFEC) inspections of the aft lower deck cargo door (LDCD) frame forks; a one-time check of the LDCD clearances; and a one-time detailed visual inspection of hooks, eccentric bushes, and x-stops; and corrective actions if necessary. This AD requires repetitive HFEC inspections of the aft LDCD frame forks; a one-time check of the LDCD clearances; and a one-time detailed visual inspection of hooks, eccentric bushes, and x-stops; and corrective actions if necessary. This AD was prompted by a report of two adjacent frame forks that were found cracked on the aft LDCD of two airplanes during scheduled maintenance, and the introduction of frame fork reinforcement or repair procedures that, when done, allow an extension of repetitive inspection intervals. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 5, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 5, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of January 26, 2017 (81 FR 93801, December 22, 2016).

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0417.

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–2018–0417; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2016–25–03, Amendment 39–18729 (81 FR 93801, December 22, 2016) (''AD 2016–25–03''). AD 2016–25–03 applied to certain Airbus Model A300 F4–600R series airplanes. The NPRM published in the **Federal Register** on May 25, 2018 (83 FR 24244). The NPRM was prompted by a report of two adjacent frame forks that were found cracked on the aft LDCD of two airplanes during scheduled maintenance, and the introduction of frame fork reinforcement or repair procedures that, when done, allow an extension of repetitive inspection intervals. The NPRM proposed to continue to require repetitive HFEC inspections of the aft LDCD frame forks; a one-time check of the LDCD clearances; and a one-time detailed visual inspection of hooks, eccentric bushes, and x-stops; and corrective actions if necessary. The NPRM also proposed to require revised corrective actions and compliance times. We are issuing this AD to address cracked or ruptured aft LDCD frames, which could allow loads to be transferred to the remaining structural elements. This condition could lead to the rupture of one or more vertical aft LDCD frames, which could result in reduced structural integrity of the aft LDCD.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0152R1, dated May 23, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A300 F4–600R series airplanes. The MCAI states:

> During scheduled maintenance at frames (FR) 61 and FR61A on the aft lower deck cargo door (LDCD) of two A300–600F4 aeroplanes, two adjacent frame forks were found cracked. Subsequent analysis determined that, in case of cracked or ruptured aft cargo door frame(s), loads will be transferred to the remaining structural elements. However, these secondary load paths will be able to sustain the loads for a limited number of flight cycles only.
>
> This condition, if not detected and corrected, could lead to the rupture of one or more vertical aft cargo door frame(s), resulting in reduced structural integrity of the aft cargo door.
>
> To address this unsafe condition, Airbus issued Alert Operators Transmission (AOT) A52W011–15 to provide inspection instructions, and, consequently, EASA issued AD 2015–0152 [which corresponds to FAA AD 2016–25–03] to require repetitive inspections of the aft LDCD frame forks and, depending on findings, the accomplishment of applicable corrective action(s).
>
> Since that [EASA] AD was issued, Airbus published Service Bulletin (SB) SB A300–52–6085 which provides frame fork

reinforcement instruction and SB A300–52–6086 which provides instruction to inspect the cargo door for cracks as well as frame fork replacement instructions having the inspection interval extended from 600 flight cycles (FC) to 1,200 FC.

For the reason described above, this [EASA] AD is revised to introduce frame forks replacement or repair [or reinforcement] as an allowance to extend the inspection interval.

Required actions include repetitive HFEC inspections of the aft LDCD frame forks and repair, reinforcement, or replacement if necessary; a one-time check of the LDCD clearances and adjustment if necessary; and a one-time detailed visual inspection of hooks, eccentric bushes, and x-stops for wear, and corrective actions if necessary. Corrective actions include blend-out, adjustment, and replacement of hooks, bushes and x-stops. You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0417.

Comments

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

Request To Incorporate Revised Service Bulletins

FedEx Express requested that we revise the proposed AD to incorporate Airbus Service Bulletin A300–52–6085, Revision 01, dated May 2, 2018; and Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018. FedEx Express also requested that we update table 1 to paragraph (g) of the proposed AD with the revised compliance times specified in Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018.

We partially agree with the commenter's requested changes. We agree to incorporate Airbus Service Bulletin A300–52–6085, Revision 01, dated May 2, 2018; and Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018; because the changes to the procedures in those documents are not significant. The changes include updating reference documents and figures and do not result in any additional work for airplanes modified using the previous issue. Therefore, we have revised this AD to refer to Airbus Service Bulletin A300–52–6085, Revision 01, dated May 2, 2018; and Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018, as the appropriate sources of service information for certain actions. We have also revised this AD to give credit for certain actions accomplished using Airbus Service Bulletin A300–52–6085, Revision 00, dated December 22, 2016; and Airbus Service Bulletin A300–52–6086, Revision 00, dated December 25, 2016.

The updated compliance times in Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018, are substantively different from the compliance times specified in the proposed AD and would increase the scope of this AD without allowing for public notice and comment. Therefore, we have not changed this AD with regard to the compliance times specified in Airbus Service Bulletin A300–52–6086. However, under the provisions of paragraph (n)(1) of this AD, we will consider requests for approval of alternative compliance times if sufficient data are submitted to substantiate that the extension would provide an acceptable level of safety.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information:

- Alert Operators Transmission A52W011–15, Revision 00, including Appendices 1, 2, 3, and 4, dated July 23, 2015, which describes procedures for a check of the aft LDCD clearances ''U'' and ''V'' between the latching hooks and the eccentric bush at frame FR60 through FR64A and an adjustment of the latching hook; a detailed inspection to detect signs of wear of the hooks, eccentric bushes, and x-stops and corrective actions; and an HFEC inspection to detect cracking at all frame fork stations of the aft LDCD and a replacement of the frame fork.
- Service Bulletin A300–52–6085, Revision 01, dated May 2, 2018, which describes procedures for reinforcing frame fork fastener holes, which include related investigative and corrective actions. The related investigative actions include a rotating probe inspection for cracking of the fastener holes and a check to determine the hole diameter. Corrective actions include repair and cold working the fastener holes.
- Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018, which describes procedures for a check of the aft LDCD clearances ''U'' and ''V'' between the latching hooks and the eccentric bush at FR60 through FR64A and an adjustment of the latching hook; and HFEC inspection to detect cracking at all frame fork stations of the aft LDCD and a repair of the frame fork.

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

Costs of Compliance

We estimate that this AD affects 58 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
17 work-hours × $85 per hour = $1,445	$0	$1,445	$83,810

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 65 work-hours × $85 per hour = $5,525	$10,000	$15,525

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016–25–03, Amendment 39–18729 (81 FR 93801, December 22, 2016), and adding the following new AD:

2018–20–06 Airbus SAS: Amendment 39–19440; Docket No. FAA–2018–0417; Product Identifier 2017–NM–132–AD.

(a) Effective Date

This AD is effective November 5, 2018.

(b) Affected ADs

This AD replaces AD 2016–25–03, Amendment 39–18729 (81 FR 93801, December 22, 2016) (''AD 2016–25–03'').

(c) Applicability

This AD applies to Airbus SAS Model A300 F4–605R and A300 F4–622R airplanes, certificated in any category, on which Airbus SAS modification 12046 has been embodied in production. Modification 12046 has been embodied in production on manufacturer serial numbers (MSNs) 0805 and above, except MSNs 0836, 0837, and 0838.

(d) Subject

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

(e) Reason

This AD was prompted by a report of two adjacent frame forks that were found cracked on the aft lower deck cargo door (LDCD) of two airplanes during scheduled maintenance, and the introduction of frame fork reinforcement or repair procedures that, when done, allow an extension of repetitive inspection intervals. We are issuing this AD to address cracked or ruptured aft LDCD frames, which could allow loads to be transferred to the remaining structural elements. This condition could lead to the rupture of one or more vertical aft LDCD frames, which could result in reduced structural integrity of the aft LDCD.

(f) Compliance

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

(g) Retained Inspection Requirements and On-Condition Actions, With Revised Compliance Times and New Service Information

This paragraph restates the requirements of paragraph (g) of AD 2016–25–03, with revised compliance times and new service information. At the applicable time specified in paragraph (h) of this AD, or before exceeding the threshold defined in table 1 to paragraph (g) of this AD, whichever occurs later: Do the actions specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD. Repeat the high frequency eddy current (HFEC) inspection specified in paragraph (g)(3) of this AD thereafter at intervals not to exceed the applicable times specified in table 1 to paragraph (g) of this AD.

(1) A one-time check of the aft LDCD clearances ''U'' and ''V'' between the latching hooks and the eccentric bush at FR60 through FR64A, in accordance with the instructions of Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015; or the Accomplishment Instructions of Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018. If any value outside tolerance is found, adjust the latching hook before further flight, in accordance with the instructions of Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015; or the Accomplishment Instructions of Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018.

(2) A one-time detailed inspection to detect signs of wear of the hooks, eccentric bushes, and x-stops, in accordance with the instructions of Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015. If any wear is found, do all applicable corrective actions before further flight, in accordance with the instructions of Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015.

(3) An HFEC inspection to detect cracking at all frame fork stations of the aft LDCD, in accordance with the instructions of Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015; or the Accomplishment Instructions of Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018, 2016. If any crack is found, before further flight, replace the cracked frame fork, in accordance with the instructions of Airbus Alert Operators Transmission A52W011–15, Revision 00,

dated July 23, 2015; repair the cracked frame fork, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018; or reinforce the cracked frame fork, including doing all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–52–6085, Revision 01, dated May 2, 2018, except as required by paragraph (i) of this AD.

Table 1 to paragraph (g) of this AD – *Initial and repetitive HFEC inspections*

Frame Forks Status	Threshold	Interval
Frame forks installed since first flight of the airplane	Before exceeding 4,500 flight cycles since first flight of the airplane	600 flight cycles
Frame forks replaced per Airbus Alert Operators Transmission - AOT A52W011-15, or repaired per Airbus Service Bulletin A300-52-6086	Within 6,800 flight cycles after frame forks repair or replacement	1,200 flight cycles
Frame forks reinforced per Airbus Service Bulletin A300-52-6085	Within 6,800 flight cycles after frame forks reinforcement	1,200 flight cycles

(h) Retained Compliance Times, With No Changes

At the later of the times specified in paragraphs (h)(1) and (h)(2) of this AD, do the actions required by paragraph (g) of this AD.

(1) Before the accumulation of 4,500 total flight cycles.

(2) At the applicable time specified by paragraph (h)(2)(i) or (h)(2)(ii) of this AD.

(i) For airplanes that have accumulated 8,000 or more total flight cycles as of January 26, 2017 (the effective date of AD 2016–25–03): Within 100 flight cycles after January 26, 2017.

(ii) For airplanes that have accumulated fewer than 8,000 total flight cycles as of January 26, 2017 (the effective date of AD 2016–25–03): Within 400 flight cycles after January 26, 2017.

(i) Service Information Exception

Where Airbus Service Bulletin A300–52–6085, Revision 01, dated May 2, 2018, specifies to contact Airbus for appropriate action: Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (n)(2) of this AD.

(j) No Terminating Action

Accomplishment of corrective actions on an airplane as required by paragraph (g)(1) or (g)(2) of this AD, or repair, reinforcement, or replacement of a frame fork as required by paragraph (g)(3) of this AD, on the aft LDCD of an airplane does not constitute terminating action for the repetitive HFEC inspections required by paragraph (g)(3) of this AD for that airplane.

(k) Compliance Time Clarification

After replacement, repair, or reinforcement of any frame fork on the aft LDCD of an airplane, as specified in paragraph (g)(3) of this AD, the next HFEC inspection as required by paragraph (g)(3) of this AD can be deferred for any frame fork that is replaced, repaired, or reinforced, but must be accomplished before exceeding 6,800 flight cycles after the replacement, repair, or reinforcement of that frame fork.

(l) No Reporting

Although the Accomplishment Instructions of Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015; and Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018; specify to submit certain information to the manufacturer, this AD does not include that requirement.

(m) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraphs (g)(1) and (g)(3) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–52–6086, Revision 00, dated December 25, 2016.

(2) This paragraph provides credit for actions required by paragraph (g)(3) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–52–6085, Revision 00, dated December 22, 2016.

(n) Other FAA AD Provisions

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

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

(3) *Required for Compliance (RC):* Except as required by paragraph (i) and paragraph (l) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2015–0152R1, dated May 23, 2017, for related information. This MCAI may be found in the AD docket on the iInternet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0417.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des

Moines, WA 98198; telephone and fax 206–231–3225.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (p)(5) and (p)(6) of this AD.

(p) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on November 5, 2018.

(i) Airbus Service Bulletin A300–52–6085, Revision 01, dated May 2, 2018.

(ii) Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018.

(4) The following service information was approved for IBR on January 26, 2017 (81 FR 93801, December 22, 2016).

(i) Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015, including the following appendices:

(A) Appendix 1—Flowchart, undated.

(B) Appendix 2—Reporting Sheet, undated. (The pages of Appendix 2 are not numbered.)

(C) Appendix 3—titled ''Technical Disposition,'' Ref. TD/K12/L3/02978/2015, Issue B, dated July 21, 2015. (Appendix 3 is identified with an appendix number only on page 1 of Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015.)

(D) Appendix 4—Part number identification for frame forks and bushings, undated.

(ii) Reserved.

(5) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

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

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

Issued in Des Moines, Washington, on September 21, 2018.

John P. Piccola,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–21100 Filed 9–28–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0395; Product Identifier 2017–NM–136–AD; Amendment 39–19430; AD 2018–19–29]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus SAS Model A330–200 Freighter, –200, and –300 series airplanes; and Airbus SAS Model A340–200, –300, –500, and –600 series airplanes. This AD was prompted by a report of deficient fatigue performance of high strength steel used in forgings. Components made from the affected high strength steel are installed on the main landing gear (MLG), nose landing gear (NLG), and center landing gear (CLG). This AD requires identifying the part number and serial number of certain components installed on the MLG, NLG, and CLG; replacing affected parts; identifying the airplane's weight variant; and determining the applicable life limit for certain components installed on the MLG, NLG, and CLG. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 5, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 5, 2018.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0395.

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 2018–0395; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198–6547; telephone and fax 206–231–3229.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A330–200 Freighter series airplanes, Model A330–200 series airplanes, Model A330–300 series airplanes, Model A340–200 series airplanes, Model A340–300 series airplanes, Model A340–500 series airplanes, and Model A340–600 series airplanes. The NPRM published in the **Federal Register** on May 9, 2018 (83 FR 21196). The NPRM was prompted by a report of deficient fatigue performance of high strength steel used in forgings. Components made from the affected high strength steel are installed on the MLG, NLG, and CLG. The NPRM proposed to require identifying the part number and serial number of certain components installed on the MLG, NLG, and CLG; replacing affected parts; identifying the airplane's weight variant; and determining the applicable life limit for certain components installed on the MLG, NLG, and CLG.

We are issuing this AD to address certain parts made from 300M high strength steel, which if uncorrected, could lead to structural failure of the landing gear, and possible loss of control of the airplane during take-off or landing.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0185, dated September 22, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A330–200 Freighter series airplanes, Model A330–200 series airplanes, Model A330–300 series airplanes, Model A340–200 series airplanes, Model A340–300 series airplanes, Model A340–500 series

airplanes, and Model A340–600 series airplanes. The MCAI states:

In 2006, Messier-Dowty identified a deficiency in the fatigue performance of 300M high strength steel used in forgings. The root cause for this fatigue deficiency was the processing during preparation of the material. After investigation, it was determined that the following material sources (S) were affected by this fatigue deficiency: Electralloy (S1), RSM (S2A, S2B or S2C), Latrobe (S3) and Aubert et Duval (S4).

Consequently, reduced lives were calculated for certain landing gear main fittings, bogie beams and sliding pistons, determined to be affected by the 300M material properties quality issue. These components are installed on Main, Nose and Centre Landing Gears (MLG, NLG, CLG) of A330 and A340 aeroplanes.

This condition, if not corrected, could lead to structural failure of a landing gear, possibly resulting in loss of control of the aeroplane during take-off or landing.

To initially address this potential unsafe condition, Airbus published reduced life limits for the affected parts from material sources S1, S2 and S3 in the applicable Airworthiness Limitation Section (ALS) Part 1. Later, it was determined that ALS Part 1 was an inappropriate place for recording the reduced lives and Airbus published Service Bulletin (SB) A330–32–3281, SB A340–32–4310, and SB A340–32–5119, as applicable, to provide identification and replacement instructions for affected parts made of all material sources S1, S2, S3 and S4. This action was also accomplished to simplify Airbus ALS Part 1.

For the reasons described above, this [EASA] AD requires [identification of the part numbers and serial numbers of the main fitting, bogie beam and sliding piston of the MLG, NLG, and CLG, and the airplane's weight variant], and implementation of the reduced life limits for the affected parts and replacement of any parts that are close to, or have exceeded the applicable reduced life limit.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0395.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Airbus SAS has issued the following service information.

- Service Bulletin A330–32–3281, Revision 02, including Appendixes 01 through 06, dated June 16, 2017; and Service Bulletin A340–32–4310, Revision 02, including Appendixes 01 through 06, dated June 16, 2017. This service information includes procedures for inspections to identify the part numbers and serial numbers of the main fittings, bogie beams, and sliding pistons of the MLG; and procedures for determining the airplane's weight variant. This service information also describes the reduced life limits for affected parts. These documents are distinct since they apply to different airplane models.
- Service Bulletin A340–32–5119, Revision 01, including Appendixes 01 through 07, dated January 31, 2017. This service information includes procedures for inspections to identify the part numbers and serial numbers of the main fittings and bogie beams of the MLG, NLG, and CLG; and procedures for determining the airplane's weight variant. This service information also describes the reduced life limits for affected parts.

In addition, Airbus has issued the following service information, which describes life limits for affected parts. These documents are distinct since they apply to different airplane models and different life limited parts.

- A330 Airworthiness Limitations Section (ALS) Part 1, ''Safe Life Airworthiness Limitation Items (SL–ALI),'' Revision 09, dated September 18, 2017.
- A330 ALS Part 1, ''Safe Life Airworthiness Limitation Items (SL–ALI),'' Variation 9.2, dated November 28, 2017.
- A340 ALS Part 1, ''Safe Life Airworthiness Limitation Items (SL–ALI),'' Revision 09, dated September 18, 2017.
- A340 ALS Part 1, ''Safe Life Airworthiness Limitation Items (SL–ALI),'' Variation 9.2, dated November 28, 2017.

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

Costs of Compliance

We estimate that this AD affects 103 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
Inspection	4 work-hours × $85 per hour = $340	$0	$340	$35,020

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

Authority for This Rulemaking

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

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

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

delegated the authority to issue ADs applicable to transport category airplanes and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–19–29 Airbus SAS: Amendment 39–19430; Docket No. FAA–2018–0395; Product Identifier 2017–NM–136–AD.

(a) Effective Date

This AD is effective November 5, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus SAS airplanes identified in paragraphs (c)(1) through (c)(7) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Model A330–201, –202, –203, –223, and –243 airplanes.

(2) Model A330–223F and –243F airplanes.

(3) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(4) Model A340–211, –212, and –213 airplanes.

(5) Model A340–311, –312, and –313 airplanes.

(6) Model A340–541 airplanes.

(7) Model A340–642 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by a report of deficient fatigue performance of 300M high strength steel used in forgings. Components made of 300M high strength steel are installed on the main landing gear (MLG), nose landing gear (NLG), and center landing gear (CLG). We are issuing this AD to detect and correct certain parts made from 300M high strength steel, which if uncorrected, could lead to structural failure of the landing gear, and possible loss of control of the airplane during take-off or landing.

(f) Compliance

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

(g) Definitions

(1) For the purpose of this AD, an affected part is any main fitting, bogie beam, or sliding piston of the MLG, NLG, or CLG installed on the airplane, having a part number and serial number combination specified in the applicable service information identified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD.

(2) For the purpose of this AD, a serviceable part is any main fitting, bogie beam, or sliding piston of the MLG, NLG, or CLG that has not exceeded the applicable life limit specified in paragraph (g)(2)(i), (g)(2)(ii), or (g)(2)(iii) of this AD, since first installation on an airplane.

(i) The life limit specified in the applicable service information identified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD.

(ii) The life limit specified in Airbus A330 Airworthiness Limitations Section (ALS) Part 1, ''Safe Life Airworthiness Limitation Items (SL–ALI),'' Revision 09, dated September 18, 2017; and A330 ALS Part 1, ''Safe Life Airworthiness Limitation Items (SL–ALI),'' Variation 9.2, dated November 28, 2017.

(iii) The life limit specified in Airbus A340 Airworthiness Limitations Section (ALS) Part 1, ''Safe Life Airworthiness Limitation Items (SL–ALI),'' Revision 09, dated September 18, 2017; and A340 ALS Part 1, ''Safe Life Airworthiness Limitation Items (SL–ALI),'' Variation 9.2, dated November 28, 2017.

(h) Identification of Part Number, Serial Number, Weight Variant, and Reduced Life Limit

Within 3 months after the effective date of this AD: Identify the part number and serial number of each main fitting, bogie beam, and sliding piston of the MLG, NLG, and CLG installed on the airplane; identify the airplane's weight variant; and determine the applicable reduced life limit; in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (h)(1), (h)(2), or (h)(3) of this AD. A review of airplane maintenance records is acceptable for identification of the installed main fittings, bogie beams, and sliding pistons of the MLG, NLG, and CLG, provided the part number and serial number of each component can be conclusively identified by that review.

(1) Airbus Service Bulletin A330–32–3281, Revision 02, including Appendixes 01 through 06, dated June 16, 2017.

(2) Airbus Service Bulletin A340–32–4310, Revision 02, including Appendixes 01 through 06, dated June 16, 2017.

(3) Airbus Service Bulletin A340–32–5119, Revision 01, including Appendixes 01 through 07, dated January 31, 2017.

(i) Replacement of Affected Parts

Prior to exceeding the applicable life limit, as specified in the applicable service information identified in paragraph (h)(1), (h)(2), or (h)(3) of this AD, or within 3 months after the effective date of this AD, whichever occurs later: Replace each affected part (as defined in paragraph (g)(1) of this AD) with a serviceable part (as defined in paragraph (g)(2) of this AD).

(j) Parts Installation Specification

As of the effective date of this AD, any affected part (as defined in paragraph (g)(1) of this AD) may be used as a replacement part, provided the affected part is also a serviceable part (as defined in paragraph (g)(2) of this AD), and following installation, the affected part is replaced prior to exceeding the applicable life limit as specified in paragraph (g)(2) of this AD.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* If any service information contains procedures or

tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0185, dated September 22, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0395.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198–6547; telephone and fax 206–231–3229.

(m) Material Incorporated by Reference

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

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

(i) Airbus A330 Airworthiness Limitations Section (ALS) Part 1, ''Safe Life Airworthiness Limitation Items (SL–ALI),'' Revision 09, dated September 18, 2017.

(ii) Airbus A330 Airworthiness Limitations Section (ALS) Part 1, ''Safe Life Airworthiness Limitation Items (SL–ALI),'' Variation 9.2, dated November 28, 2017.

(iii) Airbus A340 Airworthiness Limitations Section (ALS) Part 1, ''Safe Life Airworthiness Limitation Items (SL–ALI),'' Revision 09, dated September 18, 2017.

(iv) Airbus A340 Airworthiness Limitations Section (ALS) Part 1, ''Safe Life Airworthiness Limitation Items (SL–ALI),'' Variation 9.2, dated November 28, 2017.

(v) Airbus Service Bulletin A330–32–3281, Revision 02, including Appendixes 01 through 06, dated June 16, 2017.

(vi) Airbus Service Bulletin A340–32–4310, Revision 02, including Appendixes 01 through 06, dated June 16, 2017.

(vii) Airbus Service Bulletin A340–32–5119, Revision 01, including Appendixes 01 through 07, dated January 31, 2017.

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

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

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

Issued in Des Moines, Washington, on September 14, 2018.

John P. Piccola,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–20932 Filed 9–28–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0785; Product Identifier 2018–NE–14–AD; Amendment 39–19380; AD 2018–18–01]

RIN 2120–AA64

Airworthiness Directives; CFM International S.A. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2018–10–11 for all CFM International S.A. (CFM) Model CFM56–7B engines. AD 2018–10–11 required initial and repetitive inspections of certain fan blades and, if they fail the inspection, their replacement with parts eligible for installation. This superseding AD requires the same initial and repetitive inspections but revises the compliance time for the repetitive inspections. This AD was prompted by further analysis by the manufacturer that indicated a need to reduce the repetitive fan blade inspection interval based on ongoing root cause investigation of an April 2018 engine failure. The agency is 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.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of May 14, 2018 (83 FR 19176, May 2, 2018).

The FAA must receive any comments on this AD by November 15, 2018.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact CFM International Inc., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: 877–432–3272; fax: 877–432–3329; email: *aviation.fleetsupport@ge.com.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0785.

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–2018–0785; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Christopher McGuire, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7120; fax: 781–238–7199; email: *chris.mcguire@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued AD 2018–10–11, Amendment 39–19286 (83 FR 22836, May 17, 2018), (''AD 2018–10–11''), for all CFM model CFM56–7B engines. AD 2018–10–11 required initial and

repetitive ultrasonic inspections (USI) or eddy current inspection (ECI) of certain fan blades and, if they fail the inspection, their replacement with parts eligible for installation. AD 2018–10–11 resulted from an April 2018 event involving an engine failure due to a fractured fan blade leading to the engine inlet cowl disintegrating and debris penetrating the fuselage, causing a loss of pressurization and prompting an emergency descent. One passenger fatality occurred as a result. The agency issued AD 2018–10–11 to prevent failure of the fan blade due to cracking, which could lead to an engine in-flight shutdown, uncontained release of debris, damage to the airplane, and possible airplane decompression.

Actions Since AD 2018–10–11 Was Issued

Since the FAA issued AD 2018–10–11, CFM gained a better understanding of the fan blade failures based on the inspections and further analysis of the detected cracks and the April 2018 event. As a result, CFM reduced the repetitive inspection interval to prevent a fan blade failure. CFM has published Service Bulletin (SB) CFM56–7B S/B 72–1033, Revision 2, dated July 27, 2018, to reduce the repetitive inspection interval from 3,000 cycles to 1,600 cycles. The FAA expects that all affected engines will have completed the initial inspection based on the previously issued ADs.

The FAA is issuing this AD to address the unsafe condition on these products.

Revision to Cost Estimate

The FAA has determined that, in AD 2018–10–11, it underestimated the cost per fan blade to be $8,500. However, based on CFM SB CFM56–7B S/B 72–1033, Revision 2, dated July 27, 2018, and earlier versions the estimated cost per fan blade should be $51,400. The FAA erroneously assumed the cost in the service bulletin represented the cost for a set of 24 fan blades when it actually represented the cost for two fan blades. In this final rule, the agency has updated the on-condition costs to reflect the correct cost of the fan blade.

Related Service Information Under 1 CFR Part 51

The FAA reviewed CFM SB CFM56–7B S/B 72–1033, Revision 2, dated July 27, 2018, and Subtask 72–21–01–220–091, of Task 72–21–01–200–001, from the CFM56–7B Engine Shop Manual (ESM), Revision 57, dated January 15, 2018. CFM SB CFM56–7B S/B 72–1033, Revision 2, describes procedures for performing a USI of the affected fan blades. Subtask 72–21–01–220–091, of Task 72–21–01–200–001, from the CFM56–7B ESM, describes procedures for performing an ECI of the affected fan blades. 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

The FAA also reviewed CFM SB CFM56–7B S/B 72–1019, dated March 24, 2017, CFM SB CFM56–7B S/B 72–1019, Revision 1, dated June 13, 2017, CFM SB CFM56–7B S/B 72–1024, dated July 26, 2017, CFM SB CFM56–7B S/B 72–1033, dated April 20, 2018, and General Electric Field Support Technology (FST) Procedure 2370, dated December 9, 2016. These SBs and the FST provide information on performing the USI.

FAA's Determination

The FAA is issuing this AD because the agency has evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires initial and repetitive USI or ECI of certain fan blades and, if they fail the inspection, their replacement with parts eligible for installation.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule. Due to the reduction in the repetitive inspection interval, some fan blades have reached or exceeded the revised repetitive inspection threshold. Because of this, the compliance time for the required action is shorter than the time necessary for the public to comment and for the FAA to issue the final rule to ensure the unsafe condition is addressed. Therefore, the agency finds good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated in this paragraph, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, the agency invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2018–0785 and product identifier 2018–NE–14–AD at the beginning of your comments. The agency specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. The agency will consider all comments received by the closing date and may amend this final rule because of those comments.

The FAA will post all comments it receives, without change, to *http://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact the agency receives about this final rule.

Costs of Compliance

The FAA estimates that this AD affects 3,716 engines installed on 1,858 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this AD:

ESTIMATED INSPECTION COSTS

Action	Labor cost	Parts cost	Cost per inspection	Cost on U.S. operators
Inspect engine fan blade	2 work-hours × $85 per hour = $170	$0	$170	$631,720

The FAA estimates the following costs to complete any necessary replacement of a single fan blade that would be required based on the results of the inspection. The agency has no way of determining the number of

engines that might need fan blades to be replaced:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace fan blade	1 work-hour × $85 per hour = $85	$51,400	$51,485

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.

The FAA is 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 within the Aircraft Certification Service, 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 that this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2018–10–11, Amendment 39–19286 (83 FR 22836, May 17, 2018) and adding the following new AD:

2018–18–01 CFM International S.A.: Amendment 39–19380; Docket No. FAA–2018–0785; Product Identifier 2018–NE–14–AD.

(a) Effective Date

This AD is effective October 16, 2018.

(b) Affected ADs

This AD replaces AD 2018–10–11, Amendment 39–19286 (83 FR 22836, May 17, 2018).

(c) Applicability

This AD applies to CFM International S.A.(CFM) CFM56–7B20, CFM56–7B22, CFM56–7B22/B1, CFM56–7B24, CFM56–7B24/B1, CFM56–7B26, CFM56–7B26/B2, CFM56–7B27, CFM56–7B27A, CFM56–7B26/B1, CFM56–7B27/B1, CFM56–7B27/B3, CFM56–7B20/2, CFM56–7B22/2, CFM56–7B24/2, CFM56–7B26/2, CFM56–7B27/2, CFM56–7B20/3, CFM56–7B22/3, CFM56–7B22/3B1, CFM56–7B24/3, CFM56–7B24/3B1, CFM56–7B26/3, CFM56–7B26/3B1, CFM56–7B26/3B2, CFM56–7B27/3, CFM56–7B27/3B1, CFM56–7B27/3B3, CFM56–7B27A/3, CFM56–7B26/3F, CFM56–7B26/3B2F, CFM56–7B27/3F, CFM56–7B27/3B1F, CFM56–7B20E, CFM56–7B22E, CFM56–7B22E/B1, CFM56–7B24E, CFM56–7B24E/B1, CFM56–7B26E, CFM56–7B26E/B1, CFM56–7B26E/B2, CFM56–7B27AE, CFM56–7B27E, CFM56–7B27E/B1, CFM56–7B27E/B3, CFM56–7B26E/F, CFM56–7B26E/B2F, CFM56–7B27E/F, and CFM56–7B27E/B1F engine models.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by further analysis by the manufacturer that indicated a need to reduce the repetitive fan blade inspection interval based on ongoing root cause investigation of an April 2018 engine failure that resulted in one fatality. The FAA is issuing this AD to reduce the repetitive fan blade inspection interval to prevent failure of the fan blade. The unsafe condition, if not addressed, could result in failure of the fan blade, the engine inlet cowl disintegrating and debris penetrating the fuselage, causing a loss of pressurization, and prompting an emergency descent.

(f) Compliance

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

(g) Required Actions

(1) Perform an ultrasonic inspection (USI) or eddy current inspection (ECI) of the concave and convex sides of the fan blade dovetail as follows:

(i) Before further flight, perform an initial inspection of the fan blade using the criteria in Planning Information, either paragraph 1.C.(2)(a), 1.C.(2)(b), or 1.C.(2)(c), of CFM Service Bulletin (SB) CFM56–7B S/B 72–1033, Revision 2, dated July 27, 2018.

(ii) For all fan blades not inspected in accordance with (g)(1)(i) of this AD, perform an initial inspection prior to accumulating 20,000 flight cycles on the fan blade or before further flight, whichever occurs later.

(iii) Thereafter, repeat this inspection no later than 1,600 cycles since the last inspection or within 450 cycles after the effective date of this AD, whichever occurs later.

(iv) Use the Accomplishment Instructions, paragraphs 3.A.(3)(a) through (i), of CFM SB CFM56–7B S/B 72–1033, Revision 2, dated July 27, 2018, to perform a USI or use the instructions in subtask 72–21–01–220–091, of task 72–21–01–200–001, from CFM CFM56–7B Engine Shop Manual (ESM),

Revision 57, dated January 15, 2018, to perform an ECI.

(2) If any unserviceable indication, as specified in the applicable service information in paragraph (g)(1)(iv) of this AD, is found during the inspections required by paragraph (g) of this AD, replace the fan blade before further flight with a part eligible for installation.

(h) Installation Prohibition

Do not install any replacement fan blade unless it meets one of the following criteria:

(1) The replacement fan blade has fewer than 20,000 cycles since new, or;

(2) The replacement fan blade has been inspected in accordance with paragraph (g) of this AD.

(i) Definition

For the purpose of this AD, a ''replacement fan blade'' is a fan blade that is being installed into an engine from which it was not previously removed. Removing and reinstalling a fan blade for the purpose of relubrication is not subject to the Installation Prohibition of this AD.

(j) Credit for Previous Actions

You may take credit for the actions that are required by paragraph (g) of this AD if you performed the actions before the effective date of this AD using CFM SB CFM56–7B S/B 72–1019, dated March 24, 2017; CFM SB CFM56–7B S/B 72–1019, Revision 1, dated June 13, 2017; CFM SB CFM56–7B S/B 72–1024, dated July 26, 2017; CFM SB CFM56–7B S/B 72–1033, dated April 20, 2018; CFM SB CFM56–7B S/B 72–1033, Revision 1, dated May 9, 2018; or an ECI using the instructions in task 72–21–01–200–001, subtask 72–21–01–220–091 of CFM56–7B ESM, earlier than Revision 57, dated January 15, 2018.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(3) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(3)(i) and (k)(3)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(4) AMOCs approved previously for AD 2018–10–11 (83 FR 22836, May 17, 2018) are approved as AMOCs for the corresponding provisions of this AD.

(l) Related Information

For more information about this AD, contact Christopher McGuire, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7120; fax: 781–238–7199; email: *chris.mcguire@faa.gov.*

(m) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on October 16, 2018.

(i) CFM International S.A. (CFM) Service Bulletin CFM56–7B S/B 72–1033, Revision 2, dated July 27, 2018.

(ii) Reserved.

(4) The following service information was approved for IBR on May 14, 2018 (83 FR 19176, May 2, 2018).

(i) Subtask 72–21–01–220–091, of Task 72–21–01–200–001, from the CFM CFM56–7B Engine Shop Manual, Revision 57, dated January 15, 2018.

(ii) Reserved.

(5) For CFM service information identified in this AD, contact CFM International Inc., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: 877–432–3272; fax: 877–432–3329; email: *aviation.fleetsupport@ge.com.*

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

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

Issued in Burlington, Massachusetts, on September 26, 2018.

Karen M. Grant,

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

[FR Doc. 2018–21245 Filed 9–28–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0549; Product Identifier 2018–NM–014–AD; Amendment 39–19427; AD 2018–19–26]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Dassault Aviation Model MYSTERE–FALCON 200 airplanes. This AD was prompted by a determination that more restrictive maintenance requirements and airworthiness limitations are necessary. This AD requires revising the maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance requirements and airworthiness limitations. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 5, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 5, 2018.

ADDRESSES: For service information identified in this final rule, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *http://www.dassaultfalcon.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0549.

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–2018–0549; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is

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

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Dassault Aviation Model MYSTERE–FALCON 200 airplanes. The NPRM published in the **Federal Register** on June 22, 2018 (83 FR 29056). The NPRM was prompted by a determination that more restrictive maintenance requirements and airworthiness limitations are necessary. The NPRM proposed to require revising the maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance requirements and airworthiness limitations.

We are issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0009, dated January 15, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Dassault Aviation Model MYSTERE–FALCON 200 airplanes. The MCAI states:

> The airworthiness limitations for Dassault Mystère Falcon 200 aeroplanes, which are approved by EASA, are currently defined and published in AMM [aircraft maintenance manual] ALS [airworthiness limitations section] Chapter 5–40. These instructions have been identified as mandatory for continued airworthiness.
>
> Failure to accomplish these instructions could result in an unsafe condition.
>
> EASA previously issued AD 2008–0221 (later corrected), requiring the actions described in Dassault Mystère Falcon 200 AMM Chapter 5–40 (DMD 18740A) at Revision 14. Since that [EASA] AD was issued, Dassault published the ALS, containing new and/or more restrictive maintenance tasks.
>
> For the reason described above, this [EASA] AD takes over the requirements for Mystère Falcon 200 aeroplanes from EASA AD 2008–0221 and requires accomplishment of the actions specified in the ALS.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0549.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Dassault Aviation has issued Chapter 5–40–00, Airworthiness Limitations, Revision 17, dated December 20, 2017, of the Dassult Falcon 200 Maintenance Manual. The service information describes mandatory maintenance tasks that operators must perform at specified intervals. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 9 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

We have determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although we recognize that this number may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we have determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–19–26 Dassault Aviation: Amendment 39–19427; Docket No. FAA–2018–0549; Product Identifier 2018–NM–014–AD.

(a) Effective Date

This AD is effective November 5, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Dassault Aviation Model MYSTERE–FALCON 200 airplanes, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by a determination that more restrictive maintenance requirements and airworthiness limitations are necessary. We are issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate Chapter 5–40–00, Airworthiness Limitations, Revision 17, dated December 20, 2017, of the Dassault Falcon 200 Maintenance Manual. The initial compliance time for accomplishing the actions is at the applicable time specified in Chapter 5–40–00, Airworthiness Limitations, Revision 17, dated December 20, 2017, of the Dassault Falcon 200 Maintenance Manual; or within 90 days after the effective date of this AD; whichever occurs later.

(h) No Alternative Actions or Intervals

After the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (i)(1) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0009, dated January 15, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0549.

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

(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 this AD specifies otherwise.

(i) Chapter 5–40–00, Airworthiness Limitations, Revision 17, dated December 20, 2017, of the Dassault Falcon 200 Maintenance Manual.

(ii) Reserved.

(3) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *http://www.dassaultfalcon.com.*

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

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

Issued in Des Moines, Washington, on September 14, 2018.

John P. Piccola,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–21099 Filed 9–28–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0145; Airspace Docket No. 17–AGL–4]

Amendment of Class E Airspace; Burlington, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 700 feet above the surface at Burlington Municipal Airport, Burlington, WI. This action is necessary due to the decommissioning of the Burbun VHF omnidirectional range (VOR), cancellation of the VOR approach procedure, and implementation of new area navigation (RNAV) procedures for the safety and management of instrument flight rules (IFR) operations at the airport. This action adjusts the geographic coordinates of the Burlington Municipal Airport to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, January 3, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is

also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) (82 FR 40080; August 24, 2017) for Docket No. FAA–2017–0145 to modify Class E airspace extending upward from 700 feet above the surface at Burlington Municipal Airport, Burlington, WI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. Two comments were received in support of the proposal.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace area extending upward from 700 feet above the surface to within a 6.4-mile radius (reduced from a 7.4-mile) radius of Burlington Municipal Airport, Burlington, WI. Airspace redesign is necessary due to the decommissioning of the Burbun VOR, and cancellation of the VOR approach, while implementing more efficient area navigation routes within the national airspace system for the safety and management of standard instrument approach procedures for IFR operations at the airport. This action also updates the geographic coordinates of the airport 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, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL WI E5 Burlington, WI [Amended]

Burlington Municipal Airport, WI
(Lat. 42°41′27″ N, long. 88°18′17″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Burlington Municipal Airport.

Issued in Fort Worth, Texas, on September 20, 2018.

Walter Tweedy,

Manager (A), Operations Support Group, ATO Central Service Center.

[FR Doc. 2018–21097 Filed 9–28–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0770]

Drawbridge Operation Regulation; Youngs Bay and Lewis and Clark River, Astoria, OR

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 three bridges at Astoria, OR; they include the US 101 highway bridge (Youngs Bay Bridge) across Youngs Bay, mile 0.7, the Oregon State highway bridge (Old Youngs Bay Bridge) across Youngs Bay, mile 2.4, foot of Fifth Street, and the Oregon State highway bridge (Lewis and Clark River Bridge) across the Lewis and Clark River, mile 1.0. The deviation allows the three subject bridges' owner to remove the bridge operator during the late evening and early morning hours. This deviation allows the bridge to open during weekends and nighttime hours after receiving a 2 hour advance notice.

DATES: This deviation is effective without actual notice from October 1, 2018 to 7 a.m. on March 19, 2019. For the purposes of enforcement, actual notice will be used from 7 a.m. on September 22, 2018, until October 1, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0770 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: Oregon Department of Transportation (ODOT) owns the Youngs Bay Bridge across Youngs Bay, mile 0.7, Old Youngs Bay Bridge across Youngs Bay, mile 2.4, foot of Fifth Street, and the Lewis and Clark River Bridge across the Lewis and Clark River, mile 1.0. ODOT has requested this temporary deviation from the operating schedule while a rule change is being reviewed for approval. The three subject bridges are within one mile of each other, and currently open on signal for the passage of vessels with one half-hour notice by marine radio, telephone, or other suitable means. These three bridges are operated by the Lewis and Clark River bridge operator in accordance with 33 CFR 117.899.

This deviation will allow ODOT to operate without a bridge operator attending the three subject bridges until an opening request has been received. This deviation authorizes ODOT's bridge operator to open the subject bridges within two hours after receiving a request for an opening from 5 p.m. on Friday to 7 a.m. on Monday, including all Federal holidays, starting at 7 a.m. on September 22, 2018, through 7 a.m. on March 19, 2019. The Youngs Bay Bridge provides a vertical clearance approximately 37 feet above mean high water when in the closed-to-navigation position. The Old Youngs Bay Bridge provides a vertical clearance approximately 19 feet above mean high water when in the closed-to-navigation position. The Lewis and Clark River Bridge provides a vertical clearance of 17 feet above mean high water when in the closed-to-navigation position. Vessels operating on Youngs Bay and the Lewis and Clark River range from small recreational vessels, sailboats, tribal fishing boats and small commercial fishing vessels.

Vessels able to pass through the subject bridges in the closed-to-navigation position may do so at any time. The bridges will not be able to open for emergencies from 5 p.m. on Friday to 7 a.m. on Monday unless a two hour notice is given, and there is no immediate alternate route for vessels to pass. The Coast Guard will 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 drawbridges must return to their 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 21, 2018.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2018–20985 Filed 9–28–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0428]

Drawbridge Operation Regulation; Snohomish River and Steamboat Slough, Everett and Marysville, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation; modification.

SUMMARY: The Coast Guard has modified a temporary deviation from the operating schedule that governs the SR 529 Highway Bridge, north bound, across Steamboat Slough, mile 1.2, near Marysville, WA. The deviation is necessary to accommodate painting and preservation. This modified deviation changes the period the subject bridge is authorized to remain in the closed-to-navigation position.

DATES: This deviation is effective from 12:01 a.m. on October 1, 2018 to 11:59 p.m. on October 31, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0428 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: On June 7, 2018, we published a temporary deviation entitled Drawbridge Operation Regulation; Snohomish River and Steamboat Slough, Everett and Marysville, WA, in the **Federal Register** (83 FR 26365). That temporary deviation allowed the SR 529 Highway Bridge, north bound, to not open to marine vessels from 12:01 a.m. on July 2, 2018 to 11:59 p.m. on September 30, 2018. While performing initial repairs, the bridge owner, Washington State Department of Transportation (WSDOT), discovered additional damage and corrosion. This modification is required so that WSDOT can perform repairs, painting, and preservation related to the newly discovered damage and corrosion. WSDOT has requested an extension to the current published temporary deviation to make required repairs.

The SR 529 Highway Bridge, north bound, across Steamboat Slough, mile 1.2, provides 10 feet of vertical clearance above mean high water elevation while in the closed-to-navigation position; and this bridge operates in accordance with 33 CFR 117.1059(f). The subject bridge is authorized to remain in the closed-to navigation position, and need not open for maritime traffic from 12:01 a.m. on October 1, 2018 to 11:59 p.m. on October 31, 2018. The subject bridge's lift span vertical clearance is also authorized to be reduced from ten feet to seven feet except for a 50 foot wide section that shall not be reduced for maritime passage. The bridge shall operate in accordance to 33 CFR 117.1059(f) at all other times.

Waterway usage on this part of the Snohomish River and Steamboat Slough includes vessels ranging from

commercial tug and barge to small pleasure craft. Vessels able to pass under the subject bridge in the closed-to-navigation position may do so at any time. The subject bridge will not be able to open for vessels engaged in emergency response during the closure period. An alternate route for vessels to pass is available through Ebey Slough and Union Slough near the entrance of Steamboat Slough at high tide. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridges so that vessels 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 the 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 25, 2018.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2018–21309 Filed 9–28–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0852]

Drawbridge Operation Regulation; Swinomish Channel, Whitmarsh, WA

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 Burlington Northern Santa Fe Railroad Company (BNSF) Railroad Swing Span Drawbridge 7.6 (Bridge 7.6) across Swinomish Channel, mile 8.4, near Whitmarsh, WA. This deviation is necessary to accommodate replacement of the bridge deck ties and installation of new rail joints. The deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective without actual notice from October 1, 2018 through 3 p.m. on October 5, 2018. For the purposes of enforcement, actual notice will be used from 7 a.m. on September 23, 2018, until October 1, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0852 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: BNSF (bridge owner) has requested for Bridge 7.6 be allowed to close the span, and need not open to marine traffic to replace bridge deck ties and install new rail joints. BNSF's Bridge 7.6 crosses the Swinomish channel, mile 8.4, near Whitmarsh, WA. The subject bridge provides 8 feet of vertical clearance in the closed-to-navigation position, and 100 feet of horizontal clearance in the open-to-navigation position. Bridge 7.6 provides unlimited vertical clearance in the open-to-navigation position. Vertical and horizontal clearances are referenced to mean high-water elevation.

BNSF work requires the swing span to be in the closed-to-navigation position. The deviation period allows the subject bridge to be in the closed-to-navigation position from 7 a.m. on September 23, 2018 to 3 p.m. on October 05, 2018. During the closure times, the swing span may be opened if at least a two hour notice has been given to the bridge operator. The span will open for emergencies and tribal fishing vessels with a one hour notice to the bridge operator. The deviation period and span operation is described in the table below:

Start time/date	End time/date	Action
7 a.m. Sep 23, 18	11 p.m. Sep 23, 18	Span in the closed-to-navigation position.
9 a.m. Sep 24, 18	3 p.m. Sep, 24, 18	Span in the closed-to-navigation position.
9 a.m. Sep 25, 18	3 p.m. Sep 25, 18	Span in the closed-to-navigation position.
9 a.m. Sep 26, 18	3 p.m. Sep 26, 18	Span in the closed-to-navigation position.
9 a.m. Sep 27, 18	3 p.m. Sep 27, 18	Span in the closed-to-navigation position.
9 a.m. Sep 28, 18	3 p.m. Sep 28, 18	Span in the closed-to-navigation position.
7 a.m. Sep 30, 18	11 p.m. Sep 30, 18	Span in the closed-to-navigation position.
9 a.m. Oct 01, 18	3 p.m. Oct 01, 18	Span in the closed-to-navigation position.
9 a.m. Oct 02, 18	3 p.m. Oct 02, 18	Span in the closed-to-navigation position.
9 a.m. Oct 03, 18	3 p.m. Oct 03, 18	Span in the closed-to-navigation position.
9 a.m. Oct 04, 18	3 p.m. Oct 04, 18	Span in the closed-to-navigation position.
9 a.m. Oct 05, 18	3 p.m. Oct 05, 18	Span in the closed-to-navigation position.

Bridge 7.6 normally operates in accordance with 33 CFR 117.5, and is normally maintained in the open-to-navigation position. The bridge shall operate in accordance to 33 CFR 117.5 at all other times. Waterway usage on the Swinomish Channel includes commercial tugs and barges, U.S. Coast Guard vessels, and large to small pleasure craft. BNSF coordinated with tribal leaders to open Bridge 7.6 during the closure period herein to tribal fishing vessels with an hour notice. BNSF also coordinated with marinas on Swinomish Channel to open the subject bridge, with at least a two hour notice, during the closure period herein.

Vessels able to pass through the subject bridge in the closed-to-navigation position may do so at any time. An alternate route is via the southern Swinomish Channel using Skagit Bay. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels 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 24, 2018.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2018–21254 Filed 9–28–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0920]

RIN 1625–AA00

Safety Zone; Cape Fear River, Wilmington, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the Cape Fear River to minimize risks caused by vessels transiting near vessels and divers conducting post-Hurricane Florence recovery operations. Entry of vessels or persons into this zone is prohibited unless a vessel meets the stated requirements or is specifically authorized by the Captain of the Port North Carolina (COTP).

DATES: This rule is effective without actual notice from October 1, 2018, through October 17, 2018. For the purposes of enforcement, actual notice will be used from September 26, 2018, through October 1, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2018–0920 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Petty Officer Joshua O'Rourke, Waterways Management Division, U.S. Coast Guard Sector North Carolina, Wilmington, NC; telephone 910–772–2227, email: *joshua.p.orourke@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

After Hurricane Florence passed over the Cape Fear River, the National Oceanic and Atmospheric Administration and U.S. Army Corps of Engineers conducted surveys of the navigable channel to identify obstructions that may have collected on the river bottom and pose risks to shipping traffic. The surveys identified a number of potential obstructions that require further investigation and possible removal. Operations are scheduled to begin on September 26, 2018. These operations involve diving in murky water with strong currents, using heavy-lift equipment on floating platforms, and other inherently risky activities that require strict safety procedures. Vessels that pass too close or too quickly increase the risk of these operations. To mitigate such risks, the COTP is establishing a safety zone around the vessels conducting diving and salvage operations. This safety zone will move with the vessels as they transit the river to investigate and remove obstructions.

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because to do so would be impracticable and contrary to the public interest. Waiting to return the waterway to conditions that accommodate the safe, full resumption of commercial shipping is contrary to the public interest. It is impracticable to publish an NPRM because recovery assets will be on scene on or about September 26, 2018, and the safety zone needs to be in place at that time to protect vessels and persons in the vicinity of salvage operations.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the Federal Register. Delaying the effective date of this rule would be impracticable and contrary to the public interest. Immediate action is needed to protect vessels and persons conducting diving and salvage operations, as well as vessels transiting nearby, from the potential hazards associated with these operations.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port North Carolina (COTP) has determined that potential hazards associated with salvage operations starting on or about September 26, 2018, will be a safety concern when anyone approaches within 100 yards of salvage vessels and divers. This rule is needed to protect personnel and vessels in the navigable waters within and transiting near the safety zone.

IV. Discussion of the Rule

This rule establishes a moving safety zone that protects vessels and affiliated divers engaged in post-Hurricane Florence salvage operations on the navigable waters of the Cape Fear River. The safety zone includes all navigable waters within 100 yards of vessels actively engaged in salvage and dive support vessels being used to conduct salvage operations on the Cape Fear River. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. Vessels requesting to enter or transit the safety zone may contact the Sector North Carolina Command Center via VHF–FM channel 16 or telephone at 910–362–4015.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and

flexibility of the safety zone. Because of its size, vessels will typically be able to safely transit around the zone. In cases where the location of salvage operations don't allow safe passage without transiting through the zone, the regulation is written to give the opportunity for transiting through after coordinating with salvage operators and the COTP. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone updating mariners of the location of current salvage operations.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that is active only during salvage operations that will prohibit entry within 100 yards of salvage vessels, machinery, and divers being used to investigate and remove obstructions from the Cape Fear River. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0920 to read as follows:

§ 165.T05–0920 Safety Zone, Cape Fear River, Wilmington, NC.

(a) *Location.* The following area is a safety zone: All navigable waters of the Cape Fear River, from surface to bottom, within 100 yards of:

(1) Any salvage vessel exhibiting visual signals for vessels restricted in ability to maneuver in accordance with 33 CFR 83.27(b); and

(2) Any diving vessel exhibiting visual signals for vessels engaged in diving operations in accordance with 33 CFR 83.27(e).

(b) *Definitions.* As used in this section—

Captain of the Port means the Commander, Sector North Carolina.

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port North Carolina (COTP) for the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or designated representative.

(2) To seek permission to enter, contact the COTP or designated representative via VHF–FM channel 16 or telephone at 910–362–4015 and comply with all lawful orders or directions given.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement periods.* This section will be enforced any time salvage vessels are exhibiting visual signals for vessels restricted in ability to maneuver in accordance with 33 CFR 83.27(b) or any time diving vessels are exhibiting visual signals for vessels engaged in diving operations in accordance with 33 CFR 83.27(e). The exact timeframe that will be required to complete diving and salvage operations is unknown, but the Coast Guard estimates that it may take 21 days from beginning of salvage operations until the channel is returned to pre-Hurricane Florence conditions.

Dated: September 26, 2018.

Bion B. Stewart,

Captain, U.S. Coast Guard, Captain of the Port North Carolina.

[FR Doc. 2018–21276 Filed 9–28–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0563]

RIN 1625–AA11

Regulated Navigation Area; Straits of Mackinac

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a Regulated Navigation Area (RNA) for certain waters of the Straits of Mackinac. This action is necessary to provide for the safety of life and protection of property on these navigable waters near Mackinaw City, MI. This rule prohibits persons and vessels from anchoring or loitering within the RNA unless authorized by the Captain of the Port of Sault Sainte Marie, Michigan or a designated representative.

DATES: This rule is effective October 31, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2018–0563 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Jason Radcliffe, Ninth District Waterways Management, U.S. Coast Guard; telephone 216–902–6060, email *Jason.A.Radcliffe2@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
RNA Regulated Navigation Area
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
RNA Regulated Navigation Area
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The northwest part of Lake Huron forms the approach to, and the east part of the, Straits of Mackinac. At the extreme northwest end, the lake narrows abruptly to a width of 4 miles. Spanning this divide is the Mackinac Bridge. Two main shipping lanes lead north and south of Bois Blanc Island and pass under the bridge. Numerous shoals and several islands obstruct the Straits Area. Located approximately a mile west of the Mackinac Bridge are submerged electrical cables and the Enbridge Line 5 Pipeline. Posted on NOAAs navigation charts are cautionary notes advising mariners of the cable and pipeline area. There is no prohibition nor is there an enforcement mechanism to discourage anchoring in this area. The Captain of the Port (COTP) of Sault Sainte Marie has determined that the high volume of vessel transits and the potential for damage to submerged infrastructure warrants the creation of a regulatory measure to specifically outline an area of regulated navigation that establishes transit and communication expectations through the Straits.

The purpose of this rulemaking is to better enhance the safety of vessels and protection of sub-surface cables and pipelines within the navigable waters of the Straits of Mackinac. The Coast Guard publishes this rulemaking under authority in 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

III. Legal Authority and Need for Rule

On the behalf of COTP Sector Sault Sainte Marie, the Ninth Coast Guard District is creating a Regulated Navigation Area that mandates transiting vessels make a direct passage with no anchoring or loitering, unless expressly granted permission from the COTP or designated representative. Vessels that are required to comply with this RNA include vessels of 40 meters or more in length, towing vessels of 20 meters or more in length while engaged in towing another vessel, vessels certificated to carry 50 or more passengers for hire, when engaged in trade, or any dredge or floating plant.

Within the RNA, the District Commander or COTP may establish temporary traffic rules that include but are not limited to channel obstructions, winter navigation, unusual weather conditions, or unusual water levels. This rule will ensure transiting mariners are fully aware of existing and emergent hazards to navigation on or below the navigable waterways and provide the Coast Guard with greater situational awareness and oversight. The regulatory text appears at the end of this document.

IV. Discussion of Comments, Changes, and the Rule

In total, we received 21 comments on the proposed regulated navigation area (RNA) for the Straits of Mackinac published on August 2, 2018 (83 FR 37780). In consideration of the comments received, we have amended the regulatory text in this final rule.

We received seven comments expressing support for proceeding with the rulemaking.

One comment did not address the proposed rule, nor offer any support for or criticism against the rulemaking.

One commenter suggested that pipelines and cables could be protected with a smaller than proposed RNA. The Coast Guard believes that requiring ships to seek permission from the COTP to anchor in any part of the regulated area, coupled with the requirement to notify the COTP 15 minutes prior to getting underway, will reduce the likelihood of an accidental anchor deployment through areas with pipes and cables below.

Another commenter expressed disapproval of the proposed rule, saying it would not prevent accidents in the future. The comment did not offer any suggestions for how to improve the regulations. For the same reasons given above, the Coast Guard believes that

there will be fewer accidental anchor deployments causing damage to the pipes and cables below the surface.

One commenter suggested that we should remove the pipelines. The purpose of this RNA, however, is to protect all of the submerged pipes and cables in the Straits of Mackinac and to prevent accidental anchor deployment through them.

One comment from NOAA's charting team requested clarification of the horizontal datum type used. In this final rule, we include the horizontal datum type, NAD 83, in the regulatory text after the latitude coordinates.

We received four comments from commercial vessel owners and operators concerned that the rulemaking would prohibit large vessels from anchoring to safely endure foul weather. Other commenters expressed similar concern on having to anchor within the RNA, away from submerged cables and pipelines, in adverse weather with little or no notice. To address these safety concerns, we have added clarification that in emergency cases, regulated vessels may anchor in the RNA without one hour notice to the COTP, but they must give notice of anchoring as soon as practical. Nothing in this rule prohibits vessel masters from safely navigating their vessels and/or anchoring when necessary while in extremis and/or to preserve safety of life at sea. Communicating the need and requesting permission to anchor with an hour's notice, or as soon as practicable, gives the COTP the situational awareness and ability to respond to mariner needs.

Six comments were received from sight-seeing, ferry, and tourism related waterway users concerned with this rule prohibiting their ability to linger, loiter, stop, etc. to observe specific areas of interest. The Coast Guard does not intend to overly burden businesses engaged in these activities. Therefore, we amended this final rule's definition of loiter to explicitly exclude brief stops for sightseeing, ferrying and tourism. Thus, operations that require stopping by passenger ships for sightseeing, ferrying, and tourism purposes do not require expressed permission from the COTP under this rule because we do not think these brief stops reduce the safety goals of this RNA. However, this rule requires that vessels engaged in sightseeing, ferrying, and tourism contact the COTP within one hour of their intent to anchor within the RNA.

The regulatory text in this final rule differs from the NPRM in that we added the ability for operators of vessels engaged in activities, such as tourism, ferrying, or sightseeing, to request a waiver from the COTP to anchor within the RNA, but not within charted submerged cables and/or pipelines areas. The sightseeing, ferry, and tourism waivers are intended for frequent vessel operations and configurations that are reasonably determined by the COTP to not pose a threat to sensitive submerged infrastructure.

Lastly, this rule differs from the NPRM in that we added language to § 165.944(c)(4) that states even when one (1) hour notice is given to the COTP, anchoring in the charted submerged cable and pipeline areas is prohibited. This additional language is necessary to achieve our goal of promoting safe transit through the RNA now that we have added waivers and permission to anchor with little to no notice in emergencies.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the fact that no part of this rulemaking and its stipulations will require any additional equipment purchases or create an undue burden to marine operations. This rule will increase communication and situational awareness of the specified area.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator. The majority of this rule applies to vessels typically larger than those operated by small entities. The size and operational applicability of this rule is found at the end of this document.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves creating a permanent Regulated Navigation Area detailing how mariners shall transit through the Straits of Mackinac. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.944 to read as follows:

§ 165.944 Regulated Navigation Area; Straits of Mackinac.

(a) *Location.* All navigable waters of the Straits of Mackinac bounded by longitudes 084°20′ W and 085°10′ W and latitudes 045°39′ N and 045°54′ N (NAD 83), including Grays Reef Passage, the South Channel between Bois Blanc Island and Cheboygan, MI, and the waters between Mackinac Island and St. Ignace, MI.

(b) *Applicability.* Unless otherwise stated, the provisions of this regulated navigation area (RNA) apply to the following vessels:

(1) Vessels of 40 meters (approx. 131 feet) or more in length, while navigating;

(2) Towing vessels of 20 meters (approx. 65 feet) or more in length, while engaged in towing another vessel astern, alongside or by pushing ahead; or

(3) Vessels certificated to carry 50 or more passengers for hire, when engaged in trade; or

(4) Each dredge or floating plant.

(c) *Regulations.* The general regulations contained in §§ 165.10, 165.11, and 165.13 apply within this RNA.

(1) Nothing in this regulation relieves any vessel, owner, operator, charterer, master, or person directing the movement of a vessel, from the consequences of any neglect to comply with this part or any other applicable law or regulation (*i.e.* the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules) or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(2) Vessels transiting through the RNA must comply with all directions given to them by the COTP, or a designated representative. The ''designated representative'' of the COTP is any Coast Guard commissioned, warrant or petty officer who is designated by the COTP to act on their behalf. The designated representative may be on a Coast Guard vessel; or other designated craft; or on shore and communicating via VHF–16 or telephone, 906–635–3319.

(3) Vessels transiting through the RNA must make a direct passage. No vessel may anchor or loiter within the RNA at any time without the expressed permission of the COTP or a designated representative.

(4) Vessels are prohibited from anchoring in any charted submerged cable and/or pipeline areas; except when expressly permitted by the COTP. Vessels desiring to anchor within the confines of the RNA, but outside a charted submerged cable and/or pipeline area, must contact the COTP or a designated representative one (1) hour in advance of anchoring via VHF–16 or telephone 906–635–3319. The person directing the movement of the vessel desiring to anchor shall provide the time, purpose and location for the proposed anchoring. Vessels who receive permission to anchor, shall notify the COTP or a designated representative no less than 15 minutes prior to getting underway via VHF–16 or telephone 906–635–3319.

(5) In an emergency, any vessel may deviate from this regulation to the extent necessary to avoid endangering the safety of persons, the environment, and/or property. If deviation from the regulation is necessary, the master or his designee shall inform the Coast Guard as soon as it is practicable to do so.

(6) The owner, operator, charterer, master or person directing the movement of a vessel desiring to anchor within the prescribed RNA for the purposes of work, dredging, or survey must receive permission from the COTP or a designated representative a minimum of 72 hours in advance of the desired activity. Vessels engaged in activities, such as tourism, ferrying, or sightseeing, which require anchoring, within the RNA boundaries, but not within charted submerged cables and/or pipelines areas, may request a waiver from the COTP.

(7) In the RNA, the District Commander or COTP may establish temporary traffic rules for reasons that include but are not limited to channel obstructions, winter navigation, unusual weather conditions, or unusual water levels.

(8) There may be times that the Ninth District Commander or the COTP finds it necessary to close the RNA to vessel traffic. During times of limited closure, persons and vessels may request permission to enter the RNA by contacting the COTP or a designated representative via VHF–16 or telephone 906–635–3319.

(d) *Definitions.* As used in this RNA:

(1) *Captain of the Port* means the United States Coast Guard Captain of the Port (COTP) of Sault Sainte Marie, Michigan.

(2) *Straits of Mackinac* means the navigable waters of the Great Lakes connecting Lake Huron to Lake Michigan passing between the upper and lower peninsulas of Michigan.

(3) *Loiter* means to linger aimlessly in or about a place making purposeless stops in the course of a trip, journey, or errand. Loitering does not include brief stops for sight-seeing, ferry, or tourism purposes.

(e) *Notification.* The Coast Guard will rely on the methods described in § 165.7 to notify the public of the time and duration of any closure of the RNA. Reports of violations of this RNA should go to COTP Sault Sainte Marie at 906–635–3319 or on VHF-Channel 16.

(f) *Waiver.* For any vessel, the COTP or a designated representative may waive any of the requirements of this section, upon finding that circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or environmental safety.

Dated: September 24, 2018.

J.M. Nunan,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 2018–21132 Filed 9–28–18; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2018–2; Order No. 4836]

Periodic Reporting Requirements

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission adopts final rules revising periodic reporting requirements codified in our regulations. The final rules amend several existing sections of our regulations, and add several subsections to our regulations.

DATES: *Effective:* October 31, 2018.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Regulatory History

83 FR 33879 (Jul. 18, 2018)
83 FR 1320 (Jan. 11, 2018)

Table of Contents

I. Introduction
II. Background
III. Comments
IV. Commission Analysis
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I. Introduction

In this Order, the Commission adopts final rules revising periodic reporting requirements codified in 39 CFR part 3050. The final rules adopted by this Order amend existing rules by adjusting the deadlines of certain quarterly and monthly reports, modifying the format of the Monthly Summary Financial Report, and adding or removing certain reporting requirements. The final rules amend several existing sections of 39 CFR part 3050, and add several subsections to § 3050.21.

II. Background

On December 27, 2017, the Postal Service requested that the Commission initiate a rulemaking proceeding to consider revisions to the periodic reporting requirements codified in 39 CFR part 3050.[1] On January 5, 2018, the Commission established this docket and invited comments and reply comments regarding the Postal Service's proposed revisions.[2] The Commission received comments from the Public Representative [3] and the United Parcel Service, Inc. (UPS).[4] The Commission received reply comments from the Postal Service [5] and the Parcel Shippers Association (PSA).[6]

The Postal Service's petition contained three requests. First, the Postal Service requested that the Commission adjust deadlines for the quarterly Revenue, Pieces, and Weight (RPW) report; the Quarterly Statistics Report (QSR); the quarterly Billing Determinants report; and the monthly National Consolidated Trial Balance and Revenue and Expense Summary (Trial Balance) report to align the deadlines with other financial reporting deadlines. Petition at 1. The Postal Service stated that aligning the deadlines would be more effective, as the current rules require the reports to be submitted before key information is available. *Id.* at 3–5.

Second, the Postal Service requested that the Commission change the format of the Monthly Summary Financial Report. *Id.* at 6. The Postal Service sought to revise § 3050.28(b)(1), Table 1 and Table 2. For Table 1, the Postal Service requested a change of the term ''Operating Revenue'' to ''Revenue,'' and to remove a breakdown of types of operating revenue. *Id.* at 6–8. For Table 2, the Postal Service requested to update the product name for USPS Marketing Mail, as the previous format used the old product name of Standard Mail. *Id.* at 8.

Third, the Postal Service requested that the Commission remove any requirements deemed unnecessary to the Commission's evaluation of compliance with title 39. *Id.* at 9–10.

The Commission considered the comments it received in response to Order No. 4706 and reviewed its periodic reporting rules to determine if updates were warranted, and as a result proposed revisions to the rules.[7] The revisions incorporated the Postal Service's proposal to adjust the filing date for the RPW, QSR, Billing Determinants, and Trial Balance reports.[8]

The proposed rules also changed the format of the Monthly Summary Financial Report. In § 3050.28(b)(1), Table 1, the existing input for ''Operating Revenue'' remains, but component inputs ''Mail and Services Revenue'' and ''Government Appropriations'' were removed. A new heading, ''Revenue,'' contains an input for ''Operating Revenue,'' a new input for ''Other Revenue,'' and an input for their combined ''Total Revenue.'' [9]

[1] United States Postal Service Petition for Rulemaking on Periodic Reporting, December 27, 2017 (Petition).

[2] Advance Notice of Proposed Rulemaking to Revise Periodic Reporting Requirements, January 5, 2018 (Order No. 4374). The Advance Notice of Proposed Rulemaking to Revise Periodic Reporting Requirements was published in the **Federal Register** on January 11, 2018. *See* 83 FR 1320 (January 11, 2018).

[3] Public Representative Comments on Advance Notice of Proposed Rulemaking to Revise Periodic Reporting Requirements, March 7, 2018 (March 7 PR Comments).

[4] Comments of United Parcel Service, Inc. on Advance Notice of Proposed Rulemaking to Revise Periodic Reporting Requirements, March 7, 2018 (March 7 UPS Comments).

[5] Reply Comments of the United States Postal Service, April 6, 2018 (Postal Service Reply Comments).

[6] Reply Comments of the Parcel Shippers Association (PSA), April 6, 2018.

[7] Notice of Proposed Rulemaking to Revise the Periodic Reporting Requirements, July 12, 2018 (Order No. 4706). The Notice of Proposed Rulemaking to Revise the Periodic Reporting Requirements was published in the **Federal Register** on July 18, 2018. *See* 83 FR 33879 (July 18, 2018).

[8] *See* Order No. 4706 at 8–10, part IV.B, proposed sections 3050.25(c)–(e), 3050.28(c).

[9] *Id.* at 10–11, part IV.C. Although Order No. 4706 explained this change, the proposed Table 1 inadvertently failed to reflect the change, omitting the new ''Total Revenue'' input.

Proposed changes to Table 2 included a replacement of the current input ''Standard Mail'' to ''USPS Marketing Mail,'' and the replacement of the ''Total All Mail'' input and its components with distinct inputs for ''Total Volume'' and ''Total Operating Revenue.'' [10]

In Order No. 4706, the Commission also explained several modifications to the existing rules that the Commission deemed necessary to increase the efficiency and decrease the administrative burden, for both the Postal Service and the Commission, of the Annual Compliance Determination (ACD) process. *Id.* at 13. The proposed rules added a requirement that the Postal Service file documentation with its Annual Compliance Report (ACR) showing that non-compensatory market dominant negotiated service agreements (NSAs) improve the Postal Service's net financial position or enhance the performance of mail preparation, processing, transportation, or other functions.[11]

Proposed § 3050.21(j) replaced the existing section requiring the Postal Service to provide any information it believes will assist the Commission in evaluating compliance with title 39. The Commission's proposed rules renumbered that requirement as § 3050.21(n), and revised § 3050.21(j) to require that the Postal Service provide a distribution breakdown of mail fees for market dominant and competitive products.[12]

Proposed § 3050.21(k) added a requirement that the Postal Service provide in its annual filing any third-party service performance results where a financial penalty or bonus is applied, and to provide the amount of any forfeited revenue.[13]

Proposed § 3050.21(l) added a requirement that the Postal Service provide all total workhour data and data sources, showing workhour measurements by Labor Distribution Code.[14]

In proposed § 3050.21(m), the Commission added a requirement that the Postal Service provide with its ACR Inbound Letter Post [15] revenue, volume, attributable cost, and contribution data aggregated by Universal Postal Union (UPU) country group and by shape for the preceding five fiscal years.[16]

The Commission's proposed rules also removed a requirement from § 3050.60. *Id.* at 19. The current § 3050.60(c) requires the Postal Service to provide hard and electronic copies of any publications or handbooks, data collection forms, and training handbooks whenever they are changed. The Commission, finding that providing a hard-copy form might create unnecessary administrative effort, proposed to remove the requirement of providing those publications in hard-copy form.[17]

In Order No. 4706, the Commission invited comments on the proposal from interested parties. *Id.*

III. Comments

In response to Order No. 4706, the Commission received comments from the Postal Service,[18] UPS,[19] the Public Representative,[20] the U.S. Chamber of Commerce,[21] and the National Association of Manufacturers (NAM).[22]

Postal Service Comments. The Postal Service supports the proposed rules regarding deadlines for periodic reports, the format of the Monthly Summary Financial Report, and the removal of the requirement that the Postal Service produce hard copies of updated publications or handbooks.[23]

The Postal Service agrees in theory that including in the initial ACR filing certain information it routinely provides in response to information requests would improve efficiency. *Id.* at 4. The Postal Service notes that for information regarding non-compensatory bilateral agreements, international product third-party service performance, and total workhour and related data by Labor Distribution Code, the Postal Service has provided the reports as additional components of existing ACR folders. *Id.* at 4–5. However, for fee distribution information required by proposed § 3050.21(j), the Postal Service notes that in Docket Nos. ACR2015, ACR2016, and ACR2017, the format of the information varied. *Id.* at 5. The Postal Service states that the format varied due to foreseeable changes in circumstances, including new products, new product names, price adjustments, and transfers. *Id.* The Postal Service suggests that if the Commission desires to specify the format for fee distribution report each year, the existing Chairman's Information Request procedure would be most appropriate. *Id.* at 6. Alternatively, the Postal Service suggests that under the proposed rule, it could make a good-faith effort to make appropriate adjustments to the report's format. *Id.*

The Postal Service states that the Commission should exclude proposed § 3050.21(m), requiring Inbound Letter Post revenue, volume, attributable cost, and contribution data by UPU country group and by shape. *Id.* at 7. The Postal Service contends that the rule seeks information that is ''unrelated to the Commission's performance of its annual compliance determination, would encourage an incomplete and misleading analysis of the financial performance of [inbound letter post,[24]] and create a risk of significant harm from disclosure of commercially sensitive data.'' *Id.*

The Postal Service states that there is no justification for separation of information by UPU country group or by shape for ACR purposes. *Id.* The Postal Service states that the Commission's observations in previous ACR dockets on Inbound Letter Post are ''inapplicable to the current and future financial performance of Inbound Letter Post,'' and do not justify the proposed reporting requirements. *Id.* at 8. The Postal Service states that the proposed rule's 5-year reporting period is inappropriate because of the year-to-year changes in UPU country groups, and the limited availability of shape-based data. *Id.* at 9.

The Postal Service also argues that the information sought will not present all revenue sources for inbound letter post. *Id.* The Postal Service states that it receives inbound letter post revenue from a number of other sources, including NSAs, supplemental UPU remuneration for signature confirmation

[10] *Id.* at 12, proposed section 3050.28(b)(1), Table 2.

[11] *Id.* at 13–14, proposed § 3050.21(f)(6).

[12] *Id.* at 14, proposed § 3050.21(j).

[13] *Id.* at 15, proposed § 3050.21(k).

[14] *Id.* at 15–16, proposed § 3050.21(l).

[15] ''Inbound Letter Post'' as defined in the Mail Classification Schedule (MCS) section 1130.

[16] *Id.* at 16–18, proposed § 3050.21(m).

[17] *Id.* at 19, proposed § 3050.60(c).

[18] United States Postal Service Comments Regarding Order No. 4706, August 17, 2018 (Postal Service Comments).

[19] Comments of United Parcel Service, Inc. on Notice of Proposed Rulemaking to Revise the Periodic Reporting Requirements, August 17, 2018 (August 17 UPS Comments).

[20] Public Representative Comments on Notice of Proposed Rulemaking to Revise Periodic Reporting Requirements, August 17, 2018 (August 17 PR Comments).

[21] Comments of the U.S. Chamber of Commerce, August 17, 2018 (Chamber of Commerce Comments).

[22] Comments of National Association of Manufacturers, August 17, 2018 (NAM Comments).

[23] Postal Service Comments at 3–4. The Postal Service identifies two minor issues with proposed § 3050.28(b)(1), Table 1. In Order No. 4706, the Commission indicated it would include an input for ''Total Revenue'' but the input is not in the proposed Table 1. Also, existing input ''Net Operating Income'' appears as ''New Operating Income'' in the proposed Table 1. The Postal Service recommends correcting Table 1 consistent with the explanation in Order No. 4706. *Id.* at 4.

[24] The Postal Service appears to distinguish the product, Inbound Letter Post, from a group of related products comprising ''inbound letter post.'' For clarity, this Order capitalizes the name of the product, and does not capitalize when referring to the Postal Service's group of related products.

and tracking, PRIME multilateral agreements, negotiated rates under bilateral agreements, air conveyance dues, and base terminal dues. *Id.* at 9–10. The Postal Service argues that proposed § 3050.21(m) relies only on the MCS section 1130 Inbound Letter Post revenue from base terminal dues and air conveyance dues, without taking into account these other sources of revenue for inbound letter post. *Id.* at 10.

The Postal Service suggests revising proposed § 3050.21(m) to include inbound revenue and costs for other MCS products including the Inbound Registered Mail, the PRIME Exprés Service Agreement, the PRIME Tracked Service Agreement, the Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators 1, and the PRIME Registered Service Agreement. *Id.* at 10–11.

Finally, the Postal Service suggests that producing the Inbound Letter Post information would put sensitive non-public material at risk. *Id.* at 11–12.

UPS Comments. UPS supports the proposed modifications to reporting deadlines, noting that the deadlines are reasonable and should relieve the reporting burden on the Postal Service, ultimately allowing it to provide better data. August 17 UPS Comments at 2.

Regarding changes to the Monthly Summary Financial Report, UPS urges the Commission to require the Postal Service to produce two versions of the affected tables for the next 12 months (alternatively 6 months if 12 months were found burdensome). *Id.* at 4. UPS requests that the Commission confirm that the only permitted departures from the current *de facto* reporting format of Table 2 are those described in Order No. 4607. *Id.* at 5. UPS states that any future changes to the reporting format should include a reproduction of past monthly reports using new definitions, or the production of both new and old versions of the reports for a period. *Id.*

UPS supports all of the additional requirements in the proposed rules. *Id.* at 5–8. UPS asks the Commission to clarify that the Postal Service should report Inbound Letter Post information according to proposed § 3050.21(m) in a public filing or library reference. *Id.* at 8. UPS renews its request for the Commission to consider requiring segment-level reporting for competitive products in order to promote transparency. *Id.*

Public Representative Comments. The Public Representative supports the proposed changes to reporting deadlines, and does not object to changes to the format of the Monthly Summary Financial Report.[25] She notes, as the Postal Service does, that the input for ''Total Revenue'' mentioned in Order No. 4706 is not in the proposed regulatory text. August 17 PR Comments at 4. She also notes that the proposed regulatory text replaces the input ''Other Expenses'' with ''Other Services'' without explanation. *Id.*

Regarding proposed § 3050.21(f)(6), and (j) through (m), the Public Representative supports the Commission's efforts to improve and streamline ACR dockets by requiring certain reports be included in an initial filing. *See id.* at 1. However, she suggests that the Commission can improve the proposed rules by using clearer, consistent, and precise terminology. *Id.* She provides line-by-line revisions with suggested terminology and minor reorganization. *Id.* at 5–6; Attachment A.

The Public Representative proposes that because both proposed § 3050.21(j) and (k) apply to ''*all* market dominant and competitive products,'' both requirements are better nested as subparagraphs, below a paragraph stating that both requirements apply to all market dominant and competitive products. *Id.* at 2–3 (emphasis in original). She notes, for example, that the proposed rules unnecessarily include the phrase ''including all negotiated service agreements'' for proposed paragraph (k) of this section, but not for proposed paragraph (j) of this section, despite both requirements being applicable to NSAs. *Id.* at 2.

The Public Representative also recommends clarifying proposed § 3050.21(m), which requires Inbound Letter Post data for ''the preceding five fiscal years.'' *Id.* at 3. She notes that, as written, the rule appears to require data for the five years *preceding* the year of the ACR filing, without including the year of the filing. *Id.* at 3–4 (emphasis added). She also states that the proposed rule was unclear as to whether the rule requires the Postal Service to provide data for each of the five years, or the five years in aggregate. *Id.* at 4. Therefore, she suggests changing the language of the rule to require data ''for the fiscal year subject to review and each of the preceding four fiscal years.'' *Id.* at 4, 6.

The Public Representative includes a list of line-by-line revisions to the proposed rules, and a redlined version of the regulatory text. *Id.* at 5–6; Attachment A.

U.S. Chamber of Commerce Comments. The U.S. Chamber of Commerce supports requiring the reporting of Inbound Letter Post data. The Chamber of Commerce suggests that the Postal Service should provide public data ''so long as delivery rates for inbound letter post are established by intergovernmental agreement and not equally available to domestic mailers and private international carriers.'' Chamber of Commerce Comments.

National Association of Manufacturers Comments. NAM supports requiring data on Inbound Letter Post, stating that such data would ''allow the Commission to draw meaningful inferences from trends in global postal traffic and to spot the nature and severity of problems with regard to net-losses incurred by the [Postal Service].'' NAM Comments at 1. NAM suggests that the UPU terminal dues system is ''prime for abuse.'' *Id.* NAM states that there is a compelling public interest in requiring the data and that the burden on the Postal Service is ''non-existent.'' *Id.* NAM suggests that the Commission require the Postal Service to ''disclose more granular and useful data over time.'' *Id.* at 1–2.

IV. Commission Analysis

A. Deadlines for Certain Periodic Reports

No commenter objects to the proposed deadlines for the filing of quarterly RPW, QSR, and Billing Determinants reports. Neither does any commenter object to the proposed deadlines for the Monthly Summary Financial Report or the Trial Balance.

Accordingly, the Commission makes no changes to the deadlines set forth at proposed §§ 3050.25(c)–(e), and 3050.28(b), (c). The Commission adopts those rules as set forth in Order No. 4706.

B. Format of Monthly Summary Financial Report

The proposed revisions to the Monthly Summary Financial Report utilize a definition of ''operating revenue'' that is consistent with the definition used for Form 10–K reporting.[26]

While no commenter objects to the format changes as proposed, UPS requests that the Commission require the Postal Service to either: (1) Reproduce figures in past monthly reports using the new proposed definitions; or (2) produce monthly reports using both the old and new versions of the affected tables. August 17 UPS Comments at 3–4. UPS states that without a device enabling direct

[25] August 17 PR Comments at 1–2; March 7 PR Comments at 5, 6 (incorporating prior comments).

[26] United States Postal Service, 2017 Report on Form 10–K, November 14, 2017, at 19.

comparison of reports completed under the old format to reports completed under the new format, ''it will be difficult for the Commission and interested parties to compare certain data across different time periods.'' *Id.* at 4. UPS argues that there is ''negligible burden on the Postal Service'' in producing the comparable data, and that in the interest of transparency the Commission should require its production for 12 months. *Id.* Alternatively, to the extent that the Commission finds such production to be too burdensome, UPS suggests that the Commission require production of both versions for only six months. *Id.*

In its reply comments, the Postal Service avers that requiring parallel reporting of the Monthly Summary Financial Report, ''would be unwarranted given the modest nature of the proposed changes.'' Postal Service Reply Comments at 5. The Postal Service also noted that the Public Representative identified alternative sources of the data in the removed sub-inputs.[27] UPS states that although ''Government Appropriation'' data are available, it is unclear whether the corresponding ''Mail and Service Revenue'' data are available from other sources. August 17 UPS Comments at 4.

The Commission finds that the revised format, as proposed, will improve the quality, accuracy, and completeness of the Postal Service data pursuant to 39 U.S.C. 3652(e)(2). While the Commission recognizes the minimal burden on the Postal Service in producing duplicate tables under the current format and under the new format, it also finds that the proposal represents only a modest format change, and that the itemized data remain available. The ''Government Appropriations'' data, which refers to amounts incurred in providing free and reduced rate mail, are available in the Monthly Trial Balance. The former ''Mail Services Revenue'' line input represents the remainder of the new line input ''Operating Revenue'' on Table 1 and ''Total Operating Revenue'' on Table 2, and is now included in ''Operating Revenue'' combined with the ''Government Appropriations'' amount. The Commission declines to order that the Postal Service provide the Tables of the Monthly Summary Financial Report in both formats as the change itself is minor, and the data are available by other means.

Both the Postal Service and the Public Representative note that the Commission's proposed rules do not precisely match the explanations set forth in Order No. 4706. Postal Service Comments at 3–4; August 17 PR Comments at 4–5. Both the Postal Service and Public Representative note the omission of the line input for ''Total Revenue'' in proposed § 3050.28(b)(1), Table 1. *Id.;* August 17 PR Comments at 4–6.

The Public Representative also notes that the proposed Table 1 also replaces the existing line input for ''Other Expenses'' with ''Other Services.'' August 17 PR Comments at 4. She also notes a duplicative heading row in proposed Table 1, and an underlined heading, ''Total Volume'' in proposed Table 2. *Id.* at 6.

The Postal Service notes that the line input for ''Net Operating Income'' in existing Table 1 appears to have changed to ''New Operating Income.'' Postal Service Comments at 4. The Postal Service suggests that the Commission correct the change. *Id.*

The Commission acknowledges the errors identified by the Postal Service and the Public Representative, and makes appropriate corrections in the final rules.

C. Additional Requirements—Proposed § 3050.21(f)(6), (j)–(m)

1. Public Representative's Clarification Recommendations

The Public Representative identifies that proposed § 3050.21(j) and (k) both apply to all market dominant products. August 17 PR Comments at 2–3. She proposes revising paragraph (j) of this section to include both requirements set forth in proposed paragraphs (j) and (k) of this section, with the requirements—the distribution breakdown of fee revenues and third-party performance results and forfeited revenue—as subparagraphs (1) and (2). *Id.*

The Public Representative suggests revising the requirement in proposed § 3050.21(j) of ''a distribution breakdown of mail fees'' with ''a distribution breakdown of fee revenues'' stating that her suggestion is more precise and inclusive of non-mail products. *Id.* at 3.

The Public Representative suggests a number of other changes, including those reflecting her proposed renumbering. *Id.* at 5–6. She suggests hyphenating the word ''non-compensatory'' in paragraph (f)(6) of this section. *Id.* at 5. She suggests revising the 5-year reporting requirement in paragraph (m) of this section, replacing ''the preceding five fiscal years'' with ''for the fiscal year subject to review and each of the preceding four fiscal years.'' *Id.* at 6.

The Commission acknowledges that the Public Representative's suggested revisions are a more concise and effective alternative to achieving the intent of the proposed rules. The Commission finds that adopting the minor changes creates more precise requirements and will improve the quality, accuracy, and completeness of the Postal Service's reporting. Accordingly, the Commission adopts the Public Representative's suggested reorganization and rewording in its final rules.

2. Comments Regarding Proposed § 3050.21(m)

The U.S. Chamber of Commerce, NAM, and UPS, each support proposed § 3050.21(m), requiring the Postal Service to provide Inbound Letter Post revenue, volume, attributable cost, and contribution data by UPU country group and shape.[28] Those commenters note the importance of transparency and public access to Inbound Letter Post data, and identify particular public interest in the Inbound Letter Post product.

The Postal Service opposes the proposed reporting requirement, arguing that information sought: (1) Is unrelated to the Commission's performance of its annual compliance determination; (2) would encourage incomplete and misleading analysis of Inbound Letter Post performance; and (3) would create a risk of harm from disclosure of commercially sensitive data of third parties. Postal Service Comments at 7. For the reasons set forth below, the Commission declines to make any additional modifications to proposed § 3050.21(m).

a. The Requirement Is Related to the Commission's ACD

The Postal Service suggests that the Commission's conclusions on the Inbound Letter Post product are ''inapplicable to the current and future performance'' of the product. *Id.* at 8. The Postal Service also states that those conclusions provide no justification for the disaggregation of Inbound Letter Post data by UPU country group and shape. *Id.*

As noted in Order No. 4706, it is not uncommon for the Commission to seek enhanced information about products of particular concern. For example, in the FY 2017 ACD report, the Commission chose to analyze Periodicals volume, revenue, attributable cost, and contribution, as well as unit revenue, unit attributable cost, and unit

[27] *See id.* at 1–4; March 7 PR Comments at 6–7.

[28] Chamber of Commerce Comments; NAM Comments at 1–2; August 17 UPS Comments at 8.

contribution for fiscal years 2007 through 2017.[29] The Commission, noting a year-after-year trend for the Periodicals class, requested this enhanced disaggregated data in order to address ongoing issues with the class. The past performance of the Periodicals class, while not *directly* at issue in the ACD, showed a trend of insufficient Periodicals revenues to cover attributable costs.

When the Commission determines the noncompliance of a product, pursuant to 39 U.S.C. 3653(c), it must order that the Postal Service ''take such action as the Commission considers appropriate in order to achieve compliance.'' 39 U.S.C. 3662(c). Conducting a trend analysis, as done for the Periodicals class during the FY 2017 annual compliance review, best allows the Commission to determine the appropriate remedial actions. Past performance of the product, particularly where it shows a trend of continued failure to cover its attributable costs, is relevant when determining the appropriate corrective action in an ACD.

As noted in Order No. 4706, there is a well-documented history of concern about Inbound Letter Post's ongoing negative contribution, both in Commission orders and in stakeholder comments.[30] Additionally, a recent Presidential Memorandum directed the executive branch to seek reforms within the UPU's terminal dues system that provides: (1) Fair and nondiscriminatory terminal dues that promote unrestricted and undistorted competition; (2) terminal dues that cover the costs of delivering Inbound Letter Post mailpieces; (3) and terminal dues that avoid favoring foreign mailers over domestic mailers or favoring postal operators over private sector entities.[31] This Presidential Memorandum highlights the Administration's focus on the Inbound Letter Post product. Accordingly, the Commission finds that providing enhanced data for the purposes of conducting a trend analysis across a period of years is appropriate, particularly where the prices for a product or products have routinely been non-compensatory.

The Postal Service notes that a new terminal dues system that charges higher prices for bulky letters and small packets than for letters and flats may improve the Inbound Letter Post product's financial performance. Postal Service Comments at 8. The Postal Service avers that the past performance of Inbound Letter Post under the former terminal dues rate structure is not relevant to the Commission ACD dockets under a new rate structure. *Id.* at 7–8.

The revenue, volume, attributable cost, and contribution data—even for past years under a different terminal dues rate structure—are of significant value in the Commission's ACD. The Commission's analysis of these data assists in identifying the cause or causes of the product's negative contribution. If for example, under the new rate structure, the product continues to display similar trends, the Commission might identify problems with the product unrelated to price structure. Price structure is not singularly determinative of a product's financial performance. Other factors might contribute to the product's performance. For example, in its trend analysis on the Periodicals class, the Commission identified declining productivity of mail processing operations as a reason for the negative trend. *See* FY 2017 ACD at 50. The data required by proposed § 3050.21(m) will assist the Commission's efforts to identify the challenges facing the product, and to make appropriate recommendations.

The new rate structure has separate rates for letters/flats and bulky letters/small packets, which vary by UPU country group.[32] The Commission's ability to identify which rates account for what portion of the product's contribution is critical to assessing how to improve overall product cost coverage. To the extent that a new price structure does improve Inbound Letter Post performance, such improvement will be reflected in the data reporting, and more easily attributed to the changes in price structure, due to the fuller picture provided by the enhanced reporting.

Given the public interest and the Commission's recurring findings that Inbound Letter Post revenue fails to cover the product's costs, the Commission finds that it is necessary and appropriate to require reporting at this additional level of aggregation. The Postal Service's current reporting format does not disaggregate by shape and UPU country group so it is difficult to determine what particular aspect or aspects of the terminal dues system are responsible for most of the negative contribution. Providing this disaggregated information will aid the Commission in determining the appropriate remedial action to prescribe.

Furthermore, the legislative history underlying the Postal Accountability and Enhancement Act (PAEA) indicates that enhanced transparency was a key motivation in the enactment of the PAEA.[33] The Commission, consistent with this goal, aims to be transparent in its issuance of regulatory decisions and encourages public participation in its dockets.[34] In fact, the PAEA requires the Commission to consider whether the public has access to ''timely, adequate information'' when prescribing the content and form of the ACR. 39 U.S.C. 3652(e)(1)(A). The additional Inbound Letter Post data required under proposed § 3050.21(m) will not only improve the completeness of information available to the

[29] Order No. 4706 at 17; Docket No. ACR2017, Annual Compliance Determination Report, Fiscal Year 2017, March 29, 2018, at 44–45 (FY 2017 ACD).

[30] Order No. 4706 at 18 n.35. *See* Docket No. IM2016–1, Congressional Letter to Secretary of State Rex Tillerson and Postmaster General Megan Brennan, November 8, 2017; Docket No. ACR2017, Comments of James Smaldone, Founder & CEO, Mighty Mug, Inc., January 25, 2018, at 1–2; Docket No. ACR2017, Comments of National Association of Manufacturers on Order No. 4377, January 24, 2018, at 2; Docket No. ACR2017, Comments of United Parcel Service, Inc. in Response to Notice of Preliminary Determination to Unseal the Material Filed in Response to Chairman's Information Request No. 1, Question 1, January 24, 2018, at 2–3; Docket No. ACR2017, Comments of the Honorable Kenny Marchant on Determination to Unseal the Material Filed in Response to Chairman's Information Request No. 1, Question 1, January 25, 2018, at 1–2; Docket No. ACR2017, Comments of U.S. Chamber of Commerce, January 25, 2018, at 1–2; Docket No. ACR2017, Comments of SBE Council Related to Inbound Letter Post, February 20, 2018, at 1–2; Docket No. ACR2017, Comments of United Parcel Service, Inc. in Response to Notice of Preliminary Determination to Unseal the Postal Service's Response to Chairman's Information Request No. 15, February 23, 2018, at 3–4; Docket No. ACR2017, Reply Comments of United Parcel Service, Inc. on United States Postal Service Motion for Reconsideration of Order No. 4551, April 13, 2018, at 4; Docket No. ACR2017, Comments of U.S. Chamber of Commerce, April 13, 2018, at 1; Docket No. IM2018–1, Comments Received from U.S. Representatives Kenny Marchant and Ralph Abraham, July 3, 2018, at 1; Docket No. IM2018–1, Comment Received from U.S. Senator Bill Cassidy, M.D., July 3, 2018, at 1.

[31] *See* Presidential Memorandum for the Secretary of State, Secretary of the Treasury, Secretary of Homeland Security, Postmaster General, and Chairman of the Postal Regulatory Commission, August 23, 2018, available at: *https://www.whitehouse.gov/presidential-actions/presidential-memorandum-secretary-state-secretary-treasury-secretary-homeland-security-postmaster-general-chairman-postal-regulatory-commission/.*

[32] *See* Universal Postal Union, Decisions of the 2016 Istanbul Conference, Universal Postal Convention, Final Protocol, Section VII, Article 29, October 6, 2016.

[33] Public Law 109–435, 120 Stat. 3198 (2006). Both the committee report accompanying S. 2468, the Senate's 2004 postal reform bill, and the committee report accompanying H.R. 22, the House of Representatives' 2005 postal reform bill, noted that enhanced transparency and accountability were essential aspects of postal reform. S. Rep. No. 108–318 at 5 (2004), H.R. Rep. No. 109–66, pt. 1 at 43 (2005).

[34] *See* Postal Regulatory Commission, Guiding Principles, Openness, available at: *www.prc.gov/mission.*

Commission for its determination, but will also enhance public participation by presenting more comprehensive and understandable data for a product of substantial public interest.

The Postal Service also states that the proposed rule's 5-year reporting period is inappropriate because of the year-to-year changes in the composition of UPU country groups, and that data limitations may reduce the Postal Service's ability to produce shape-based data for previous years. Postal Service Comments at 9.

The Commission acknowledges that changes to the composition of UPU country groups create year-to-year comparison challenges. However, the Commission has experience in analyzing changes within and among products. For example, the Commission has been able to account for previous changes to the composition of UPU country groups in previous ACDs.[35] Thus, the Commission is prepared to address these challenges. To the extent that the Postal Service lacks a full 5-year accounting of shape-based data, the Commission notes that the Postal Service is able to request the exclusion or partial exclusion of that component of the reporting requirement until such time that shape-based data becomes available for an entire 5-year period. *See* 39 CFR 3055.3(a).

b. The Requirement Does Not Encourage Incomplete or Misleading Analysis of Inbound Letter Post Performance

The Postal Service states that proposed § 3050.21(m), if implemented, will ''encourage the use of data that support an incomplete and inaccurate evaluation of the financial performance of inbound letter post.'' Postal Service Comments at 9. The Postal Service's concern is that because proposed § 3050.21(m) requires reporting on the Inbound Letter Post product [36] it will not reflect the financial performance of other products the Postal Service classifies as ''inbound letter post.'' [37] The Postal Service suggests that for an accurate assessment of the financial performance of ''inbound letter post,'' the Commission should consider volume and supplemental revenue derived from those other products. The Postal Service proposes an alternative reporting requirement for inbound revenues and costs for MCS sections 1130, 1510.2, and 1602. Postal Service Comments at 10–11. Notably, the Postal Service's proposal does not require that the Postal Service report the alternative data by UPU country group and shape. *See id.*

The Commission finds the Postal Service's concerns about misleading data unpersuasive. The Postal Service made a similar argument during the FY 2017 ACD proceeding.[38] In Docket No. ACR2017, the Postal Service asserted that the analysis for the Inbound Letter Post product should include analysis of ''the volume and revenue for supplemental UPU remuneration for signature confirmation and tracking on registered items as well as for bilateral market dominant NSAs and the PRIME multilateral market dominant NSAs.'' FY 2017 ACD at 66. The Postal Service stated that the Public Representative's analysis of the Inbound Letter Post product was incomplete because it was limited to the volume and revenue for the Inbound Letter Post product. *Id.* In the FY 2017 ACD report, the Commission rejected the Postal Service's suggested analysis and stated that ''[t]he Commission has consistently evaluated compliance at the product level because products, by definition, reflect distinct cost or market characteristics to which a rate or rates are applied.'' *Id.* at 67.

In each ACD, the Commission reviews each product, including those identified by the Postal Service as ''inbound letter post,'' for cost coverage and compliance. For example, in FY 2017, the Commission found that ''International Ancillary Services did not cover its attributable cost due to the failure of International Registered Mail to cover its attributable cost.'' *Id.* at 71. The Commission also reviewed Market Dominant NSA products, finding that Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators 1, Inbound Market Dominant Exprés Service Agreement 1, and Inbound Market Dominant Registered Service Agreement 1 products satisfied 39 U.S.C. 3622(c)(10), while Inbound Market Dominant PRIME Tracked Service Agreement product did not. *Id.* at 74.

The Commission fulfills its mandate to determine whether the rates or fees in effect comply with 39 U.S.C. 3622 at the product level. 39 U.S.C. 3653(b)(1). The Postal Service provides no compelling basis for the Commission to depart from the reasonable practice of evaluating compliance for each market dominant international mail product at the product level. The other products the Postal Service classifies as ''inbound letter post'' are in fact distinct products from the Inbound Letter Post product, and the performances of those products speak for themselves. The Commission reviews those products for compliance transparently in its ACD. Because the Commission makes a determination of compliance for each of those products individually, increased granularity will not give rise to a misleading representation of Inbound Letter Post performance. In contrast, the Postal Service's suggestion would mask the data by aggregating it with other products' data, which would be less transparent and potentially misleading. Accordingly, the Commission declines to remove the proposed reporting requirement for the Inbound Letter Post product on the basis that the additional data will be incomplete or misleading.

c. The Potential Risk of Commercial Harm Resulting From Disclosing Commercially Sensitive Data of Third Parties is Outside the Scope of This Rulemaking Proceeding

The Postal Service states that requiring reporting of additional data by UPU country group and shape would put commercially sensitive third-party information at risk of disclosure.[39] The Postal Service acknowledges it would file the Inbound Letter Post data required under proposed § 3050.21(m) under seal, but suggests that a non-public filing would likely be challenged. *Id.*

The Postal Service acknowledges that the PAEA and the Commission rules outline a procedure for application for non-public treatment of information. *See id.* To the extent that the Postal Service believes that public disclosure of Inbound Letter Post data separated by UPU country group and shape would

[35] *See* Docket No. ACR2016, Annual Compliance Determination Report, Fiscal Year 2016, March 28, 2017, at 63–64.

[36] MCS section 1130.

[37] The Postal Service identifies these products as MCS sections 1510.2.2 (International Ancillary Services, Inbound International Registered Mail), 1602.5 (Negotiated Service Agreements, International, Inbound Market Dominant Registered Service Agreement 1), 1602.4 (Negotiated Service Agreements, International, Inbound Market Dominant Exprés Service Agreement 1), 1602.6 (Negotiated Service Agreements, International, Inbound Market Dominant PRIME Tracked Service Agreement, 1602.3 (Negotiated Service Agreements, International, Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators 1), July 15, 2018. Postal Service Comments at 10–11.

[38] *See* Docket No. ACR2017, Reply Comments of the United States Postal Service on Inbound Letter Post, February 27, 2018.

[39] Postal Service Comments at 11–12. The Postal Service incorporates by reference its discussion in Docket No. ACR2017. *See* Docket No. ACR2017, United States Postal Service Motion for Reconsideration of Order No. 4451, April 6, 2018; Docket No. ACR2017, Response of the United States Postal Service to Order No. 4409, February 23, 2018; Docket No. ACR2017, United States Postal Service Notice of Filing Nonpublic Folder USPS–FY17–NP40 and Application for Nonpublic Treatment, February 14, 2018.

cause a commercial harm, it could file an application for non-public treatment pursuant to §§ 3007.200 and 3007.201 of this chapter. As noted in Order No. 4707, the application must particularly identify ''the nature and extent of the harm alleged and the likelihood of each harm.'' [40] The Commission's regulations also outlines a procedure for participants or the Commission to seek to unseal material filed non-publicly by the Postal Service. *See* 39 CFR 3007.103; *see also* 39 CFR 3007.104. Accordingly, the Commission will address the non-public status of data filed under proposed § 3050.21(m), if and when the Postal Service files the data under seal and if the Commission issues a preliminary determination concerning the appropriate degree of protection, if any, to be accorded to materials filed under seal.

The Commission finds that rules regarding non-public treatment of commercially sensitive information are sufficient in addressing the Postal Service's concerns. The Postal Service's assertion that a challenge to a non-public disclosure would put the information ''at risk'' is not itself enough reason to support removing the proposed reporting requirement altogether. Accordingly, the Commission declines to remove proposed § 3050.21(m) on the basis of hypothetical risk to commercially sensitive information.

3. Concerns Regarding Proposed § 3050.21(j)

The Postal Service states that it agrees, in theory, that including material routinely requested in ACR proceedings in the initial filing is likely to be more efficient. Postal Service Comments at 4. The Postal Service notes, however, that for fee distribution data, the Commission's requests have sought the information in different formats in each of the past three years. *Id.* at 5. The Postal Service correctly attributes these format changes to continuing adjustments to products lists. *Id.* The Postal Service, anticipating that those adjustments will continue going forward, offers two suggestions for determining the format of fee distribution data. *Id.* at 6.

The Postal Service suggests that the Commission might determine that it is most efficient to continue the current practice of using an information request specifying the format for the fee distribution data. *Id.* Such a determination would obviate the need to adopt proposed § 3050.21(j) as a final rule. The Postal Service suggests that alternatively, the Commission could allow the Postal Service to make reasonable updates to the format of the report each year, pursuant to the anticipated product adjustments. *Id.*

The Commission is satisfied with the Postal Service's proposal to make efforts to make appropriate changes to the format of fee distribution data based on product adjustments. In its annual submission, the Postal Service should identify any such product adjustments and corresponding format changes.

D. Removal of Unnecessary Requirement in § 3050.60(c)

No commenter objects to the removal of the requirement that the Postal Service provide hard-copy updates of publications and handbooks. The Postal Service supports the modification. *Id.* at 3. Accordingly, the Commission does not make any changes to proposed § 3050.60(c).

E. Other Comments—Segment-Level Data

UPS requests that the Commission reconsider its position on a proposal to require segment-level reporting for competitive products. August 17 UPS Comments at 8. In Order No. 4706, the Commission explained that it declined to propose such requirements, because the current single segment reporting is adequate for determining compliance. Order No. 4706 at 12–13. The PAEA allows the Commission to consider the adequacy of information provided in determining the lawfulness of rates charged, and can revise the reporting requirements to ''improve the quality, accuracy, or completeness of Postal Service data.'' 39 U.S.C. 3652(e)(2). UPS states that requiring segment-level reporting ''would promote transparency and represent an improvement over the status quo.'' August 17 UPS Comments at 8.

The Commission finds that UPS has not shown that the current single-level reporting practices are inaccurate or inadequate. UPS must show that the data, ''ha[ve] become significantly inaccurate or can be *significantly* improved.'' 39 U.S.C. 3652(e)(2)(A) (emphasis added). The proposal for segment-level reporting may be appropriate for review in another docket devoted toward the question. In the instant docket, however, UPS has not demonstrated the inadequacy in the current reporting method or how it would be significantly improved for determining compliance. In fact, the Commission finds that the current single-level reporting is sufficiently accurate and adequate for the purposes of assessing compliance. Accordingly, the Commission declines to adopt rules requiring segment-level reporting for competitive products.

V. Changes to the Proposed Rules

The final rules incorporate many of the commenters' suggestions. The final rules contain the correction of some omissions from the proposed rules, adjust the language of proposed rules, and restructure and renumber proposed rules. The substance of the rules initially proposed in Order No. 4706 largely remains the same. Below, the Commission describes the differences between the proposed and final rules.

A. Section 3050.21

Proposed § 3050.21(f)(6) is revised to hyphenate the word ''non-compensatory'' pursuant to the suggestion of the Public Representative. Also, because of the addition of paragraph (f)(6) of this section, the word ''and'' at the end of paragraph (f)(4) of this section is moved to the end of paragraph (f)(5) of this section. The Commission adopts this revision pursuant to the Public Representative's suggestion.

Proposed § 3050.21(j) and (k) are revised as paragraphs (j)(1) and (j)(2) of this section. Paragraph (j) of this section now reads ''For all market dominant and competitive products.'' Proposed paragraph (j) of this section, now located at paragraph (j)(1) of this section, required the distribution breakdown of mail fees. The final rule replaces ''mail fees'' with ''fee revenues'' to more accurately reflect that the requirement applies to some non-mail products. Proposed paragraph (k) of this section, now located at paragraph (j)(2) of this section required the Postal Service to ''provide . . . the amount of any forfeited revenue.'' Final § 3050.21(j)(2) revises the proposed rule, now requiring that the Postal Service ''identify'' the amount of forfeited revenue.

Because the final rules combine proposed paragraphs (j) and (k) of this section, the final rules require a minor restructuring and renumbering. Proposed paragraphs (l) through (n) of this section are revised and renumbered as paragraphs (k) through (m) of this section, respectively.

The Commission also revises proposed § 3050.21(m), renumbered to § 3050.21(l) in the final rules, pursuant to the Public Representative's suggestion. The proposed rule required Inbound Letter Post Date ''for the preceding five fiscal years.'' Final

[40] Docket No. ACR2017, Order Denying Motion for Reconsideration of Order No. 4451 as Moot, July 12, 2018, at 15 (Order No. 4707); *see* 39 CFR 3007.201(b)(4).

§ 3050.21(l) more precisely defines this requirement as ''the fiscal year subject to review and each of the preceding four fiscal years.''

Because of the renumbering, the Commission also adopts a revision to proposed § 3050.21(a), listing the required content of the Postal Service's section 3652 report. The proposed rule states that the report shall provide the items listed in paragraphs (b) through (n) of this section. Consistent with the renumbering, the final rule states that the report shall provide the items listed in paragraphs (b) through (m) of this section.

The Commission also revises the amendatory instructions for the **Federal Register**, consistent with the revisions made to § 3050.21.

B. Section 3050.25

The Commission does not revise § 3050.25 as proposed in Order No. 4706.

C. Section 3050.28

In consideration of the comments of the Postal Service and the Public Representative, the Commission makes several revision to proposed § 3050.28(b)(1), Table 1 and Table 2.

The final rules add the input ''Total Revenue'' beneath the sub-inputs for ''Operating Revenue'' and ''Other Revenue'' and above ''Operating Expenses'' in Table 1. This revision is consistent with the explanation of changes in Order No. 4706. Pursuant to the Postal Service's suggestion, the Commission revises the input ''New Operating Income'' in proposed Table 1. The final rules correct the input to ''Net Operating Income.'' The final rules also remove a duplicative heading row in Table 1 and extraneous underlining within certain cells in Table 2.

The Commission, pursuant to the Public Representative's suggestion, revises the amendatory instructions preceding final § 3050.28, to indicate that the introductory language in paragraph (b) of this section also contains revisions. The content of the introductory text of paragraph (b) of this section remains unchanged from that proposed in Order No. 4706.

D. Section 3050.60(c)

The Commission does not revise § 3050.50(c) as proposed in Order No. 4706.

VI. Ordering Paragraphs

It is ordered:

1. Part 3050 of title 39, Code of Federal Regulations, is revised as set forth below the signature of this Order, effective 30 days after publication in the **Federal Register**.

2. The Postal Service shall make a good-faith effort to make appropriate adjustments to the format of the fee distribution in each year's Annual Compliance Report, as necessary to reflect product changes.

3. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

List of Subjects in 39 CFR Part 3050

Administrative practice and procedure, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Commission amends Chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3050—PERIODIC REPORTING

■ 1. The authority citation for part 3050 continues to read as follows:

Authority: 39 U.S.C. 503, 3651, 3652, 3653.

■ 2. Amend § 3050.21 by:
■ a. Revising paragraphs (a) and (f)(4) and (5),
■ b. Adding paragraph (f)(6),
■ c. Revising paragraph (j), and
■ d. Adding paragraphs (k), (l), and (m).

The revisions and addtions read as follows:

§ 3050.21 Content of the Postal Service's section 3652 report.

(a) No later than 90 days after the close of each fiscal year, the Postal Service shall submit a report to the Commission analyzing its costs, volume, revenue, rate, and service information in sufficient detail to demonstrate that all products during such year comply with all applicable provisions of title 39 of the United States Code. The report shall provide the items in paragraphs (b) through (m) of this section.

* * * * *

(f) * * *

(4) Analyze the contribution of the agreement to institutional costs for its most recent year of operation. The year analyzed shall end on the anniversary of the negotiated service agreement that falls within the fiscal year covered by the Postal Service's annual periodic reports to the Commission and include the 12 preceding months. The analysis shall show all calculations and fully identify all inputs. Inputs used to estimate the effect on total contribution to the Postal Service, such as unit costs and price elasticities, shall be updated using fiscal year values;

(5) Analyze the effect of the negotiated service agreement (and other functionally equivalent negotiated service agreements) on the marketplace. If there were harmful effects, explain why those effects were not unreasonable; and

(6) Provide financial or other supporting documentation that demonstrates that non-compensatory market dominant negotiated service agreements improve the net financial position of the Postal Service over default rates or enhance the performance of mail preparation, processing, transportation, or other functions.

* * * * *

(j) For all market dominant and competitive products:

(1) Provide a distribution breakdown of fee revenues, including all underlying calculations and source workpapers; and

(2) Provide any third-party service performance results upon which any financial penalty or bonus is determined, and identify the amount of any forfeited revenue;

(k) Provide all total workhour data and data sources showing workhour measurements by Labor Distribution Code;

(l) For the Inbound Letter Post product, provide revenue, volume, attributable cost, and contribution data by Universal Postal Union country group and by shape for the preceding the fiscal year subject to review and each of the preceding four fiscal years; and

(m) Provide any other information that the Postal Service believes will help the Commission evaluate the Postal Service's compliance with the applicable provisions of title 39 of the United States Code.

■ 3. Amend § 3050.25 by revising paragraphs (c), (d), and (e) to read as follows:

§ 3050.25 Volume and revenue data.

* * * * *

(c) Revenue, pieces, and weight by rate category and special service by quarter, within 40 days of the close of Quarters 1, 2, and 3 of the fiscal year and 60 days after Quarter 4, but no later than the filing of reports filed pursuant to section 3050.40(a) or 3050.40(b);

(d) Quarterly Statistics Report, including estimates by shape, weight, and indicia, within 40 days of the close of Quarters 1, 2, and 3 of the fiscal year and 60 days after Quarter 4 but no later than the filing of reports filed pursuant to section 3050.40(a) or 3050.40(b); and

(e) Billing determinants within 60 days of the close of Quarters 1, 2, and

3 of the fiscal year and 90 days after Quarter 4.

■ 4. Amend § 3050.28 by revising paragraph (b) introductory text, tables 1 and 2 in paragraph (b)(1), and paragraph (c) to read as follows:

§ 3050.28 Monthly and pay period reports.

* * * * *

(b) Monthly Summary Financial Report on the 24th day of the following month, except that the reports for the last months of Quarters 1, 2, and 3 of the fiscal year shall be provided at the time that the Form 10–Q report is provided and the report for the last month of Quarter 4 of the fiscal year shall be provided at the time that the Form 10–K report is provided;

(1) * * *

TABLE 1—USPS MONTHLY FINANCIAL STATEMENT
MONTH, FISCAL YEAR
[$ millions]

	Current Period					Year-to-Date				
	Actual	Plan	SPLY	% Plan Var	% SPLY Var	Actual	Plan	SPLY	% Plan Var	% SPLY Var
Revenue:										
Operating Revenue										
Other Revenue										
Total Revenue										
Operating Expenses										
Personnel Compensation and Benefits										
Transportation										
Supplies and Services										
Other Services										
Total Operating Expenses										
Net Operating Income										
Interest Income										
Interest Expense										
Total Net Income										
Other Operating Statistics										
Mail Volume (Millions)										
Total Market Dominant Volumes										
Total Competitive Product Volumes										
Total Mail Volumes										
Total Workhours (Millions)										
Total Career Employees										
Total Non-Career Employees										

TABLE 2—MAIL VOLUME AND MAIL REVENUE
MONTH, FISCAL YEAR
[Thousands]

	Current Period			Year-to-Date		
	Actual	SPLY	% SPLY Var	Actual	SPLY	% SPLY Var
Market Dominant Products:						
First Class:						
Volume						
Revenue						
Periodicals:						
Volume						
Revenue						
USPS Marketing Mail:						
Volume						
Revenue						
Package Services:						
Volume						
Revenue						
All Other Market Dominant Mail:						
Volume						
Revenue						
Total Market Dominant Products:						
Volume						
Revenue						
Total Competitive Products						
Volume						
Revenue						
Total Operating Revenue:						
Total Volume						

* * * * *

(c) National Consolidated Trial Balances and the Revenue and Expense Summary on the 24th day of the following month, except that the reports for the last month of Quarters 1, 2, and 3 of the fiscal year shall be provided at the time that the Form 10–Q report is provided and the report for the last month of Quarter 4 of the fiscal year shall be provided at the time that the Form 10–K report is provided;

* * * * *

■ 5. Amend § 3050.60 by revising paragraph (c) to read as follows:

§ 3050.60 Miscellaneous reports and documents.

* * * * *

(c) The items listed in paragraph (b) of this section in electronic form;

* * * * *

[FR Doc. 2018–21249 Filed 9–28–18; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2018–0567; FRL–9983–14]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances

Correction

In rule document 2018–19950, appearing on pages 47004 through 47025, in the issue of Monday, September 17, 2018, make the following correction:

§ 9.1, §§ 721.11124–11125, §§ 721.11130–11140 [Corrected]

■ In the regulatory text for Part 9 and Part 721, beginning on page 47017, remove ''14;'' and where it appears after the section mark symbol (§) in amendatory paragraph instructions 2, 4, 5, and 10–20.

[FR Doc. C1–2018–19950 Filed 9–28–18; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2018–0138; FRL–9984–61—Region 1]

Air Plan Approval; Maine; Infrastructure State Implementation Plan Requirements for the 2012 $PM_{2.5}$ NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Maine. This revision addresses the infrastructure requirements of the Clean Air Act (CAA or Act) for the 2012 fine particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). EPA is conditionally approving the SIP revision for infrastructure requirements related to State Boards and Conflicts of Interest. The intended effect of this action is to approve the infrastructure requirements of Maine's air quality management program with respect to this NAAQS into the Maine SIP. This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on October 31, 2018.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2018–0138. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Alison C. Simcox, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square, Suite 100 (Mail code: OEP05–2), Boston, MA 02109–3912, telephone number: (617) 918–1684, email: *simcox.alison@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

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I. Background and Purpose
II. Response to Comments
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background and Purpose

Under sections 110(a)(1) and (2) of the CAA, states are required to submit infrastructure SIPs to ensure that SIPs provide for implementation, maintenance, and enforcement of the NAAQS, including the 2012 $PM_{2.5}$ NAAQS. On July 6, 2016, Maine submitted an infrastructure SIP revision for the 2012 $PM_{2.5}$ NAAQS, including an enclosure to address the ''Good Neighbor'' (or ''transport'') provisions of the Act. *See* CAA section 110(a)(2)(D)(i)(I). On August 13, 2018 (83 FR 39957), EPA published a Notice of Proposed Rulemaking (NPRM), in which EPA proposed full approval of all elements of Maine's infrastructure SIP revision for the 2012 $PM_{2.5}$ NAAQS, except for requirements regarding State Boards and Conflicts of Interest, which we proposed to conditionally approve. The NPRM includes the rationale for approval, and EPA will not restate it here.

This rulemaking does not cover three substantive areas that are not integral to acting on a state's infrastructure SIP submission: (i) Existing provisions related to excess emissions during periods of start-up, shutdown, or malfunction (SSM) at sources that may be contrary to the CAA and EPA's policies addressing such excess emissions; (ii) existing provisions related to ''director's variance'' or ''director's discretion'' that purport to permit revisions to SIP-approved emissions limits with limited public process or without requiring further approval by EPA, that may be contrary to the CAA; and, (iii) existing provisions for Prevention of Significant Deterioration (PSD) programs that may be inconsistent with current requirements of EPA's ''Final New Source Review (NSR) Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007). Instead, EPA has the authority to address each of these substantive areas separately. A detailed history, interpretation, and rationale for EPA's approach to infrastructure SIP requirements can be found in EPA's May 13, 2014, proposed rule entitled, ''Infrastructure SIP Requirements for the 2008 Lead NAAQS'' in the section, ''What is the scope of this rulemaking?'' *See* 79 FR 27241 at 27242–45.

II. Response to Comments

During the comment period, EPA received one comment, which discusses subjects outside the scope of this SIP action, does not explain (or provide a legal basis for) how the proposed action

should differ in any way, and makes no specific mention of the proposed action. As such, the comment is not germane and does not require further response to finalize the action as proposed.

III. Final Action

EPA is fully approving Maine's infrastructure SIP submission for the 2012 $PM_{2.5}$ NAAQS as a revision to the Maine SIP, except with respect to CAA section 110(a)(2)(E)(ii) regarding State Boards and Conflicts of Interest, which we are conditionally approving.

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 30, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: September 24, 2018.

Alexandra Dunn,

Regional Administrator, EPA Region 1.

Part 52 of chapter I, title 40 of the Code of Federal Regulations 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 U—Maine

■ 2. Amend § 52.1019 by adding paragraph (f) to read as follows:

§ 52.1019 Identification of plan—conditional approval.

* * * * *

(f) 2012 $PM_{2.5}$ NAAQS: The 110(a)(2) infrastructure SIP submitted on July 6, 2016, is conditionally approved with respect to Clean Air Act section 110(a)(2)(E) regarding State Boards and Conflicts of Interest. On July 17, 2018, the State of Maine committed to address these requirements.

■ 3. Amend § 52.1020(e) by adding an entry for ''Submittals to meet Section 110(a)(2) Infrastructure Requirements for the 2012 $PM_{2.5}$ NAAQS'' at the end of the table to read as follows:

§ 52.1020 Identification of plan.

* * * * *

(e) * * *

MAINE NON REGULATORY

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
*	*	*	*	* * *
Submittals to meet Section 110(a)(2) Infrastructure Requirements for the 2012 $PM_{2.5}$ NAAQS.	Statewide	7/6/2016	10/1/2018, [Insert **Federal Register** citation].	These submittals are approved with respect to the following CAA elements or portions thereof: 110(a)(2) (A), (B), (C), (D), (E)(i), (F), (G), (H), (J), (K), (L), and (M), and conditionally approved with respect to (E)(ii) regarding State Boards and Conflicts of Interest.

[3] In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

[FR Doc. 2018–21149 Filed 9–28–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2016–0166; FRL–9984–17—Region 1]

Air Plan Approval; Connecticut; Plan Submittals for the 2008 Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of Connecticut. The SIP revisions are for the Greater Connecticut and the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT moderate ozone nonattainment areas. EPA is approving submittals which include 2011 base year emissions inventories, an emissions statement certification, reasonable further progress (RFP) demonstrations, reasonably available control measures (RACM) analyses, motor vehicle emissions budgets, and contingency measures. This action is being taken in accordance with the Clean Air Act (CAA).

DATES: This rule is effective on October 31, 2018.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2016–0168. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square–Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Bob McConnell, Environmental Engineer, Air Quality Planning Unit, Air Programs Branch (Mail Code OEP05–02), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts, 02109–3912; (617) 918–1046; *mcconnell.robert@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

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I. Background and Purpose
II. Response to Comments
III. Final Action
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I. Background and Purpose

On August 3, 2018 (83 FR 38104), EPA published a Notice of Proposed Rulemaking (NPRM) for the State of Connecticut. The NPRM proposed approval of 2011 base year emissions inventories, an emissions statement certification, reasonable further progress (RFP) demonstrations, reasonably available control measures (RACM) analyses, motor vehicle emissions budgets, and contingency measures for the Greater Connecticut and the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT moderate ozone nonattainment areas. These submittals were made to meet, in part, requirements for moderate areas for the 2008 ozone national ambient air quality standard (NAAQS). Other specific requirements of Connecticut's SIP revisions for the 2008 ozone NAAQS and the rationale for EPA's proposed action are explained in the NPRM and will not be restated here.

II. Response to Comments

We received a number of anonymous comments that address subjects outside the scope of our proposed action, do not explain (or provide a legal basis for) how the proposed action should differ in any way, and make no specific mention of the substantive aspects of the proposed action. Consequently, these comments are not germane to this rulemaking and require no further response.

III. Final Action

EPA is approving revisions to the Connecticut SIP for the Greater Connecticut and the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT moderate ozone nonattainment areas. EPA is approving submittals which include 2011 base year emissions inventories, an emissions statement certification, reasonable further progress (RFP) demonstrations, reasonably available control measures (RACM) analyses, motor vehicle emissions budgets, and contingency measures.

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of

Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 30, 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 24, 2018.

Alexandra Dunn,

Regional Administrator, EPA Region 1.

Part 52 of chapter I, title 40 of the Code of Federal Regulations 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 H—Connecticut

■ 2. Section 52.377 is amended by adding paragraph (t) to read as follows:

§ 52.377 Control strategy: Ozone.

* * * * *

(t) *Approval.* Revisions to the State Implementation Plan submitted by the Connecticut Department of Energy and Environmental Protection on January 17, 2017, September 5, 2017, and August 8, 2017, to meet, in part, requirements of the 2008 ozone NAAQS. These revisions satisfy the rate of progress requirement of section 182(b) through 2017, the contingency measure requirements of section 182(c)(9), the emission statement requirements of section 182(a)(3)(B), and the reasonably available control measure requirement of section 172(c)(1) for the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT area, and the Greater Connecticut moderate ozone nonattainment areas. The January 17, 2017 revision establishes motor vehicle emissions budgets for 2017 of 15.9 tons per day of VOC and 22.2 tons per day of NO_X to be used in transportation conformity in the Greater Connecticut moderate ozone nonattainment area. The August 8, 2017 revision establishes motor vehicle emissions budgets for 2017 of 17.6 tons per day of VOC and 24.6 tons per day of NO_X to be used in transportation conformity in the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT moderate ozone nonattainment area.

■ 3. Section 52.384 is amended by adding paragraph (e) to read as follows:

§ 52.384 Emission inventories.

* * * * *

(e) The State of Connecticut submitted base year emission inventories representing emissions for calendar year 2011 from the Connecticut portion of the NY-NJ-CT moderate 8-hour ozone nonattainment area and the Greater Connecticut moderate 8-hour ozone nonattainment area on March 9, 2016, as revisions to the State's SIP. The 2011 base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for these areas. The inventories consist of emission estimates of volatile organic compounds and nitrogen oxides, and cover point, area, non-road mobile, on-road mobile and biogenic sources. The inventories were submitted as revisions to the SIP in partial fulfillment of obligations for nonattainment areas under EPA's 2008 8-hour ozone standard.

[FR Doc. 2018–21150 Filed 9–28–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2018–0261; FRL–9983–77—Region 7]

Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2012 Annual Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standard Interstate Transport

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing its approval of section 110(a)(2)(D)(i)(I) in a State Implementation Plan (SIP) submission from the State of Missouri for the 2012 Annual Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS). Section 110(a)(2)(D)(i)(I) requires the State to prohibit any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will contribute significantly to nonattainment (prong 1), or interfere with maintenance (prong 2) in any other State with respect to the NAAQs.

DATES: This final rule is effective on October 31, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No EPA–R07–OAR–2018–0261. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

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

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

I. Background Information
II. Have the Requirements for approval of a SIP submittal been met?
III. The EPA's response to comments
IV. What Action is EPA taking?
V. Statutory and Executive Order Reviews

I. Background Information

States are required to have a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS. Whenever EPA promulgates a new or revised NAAQS, States are required to make a SIP submission to establish that they have, or are adding, the provisions necessary to address various requirements to address the new or revised NAAQS. These SIPs are commonly referred to as ''infrastructure'' SIPs. The infrastructure requirements are designed to ensure that the structural components of each State's air quality management program are adequate to meet the State's responsibilities under the CAA. In this action EPA is approving the prong 1 and prong 2 interstate transportation obligations of the State's 2012 $PM_{2.5}$ NAAQS infrastructure SIP submittal. On June 5, 2018, the EPA published a notice of proposed rulemaking (NPRM) in the **Federal Register** proposing to approve the prong 1 and prong 2 elements of the State of Missouri's 2012 $PM_{2.5}$ NAAQS infrastructure SIP submittal. *See* 83 FR 25979. The NPRM, and technical support document (TSD) for the action, included: a summary of existing modeling data; a summary of monitoring data from areas downwind of Missouri; and a summary of annual emissions of oxides of nitrogen (NO_X) and sulfur dioxide (SO_2), both of which are precursors of $PM_{2.5.}$ This information showed that local control in Missouri is not necessary to address contribution, with respect to the 2012 $PM_{2.5}$ NAAQS, to nonattainment in, or interfere with maintenance of the NAAQS any other State. As the EPA's rationale for approving the SIP submission was provided in detail in the NPRM and the TSD for the action, and both documents are included in the docket identified in the **ADDRESSES** section of this document, the rationale will not be restated in detail in this document.

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

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

III. The EPA's Response to Comments

The public comment period for the NPRM closed on July 5, 2018. The EPA received three sets of comments prior to the close of the comment period; all three sets of comments were not directly related to the action and therefore not considered by the EPA to be adverse to the action being taken. As the EPA only responds to adverse comments, there are no responses required for this final action. The comments can be found in the docket to this action at EPA–R07–OAR–2018–0261. No changes were made to the proposal in this final action after consideration of the comments received. All comments on the proposed action are available in the docket identified in the **ADDRESSES** section of this document.

IV. What action is EPA taking?

As described above, the EPA is approving the prong 1 and prong 2 interstate transportation obligations of the State's 2012 $PM_{2.5}$ NAAQS infrastructure SIP submittal.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 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, 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 the National Technology Transfer and Advancement Act (NTTA) because this

rulemaking does not involve technical standards; and

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

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

List of Subjects in 40 CFR Part 52

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

Dated: September 25, 2018.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA-Missouri

■ 2. In § 52.1320, the table in paragraph (e) is amended by adding the entry ''(75)'' in numerical order to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(e)* * *

EPA–APPROVED MISSOURI NONREGULATORY SIP PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* * *	*	*	*	*
(75) Section 110(a)(2)(D)(i)(I)—significant contribution to nonattainment (prong 1), and interfering with maintenance of the NAAQs (prong 2) (Interstate Transport) Infrastructure Requirements for the 2012 Annual Fine Particulate Matter ($PM_{2.5}$) NAAQS.	Statewide	10/14/2015	10/1/2018, [Insert **Federal Register** citation].	This action approves the following CAA elements: 110(a)(1) and 110(a)(2)(D)(i)(I)—prongs 1 and 2 [EPA–R07–OAR–2018–0261; FRL–9983–77—Region 7.]

[FR Doc. 2018–21286 Filed 9–28–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2018–0536; FRL–9983–66—Region 7]

Air Plan Approval; Iowa; Approval of the State Implementation Plan and the Operating Permits Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Iowa State Implementation Plan (SIP), and the Operating Permits Program to clarify submission requirements for construction and operating permit applications. This action also includes minor grammatical corrections. EPA reviewed these revisions and determined that they will not impact air quality and will ensure consistency between the state and federally approved rules.

DATES: This final rule is effective on October 31, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2018–0536. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Stephanie Doolan, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7719, or by email at *doolan.stephanie@epa.gov.*

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

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP submission and operating permits program been met?
III. EPA's Response to Comments
IV. What action is EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. What is being addressed in this document?

This final action approves a revision from the state of Iowa to revise the Iowa SIP and Operating Permits Program. EPA published in the **Federal Register** the proposed approval of the State's submission on July 26, 2018, at 83 FR 35451. The revisions to the SIP are to clarify the types of mailing services that may be used for submitting construction permit applications to include the U.S. Postal Service, private parcel delivery services, and hand delivery. Construction permit applications are not required to be submitted by certified mail. The revisions also eliminate the requirement for construction permit applications for projects that will not emit greenhouses gases to submit the current three-page form.

The revisions to the operating permits program clarifies the types of mailing services that may be used for submitting operating permit applications to include the U.S. Postal Service, private parcel delivery services, and hand delivery. Operating permit applications are not required to be submitted by certified mail. This revision to the operating permits program is being made to require only one copy of the operating permit application instead of two.

This action also includes minor grammatical corrections to the SIP for construction permit rules and minor

grammatical corrections to the operating permits program rules.

II. Have the requirements for approval of the SIP revisions and the operating permits program been met?

The state submittal met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, these revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations. These revisions are also consistent with applicable EPA requirements of Title V of the CAA and 40 CFR part 70. The submission was sent to EPA on January 4, 2018, and received January 9, 2018.

III. EPA's Response to Comments

The public comment period for EPA's proposed rule opened July 26, 2018, the date of its publication in the **Federal Register**, and closed on August 27, 2018. During this period, EPA received five comments which are available in the docket; two in support of the proposed rule revisions, and three comments that were outside of the scope of the proposed rule. Therefore, EPA will not provide a specific response to the comments.

IV. What action is EPA taking?

This final action approves revisions to the Iowa SIP and the Operating Permits Program. The revisions clarify the types of mailing services that may be used for submitting construction and operating permit applications, and clarifies that applications are not required to be submitted by certified mail. The revisions also eliminate the requirement for construction permit applications or projects that will not emit greenhouse gases (GHG) to submit the current separate three-page GHG form. In addition, a revision to the operating permit program is being made to require only one copy of the permit application instead of two. Finally, this action includes minor grammatical corrections.

V. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of a revision to Iowa's Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 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 State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

VI. 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. 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, 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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 30, 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, Intergovernmental relations, Incorporation by reference, Reporting and recordkeeping requirements.

40 CFR Part 70

Environmental protection, Administrative practice and procedure,

[1] 62 FR 27968 (May 22, 1997).

Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: September 25, 2018.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR parts 52 and 70 as set forth below:

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 Q—Iowa

■ 2. Amend § 52.820(c) by revising the entry ''567–22.1'' to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Explanation
Iowa Department of Natural Resources Environmental Protection Commission [567]				
*	*	*	*	*
Chapter 22—Controlling Pollution				
567–22.1	Permits Required for New or Existing Stationary Sources.	12/13/17	10/1/2018, [Insert **Federal Register** citation].	Electronic submittal referred to in 22.1(3) is not SIP approved.
*	*	*	*	*

* * * * *

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 3. The authority citation for part 70 continues to read as follows:

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

■ 4. Amend appendix A to part 70 by adding paragraph (s) under the heading ''Iowa'' to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Iowa

* * * * *

(s) The Iowa Department of Natural Resources submitted for program approval revisions to rule 567–22.105. Electronic submittal referred to in 22.105 is not approved in the operating permits program. The state effective date is December 13, 2017. This revision is effective November 30, 2018.

* * * * *

[FR Doc. 2018–21285 Filed 9–28–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Chapter I

Technical, Organizational and Conforming Amendments

CFR Correction

In Title 44 of the Code of Federal Regulations, revised as of October 1, 2017, make the following corrections:

■ 1. On page 45, in § 7.14, in paragraph (e), remove the word ''Director'' and add the word ''Administrator'' in its place.

■ 2. On page 135, in § 59.24, in paragraph (a), and on page 137, in paragraph (f), remove the term ''the Administrator'' and add the term ''Federal Insurance Administrator'' in its place.

■ 3. On page 285, in § 151.11, in the introductory text, remove the word ''Director'' and add the word ''Administrator'' in its place.

■ 4. On page 286, in § 151.12, in the last sentence of paragraph (b)(2), remove the word ''Director'' and add the word ''Administrator'' in its place.

■ 5. On page 319, in § 206.2, in paragraph (a)(11), remove the word ''Director'' and add the word ''Administrator'' in its place.

■ 6. On page 371, in § 206.164, in paragraph (b), remove the word ''Director'' and add the word ''Administrator'' in its place.

■ 7. On page 505, in § 332.2, in paragraph (e)(2), remove the word ''Director'' and add the word ''Administrator'' in its place.

■ 8. On page 516, in § 350.9, in the last sentence of paragraph (c)(3), remove the term ''Associate Director'' and add the term ''Deputy Administrator for the National Preparedness Directorate'' in its place.

■ 9. On page 518, in § 350.12 in the introductory text of paragraph (b), remove the term ''Regional Director's'' and add the term ''Regional Administrator's'' in its place.

[FR Doc. 2018–21367 Filed 9–28–18; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 801, 811, 832, 852, and 870

RIN 2900–AP81

VA Acquisition Regulation: Describing Agency Needs; Contract Financing

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending and updating its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VA

Acquisition Manual (VAAM), and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates portions of the removed VAAR as well as other internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, we will publish them in the **Federal Register**. In particular, this rulemaking revises VAAR concerning Describing Agency Needs and Contract Financing, as well as affected parts covering the Department of Veterans Affairs Acquisition Regulation System, Solicitation Provisions and Contract Clauses, and Special Procurement Controls.

DATES: This rule is effective on October 31, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. Rafael N. Taylor, Senior Procurement Analyst, Procurement Policy and Warrant Management Services, 003A2A, 425 I Street NW, Washington, DC 20001, (202) 382–2787. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 26, 2018, VA published a proposed rule in the **Federal Register** (83 FR 12922) which announced VA's intent to amend regulations for VAAR Case RIN 2900–AP81 (parts 811 and 832). In particular, this final rule revises part 811 to remove coverage of what brand name or equal purchase descriptions must include as the FAR provides sufficient coverage; removes coverage pertaining to brand names based on current FAR coverage; removes purchase description clauses; removes VAAR coverage of bid samples; removes the section providing coverage on procedures for negotiated procurements; removes VAAR coverage on ''items peculiar to one manufacturer.'' It revises part 832 to add policy to implement an OMB memorandum entitled ''Accelerating Payments to Small Businesses for Goods and Services,'' to encourage making payments to small business contractors within 15 days of receipt of invoice; delegates authority within VA to approve contract terms concerning advance payments; and removes subparts 832.5, Progress Payments Based on Costs and 832.8, Assignment of Claims, as both contain internal procedural guidance not having a significant effect beyond the internal operating procedures of VA.

VA provided a 60-day comment period for the public to respond to the proposed rule. The comment period for the proposed rule ended on May 25, 2018 and VA received no comments. This document adopts as a final rule, the proposed rule published in the **Federal Register** on March 26, 2018, with minor stylistic and grammatical edits. This final rule has **Federal Register** administrative format changes in the amendatory text which make no substantive text changes at the affected sections.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal Governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal Governments or on the private sector.

Paperwork Reduction Act

This final rule imposes the following amended information collection requirements to two of the six existing information collection approval numbers associated with this rule. Although this action contains provisions constituting collections of information at 48 CFR 852.236–82 and 852.236–83, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501–3521), no new proposed collections of information are associated with these clauses. The information collection requirements for 48 CFR 852.236–82 and 852.236–83 are currently approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 2900–0422. However, this information collection was submitted to OMB to revise the title and to redesignate and renumber the two clauses currently numbered as sections 852.236–82, Payments Under Fixed-Price Construction Contracts (Without NAS), and 852.236–83, Payments Under Fixed-Price Construction Contracts (Including NAS). Accordingly, they will reflect the new designation and revised titles as set forth in the amendatory language of the rule to read: 852.232–70, Payments Under Fixed-Price Construction Contracts (Without NAS–CPM), and 852.232–71, Payments Under Fixed-Price Construction Contracts (Including NAS–CPM), respectively, under the associated OMB control number 2900–0422. The references to the old numbers—852.236–82 and 852.236–83, are accordingly removed. There is no change in the information collection burden that is associated with this action. As required by the Paperwork Reduction Act of 1995 (at 44 U.S.C. 3507(d)), VA has submitted these information collection amendments to OMB for its review. Notice of OMB approval for this information collection was published on *Reginfo.gov* on May 15, 2018.

This final rule imposes the following amended information collection requirements to one of the six existing information collection approval numbers associated with this rule. Although this action contains provisions constituting collections of information at 48 CFR 852.211–70, Service Data Manuals, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501–3521), no new proposed information collection is associated with this clause. The information collection requirement for 48 CFR 852.211–70 is currently approved by OMB and has been assigned OMB control number 2900–0587. However, this information collection has been submitted to OMB to revise the title from ''Service Data Manuals,'' to read, ''Equipment Operation and Maintenance Manuals.'' The information collection request reflects the revised title for this clause to read: 852.211–70, Equipment Operation and Maintenance Manuals, under the associated OMB control number 2900–0587. By revising the clause and removing the requirement to develop Government-specified service manuals, VA has eliminated an unnecessary burden on the public by making use of commercial operation and maintenance manuals consistent with the general public and established commercial practices, thereby reducing by half the estimated annual hourly burden which is now estimated at 311 hours, a reduction of 310 annual hours. Notice of OMB approval for this information collection will be published in a future **Federal Register** document.

This final rule removes two of the six existing information collection requirements associated with this action at 48 CFR 852.211–71, Special Notice, and 48 CFR 852.211–73, Brand Name or Equal. Under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501–3521), it discontinues the associated corresponding approved OMB control numbers, 2900–0588 and 2900–0585, respectively. For 48 CFR 852.211–71, Special Notice, and its corresponding OMB control number 2900–0588, this results in a removal of 875 estimated annual burden hours. For 48 CFR 852.211–73, Brand Name or Equal, and its corresponding OMB control number 2900–0585, this results in a removal of 1,125 estimated annual

burden hours. Notice of OMB approval for the information collection requests will be published in a future **Federal Register** document.

This final rule also contains two other provisions constituting a collection of information at 48 CFR 852.211–72, Technical Industry Standards, and 48 CFR 832.202–4, Security for Government financing, which remain unchanged. Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), no new or proposed revised collection of information is associated with these provisions as a part of this rule. The information collection requests for 48 CFR 852.211–72 and 48 CFR 832.202–4 are currently approved by OMB and have been assigned OMB control numbers 2900–0586 and 2900–0688, respectively. The burden of these information collections remains unchanged. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), OMB has approved the reporting or recordkeeping provisions that are included in the clause and the text under section 832.202–4 cited above and has given the VA the following approval numbers: OMB 2900–0586 and OMB 2900–0688, respectively.

Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule will generally be small business neutral. The rule text does not change VA's policy regarding small businesses. Therefore, the rule does not have a significant economic impact on substantial number of small entities. There are no increased and/or decreased costs to small entities. The overall impact of this final rule will be of benefit to small businesses owned by Veterans or service-disabled Veterans as the VAAR is being updated to remove extraneous procedural information that applies only to VA's internal operating procedures. VA is merely adding existing and current regulatory requirements to the VAAR and removing any guidance that is applicable only to VA's internal operation processes or procedures. VA estimates no cost impact to individual business resulting from these rule updates. This rulemaking does not change VA's policy regarding small businesses, does not have an economic impact to individual businesses, and there are no increased or decreased costs to small business entities. On this basis, this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, under 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Executive Orders 12866, 13563 and 13771

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

VA has examined the economic, interagency, budgetary, legal, and policy implications of this regulatory action, and it has been determined not to be a significant regulatory action under E.O. 12866 because it does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm* by following the link for VA Regulations Published from FY 2004 Through Fiscal Year to Date. This final rule is considered an E.O. 13771 deregulatory action. Details on the estimated cost savings of this final rule can be found in the rule's economic analysis.

List of Subjects

48 CFR Part 801

Administrative practice and procedure, Government procurement, Reporting and recordkeeping requirements.

48 CFR Parts 811 and 832

Government procurement.

48 CFR Part 852

Government procurement, Reporting and recordkeeping requirements.

48 CFR Part 870

Asbestos, Frozen foods, Government procurement, Telecommunications.

Signing Authority

The Secretary of Veterans Affairs approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on August 24, 2018, for publication.

Dated: August 28, 2018.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons set out in the preamble, VA amends 48 CFR parts 801, 811, 832, 852, and 870 as follows:

PART 801—DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION SYSTEM

■ 1. The authority citation for part 801 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1121; 41 U.S.C. 1303; 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

■ 2. In section 801.106, table columns titled ''48 CFR part or section where identified and described'' and ''Current OMB control number'' are amended by—

■ a. Removing the reference to section 832.006–4 and OMB Control Number 2900–0668.

■ b. Removing the reference to section 852.211–71 and OMB Control Number 2900–0588.

■ c. Removing the reference to section 852.211–73 and OMB Control Number 2900–0585.

■ d. Removing ''852.236–82 through.''

■ e. Adding an entry for sections 852.232–70 and 852.232–71 in numerical order.

The addition reads as follows:

801.106 OMB approval under the Paperwork Reduction Act.

* * * * *

48 CFR part or section where identified and described	Current OMB control No.
* * * * *	
852.232–70 and 852.232–71	2900–0422
* * * * *	

■ 3. Under the authority of 48 CFR 1.301 through 1.304, the heading of subchapter B is revised to read as follows:

SUBCHAPTER B—ACQUISITION PLANNING

PART 811—DESCRIBING AGENCY NEEDS

■ 4. The authority citation for part 811 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1303; 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

811.001 [Removed]

■ 5. Section 811.001 is removed.

■ 6. Revise subpart 811.1 to read as follows:

Subpart 811.1—Selecting and Developing Requirements Documents

811.107–70 Contract clause.

The contracting officer shall insert the clause at 852.211–70, Equipment Operation and Maintenance Manuals, in solicitations and contracts for technical medical equipment, and other technical and mechanical equipment and devices where the requiring activity determines manuals are a necessary requirement for operation and maintenance of the equipment.

■ 7. Revise subpart 811.2 to read as follows:

Subpart 811.2—Using and Maintaining Requirements Documents

811.204–70 Contract clause.

The contracting officer shall insert the clause at 852.211–72, Technical Industry Standards, in solicitations and contracts requiring conformance to technical industry standards, federal specifications, standards and commercial item descriptions unless comparable coverage is included in the item specification.

Subpart 811.4—[Removed and Reserved]

■ 8. Subpart 811.4 is removed and reserved.

Subpart 811.5—[Removed and Reserved]

■ 9. Subpart 811.5 is removed and reserved.

Subpart 811.6—[Removed and Reserved]

■ 10. Subpart 811.6 is removed and reserved.

PART 832—CONTRACT FINANCING

■ 11. The authority citation for part 832 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1303; 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

■ 12. Section 832.001 is added to read as follows:

832.001 Definitions.

As used in this part:

(a) *Designated agency office* means the office designated by the purchase order, agreement, or contract to first receive and review invoices. This office can be contractually designated as the receiving entity. This office may be different from the office issuing the payment.

(b) *Electronic form* means an automated system transmitting information electronically according to the accepted electronic data transmission methods identified in 832.7002–1. Facsimile, email, and scanned documents are not acceptable electronic forms for submission of payment requests.

(c) *Payment request* means any request for contract financing payment or invoice payment submitted by a contractor under a contract.

■ 13. Revise section 832.006–1 to read as follows:

832.006–1 General.

(b) The Senior Procurement Executive (SPE) is authorized to make determinations that there is substantial evidence that contractors' requests for advance, partial, or progress payments are based on fraud and may direct that further payments to the contractors be reduced or suspended, as provided in FAR 32.006.

832.006–2 and 832.006–3 [Removed]

■ 14. Remove sections 832.006–2 and 832.006–3.

■ 15. Section 832.006–4 is revised to read as follows:

832.006–4 Procedures.

(b) The Remedy Coordination Official (RCO) for VA is the Deputy Senior Procurement Executive (DSPE) who shall carry out the responsibilities of the Secretary or designee in FAR 32.006–4(b).

(e) The RCO shall carry out the responsibilities of the agency head in FAR 32.006–4(e) to notify the contractor of the reasons for the recommended action and of its right to submit information within a reasonable period of time in response to the proposed action under FAR 32.006.

(1) The notice of proposed action will be sent to the last known address of the contractor, the contractor's counsel, or agent for service of process, by certified mail, return receipt requested, or any other method that provides signed evidence of receipt. In the case of a business, the notice of proposed action may be sent to any partner, principal, officer, director, owner or co-owner, or joint venture. The contractor will be afforded an opportunity to appear before the RCO to present information or argument in person or through a representative and may supplement the oral presentation with written information and argument.

(2) The contractor may supplement the oral presentation with written information and argument. The proceedings will be conducted in an informal manner and without the requirement for a transcript. If the RCO does not receive a reply from the contractor within 30 calendar days, the RCO will base his or her recommendations on the information available. Any recommendation of the RCO under FAR 31.006–4(a) and paragraph (b) of this section, must address the results of this notification and the information, if any, provided by the contractor. After reviewing all the information, the RCO shall make a recommendation to the SPE whether or not substantial evidence of fraud exists.

(g) In addition to following the procedures in FAR 32.006–4, the SPE shall provide a copy of each final determination and the supporting documentation to the contractor, the RCO, the contracting officer, and the Office of the Inspector General (OIG). The contracting officer will place a copy of the determination and the supporting documentation in the contract file.

Subpart 832.1—Non-Commercial Item Purchase Financing

■ 16. Section 832.111 is revised to read as follows:

832.111 Contract clauses for non-commercial purchases.

■ 17. Section 832.111–70 is added to read as follows:

832.111–70 VA contract clauses for non-commercial purchases.

(a)(1) Insert the clause at 852.232–70, Payments Under Fixed-Price Construction Contracts (Without NAS–CPM) in solicitations and contracts that contain the FAR clause at 52.232–5, Payments Under Fixed-Price Construction Contracts, and if the solicitation or contract does not require use of the ''Network Analysis System—Critical Path Method (NAS–CPM).''

(2) If the solicitation or contract includes guarantee period services, the contracting officer shall use the clause with its Alternate I.

(b)(1) Insert the clause at 852.232–71, Payments Under Fixed-Price Construction Contracts (Including NAS–CPM), in solicitations and contracts that contain the FAR clause at 52.232–5, Payments Under Fixed-Price Construction Contracts, and if the solicitation or contract requires use of the ''Network Analysis System—Critical Path Method (NAS–CPM).''

(2) If the solicitation or contract includes guarantee period services, the contracting officer shall use the clause with its Alternate I.

Subpart 832.2—Commercial Item Purchase Financing

832.201 [Removed]

■ 18. Section 832.201 is removed.

■ 19. Section 832.202–1 is revised to read as follows:

832.202–1 Policy.

(d) HCAs shall report, no later than December 31st of each calendar year, to the Senior Procurement Executive (SPE) and the DSPE, on the number of contracts for commercial items with unusual contract financing or with commercial interim or advance payments approved for the previous fiscal year. The report shall include the contract number and amount, the amount of the unusual contract financing or with commercial interim or advance payments approved, and the kind and amount of security obtained for the advance.

■ 20. Section 832.202–4 is revised to read as follows:

832.202–4 Security for Government financing.

(a)(2) An offeror's financial condition may be considered adequate security to protect the Government's interest when the Government provides contract financing. In assessing the offeror's financial condition, the contracting officer may obtain, to the extent required, the following information—

(i) A current year interim balance sheet and income statement and balance sheets and income statements for the two preceding fiscal years. The statements should be prepared in accordance with generally accepted accounting principles and must be audited and certified by an independent public accountant or an appropriate officer of the firm;

(ii) A cash flow forecast for the remainder of the contract term showing the planned origin and use of cash within the firm or branch performing the contract;

(iii) Information on financing arrangements disclosing the availability of cash to finance contract performance, the contractor's exposure to financial risk, and credit arrangements;

(iv) A statement of the status of all State, local, and Federal tax accounts, including any special mandatory contributions;

(v) A description and explanation of the financial effects of any leases, deferred purchase arrangements, patent or royalty arrangements, insurance, planned capital expenditures, pending claims, contingent liabilities, and other financial aspects of the business; and

(vi) Any other financial information deemed necessary.

Subpart 832.4—Advance Payments for Non-Commercial Items

■ 21. Section 832.402 is revised to read as follows:

832.402 General.

(c)(1)(iii) The authority to make the determination required by FAR 32.402(c)(1)(iii) and to approve contract terms is delegated to the head of the contracting activity (HCA). The request for approval shall include the information required by FAR 32.409–1 and shall address the standards for advance payment in FAR 32.402(c)(2). HCAs shall report, no later than December 31st of each calendar year, to the Senior Procurement Executive (SPE) and the DSPE, on number of contracts for non-commercial items with advance payments approved in the previous fiscal year. The report shall include the contract number and amount, the amount of the advance payment, and the kind and amount of security obtained for the advance.

■ 22. Section 832.404 is revised to read as follows:

832.404 Exclusions.

(b)(1) As permitted by 31 U.S.C. 3324(d)(2), VA allows advance payment for subscriptions or other charges for newspapers, magazines, periodicals, and other publications for official use, notwithstanding the provisions of 31 U.S.C. 3324(a). The term ''other publications'' includes any publication printed, microfilmed, photocopied or magnetically or otherwise recorded for auditory or visual use.

(2) As permitted by 31 U.S.C. 1535, VA allows advance payment for services and supplies obtained from another Government agency.

(3) As permitted by 5 U.S.C. 4109, VA allows advance payment for all or any part of the necessary expenses for training Government employees, including obtaining professional credentials under 5 U.S.C. 5757, in Government or non-Government facilities, including the purchase or rental of books, materials, and supplies or services directly related to the training of a Government employee.

Subpart 832.5 [Removed and Reserved]

■ 23. Subpart 832.5 is removed and reserved.

Subpart 832.8 [Removed and Reserved]

■ 24. Subpart 832.8 is removed and reserved.

Subpart 832.9—Prompt Payment

832.904 [Redesignated as 832.904–70 and Amended]

■ 25. Redesignate section 832.904 as 832.904–70 and revise newly redesignated section 832.904–70 to read as follows:

832.904–70 Determining payment due dates for small businesses.

Pursuant to Office of Management and Budget Memorandum M–11–32, Accelerating Payments to Small Businesses for Goods and Services, contracting officers shall, to the full extent permitted by law, make payments to small business contractors as soon as practicable, with the goal of making payments within 15 days of receipt of a proper invoice and confirmation that the goods and services have been received and accepted by the Federal Government.

Subpart 832.11 [Removed and Reserved]

■ 26. Subpart 832.11 is removed and reserved.

■ 27. Revise subpart 832.70 to read as follows:

Subpart 832.70—Electronic Invoicing Requirements

Sec.
832.7000 General.
832.7001 Electronic payment requests.
832.7001–1 Data transmission.
832.7001–2 Contract clause.

832.7000 General.

This subpart prescribes policy requirements for submitting and processing payment requests in electronic form.

832.7001 Electronic payment requests.

(a) The contractor shall submit payment requests in electronic form unless directed by the contracting officer to submit payment requests by mail. Purchases paid with a Government-wide commercial purchase card are considered to be an electronic transaction for purposes of this rule, and therefore no additional electronic invoice submission is required.

(b) The contracting officer may direct the contractor to submit payment requests by mail, through the United States Postal Service, to the designated agency office for—

(1) Awards made to foreign vendors for work performed outside the United States;

(2) Classified contracts or purchases when electronic submission and processing of payment requests could compromise the safeguarding of classified or privacy information;

(3) Contracts awarded by contracting officers in the conduct of emergency operations, such as responses to national emergencies;

(4) Solicitations or contracts in which the designated agency office is a VA entity other than the VA Financial Services Center in Austin, Texas; or

(5) Solicitations or contracts in which the VA designated agency office does not have electronic invoicing capability as described above.

832.7001–1 Data transmission.

The contractor shall submit electronic payment requests through—

(a) VA's Electronic Invoice Presentment and Payment System at the current website address provided in the contract; or

(b) A system that conforms to the X12 electronic data interchange (EDI) formats established by the Accredited Standards Center (ASC) chartered by the American National Standards Institute (ANSI).

832.7001–2 Contract clause.

The contracting officer shall insert the clause at 852.232–72, Electronic Submission of Payment Requests, in solicitations and contracts exceeding the micro-purchase threshold, except those for which the contracting officer has directed otherwise under 832.7001, and those paid with a Governmentwide commercial purchase card.

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 28. The authority citation for part 852 is revised to read as follows:

Authority: 38 U.S.C. 8127–8128, and 8151–8153; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1303; 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

Subpart 852.2—Text of Provisions and Clauses

■ 29. Section 852.211–70 is revised to read as follows:

852.211–70 Equipment Operation and Maintenance Manuals.

As prescribed in 811.107–70, insert the following clause:

Equipment Operation and Maintenance Manuals (Nov 2018)

The Contractor shall follow standard commercial practices to furnish manual(s), handbook(s) or brochure(s) containing operation, installation, and maintenance instructions, including pictures or illustrations, schematics, and complete repair/test guides, as necessary, for technical medical equipment and devices, and/or other technical and mechanical equipment provided per CLIN(s) #_____ [*Contracting Officer insert CLIN information*]. The manuals, handbooks or brochures shall be provided in hard copy, soft copy or with electronic access instructions, consistent with standard industry practices for the equipment or device. Where applicable, the manuals, handbooks or brochures will include electrical data and connection diagrams for all utilities. The documentation shall also contain a complete list of all replaceable parts showing part number, name, and quantity required.

(End of clause)

852.211–71 [Removed and Reserved]

■ 30. Section 852.211–71 is removed and reserved.

■ 31. Section 852.211–72 is revised to read as follows:

852.211–72 Technical Industry Standards.

As prescribed in 811.204–70, insert the following clause:

Technical Industry Standards (Nov 2018)

(a) The Contractor shall conform to the standards established by:_____ [*Contracting Officer: Insert name of organization establishing the requirement, reference title, cite and date, e.g., United States Department of Agriculture (USDA), Institutional Meat Purchase Specifications (IMPS), Series 100, Beef products, Jan 2010*] as to [*Contracting Officer: Insert item and CLIN, e.g., CLIN 0005 Ground Beef*].

(b) The Contractor shall submit proof of conformance to the standard. This proof may be a label or seal affixed to the equipment or supplies, warranting that the item(s) have been tested in accordance with the standards and meet the contract requirement. Proof may also be furnished by the organization listed above certifying that the item(s) furnished have been tested in accordance with and conform to the specified standards.

(c) Offerors may obtain the standards cited in this provision by submitting a request, including the solicitation number, title and number of the publication to: [Organization]_____ [Mail or email address] _____.

(d) The offeror shall contact the Contracting Officer if response is not received within two weeks of the request.

(End of clause)

852.211–73, 852.211–74, and 852.211–75 [Removed and Reserved]

■ 32. Remove and reserve sections 852.211–73 through 852.211–75.

■ 33. Add section 852.232–70 to read as follows:

852.232–70 Payments Under Fixed-Price Construction Contracts (Without NAS–CPM).

As prescribed in 832.111–70, insert the following clause in contracts that do not contain a section entitled ''Network Analysis System—Critical Path''

Payments Under Fixed-Price Construction Contracts (Without NAS–CPM) (Nov 2018)

The clause FAR 52.232–5, Payments Under Fixed-Price Construction Contracts, is implemented as follows:

(a) *Retainage.* (1) The Contracting Officer may retain funds—

(i) Where performance under the contract has been determined to be deficient or the Contractor has performed in an unsatisfactory manner in the past; or

(ii) As the contract nears completion, to ensure that deficiencies will be corrected and that completion is timely.

(2) Examples of deficient performance justifying a retention of funds include, but are not restricted to, the following—

(i) Unsatisfactory progress as determined by the Contracting Officer;

(ii) Failure to meet schedule in Schedule of Work Progress;

(iii) Failure to present submittals in a timely manner; or

(iv) Failure to comply in good faith with approved subcontracting plans, certifications, or contract requirements.

(3) Any level of retention shall not exceed 10 percent either where there is determined to be unsatisfactory performance, or when the retainage is to ensure satisfactory completion. Retained amounts shall be paid promptly upon completion of all contract requirements, but nothing contained in this paragraph (a)(3) shall be construed as limiting the Contracting Officer's right to withhold funds under other provisions of the contract or in accordance with the general law and regulations regarding the administration of Government contracts.

(b) The Contractor shall submit a schedule of cost to the Contracting Officer for approval within 30 calendar days after date of receipt of notice to proceed. Such schedule will be signed and submitted in triplicate. The approved cost schedule will be one of the bases for determining progress payments to the Contractor for work completed. This schedule shall show cost by the work activity/event for each building or unit of the contract, as instructed by the resident engineer.

(1) The work activities/events shall be subdivided into as many sub-activities/events as are necessary to cover all component parts of the contract work.

(2) Costs as shown on this schedule must be true costs and the resident engineer may require the Contractor to submit the original estimate sheets or other information to substantiate the detailed makeup of the schedule.

(3) The sums of the sub-activities/events, as applied to each work activity/event, shall equal the total cost of such work activity/event. The total cost of all work activities/events shall equal the contract price.

(4) Insurance and similar items shall be prorated and included in the cost of each branch of the work.

(5) The cost schedule shall include separate cost information for the systems listed in the table in this paragraph (b)(5). The percentages listed in the following table are proportions of the cost listed in the Contractor's cost schedule and identify, for payment purposes, the value of the work to adjust, correct and test systems after the material has been installed. Payment of the listed percentages will be made only after the Contractor has demonstrated that each of the systems is substantially complete and operates as required by the contract.

VALUE OF ADJUSTING, CORRECTING, AND TESTING SYSTEM

System	Percent
Pneumatic tube system	10
Incinerators (medical waste and trash)	5
Sewage treatment plant equipment	5
Water treatment plant equipment	5
Washers (dish, cage, glass, etc.)	5
Sterilizing equipment	5
Water distilling equipment	5
Prefab temperature rooms (cold, constant temperature)	5
Entire air-conditioning system (Specified under 600 Sections)	5
Entire boiler plant system (Specified under 700 Sections)	5
General supply conveyors	10
Food service conveyors	10
Pneumatic soiled linen and trash system	10
Elevators and dumbwaiters	10
Materials transport system	10
Engine-generator system	5
Primary switchgear	5
Secondary switchgear	5
Fire alarm system	5
Nurse call system	5
Intercom system	5
Radio system	5
TV (entertainment) system	5

(c) In addition to this cost schedule, the Contractor shall submit such unit costs as may be specifically requested. The unit costs shall be those used by the Contractor in preparing its bid and will not be binding as pertaining to any contract changes.

(d) The Contracting Officer will consider for monthly progress payments material and/or equipment procured by the Contractor and stored on the construction site, as space is available, or at a local approved location off the site, under such terms and conditions as the Contracting Officer approves, including but not limited to the following—

(1) The materials or equipment are in accordance with the contract requirements and/or approved samples and shop drawings;

(2) The materials and/or equipment are approved by the resident engineer;

(3) The materials and/or equipment are stored separately and are readily available for inspection and inventory by the resident engineer;

(4) The materials and/or equipment are protected against weather, theft and other hazards and are not subjected to deterioration; and

(5) The Contractor obtains the concurrence of its surety for off-site storage.

(e) The Government reserves the right to withhold payment until samples, shop drawings, engineer's certificates, additional bonds, payrolls, weekly statements of compliance, proof of title, nondiscrimination compliance reports, or any other requirements of this contract, have been submitted to the satisfaction of the Contracting Officer.

(f) The Contracting Officer will notify the Contractor in writing within 10 calendar-days of exercising retainage against any payment in accordance with

FAR clause 52.232–5(e). The notice shall disclose the amount of the retainage in value and percent retained from the payment, and provide explanation for the retainage.

(End of clause)

Alternate I (Nov 2018). If the specifications include guarantee period services, the Contracting Officer shall include the following paragraphs as additions to paragraph (b) of the basic clause:

(6)(i) The Contractor shall at the time of contract award furnish the total cost of the guarantee period services in accordance with specification section(s) covering guarantee period services. The Contractor shall submit, within 15 calendar days of receipt of the notice to proceed, a guarantee period performance program that shall include an itemized accounting of the number of work-hours required to perform the guarantee period service on each piece of equipment. The Contractor shall also submit the established salary costs, including employee fringe benefits, and what the Contractor reasonably expects to pay over the guarantee period, all of which will be subject to the Contracting Officer's approval.

(ii) The cost of the guarantee period service shall be prorated on an annual basis and paid in equal monthly payments by VA during the period of guarantee. In the event the installer does not perform satisfactorily during this period, all payments may be withheld and the Contracting Officer shall inform the Contractor of the unsatisfactory performance, allowing the Contractor 10 days to correct deficiencies and comply with the contract. The guarantee period service is subject to those provisions as set forth in the Payments and Default clauses.

■ 34. Add section 852.232–71 to read as follows:

852.232–71 Payments Under Fixed-Price Construction Contracts (Including NAS–CPM).

As prescribed in 832.111–70, insert the following clause in contracts that contain a section entitled ''Network Analysis System—Critical Path Method (NAS–CPM).''

Payments Under Fixed-Price Construction Contracts (Including NAS–CPM) (Nov 2018)

The clause FAR 52.232–5, Payments Under Fixed-Price Construction Contracts, is implemented as follows:

(a) *Retainage.* (1) The Contracting Officer may retain funds—

(i) Where performance under the contract has been determined to be deficient or the Contractor has performed in an unsatisfactory manner in the past; or

(ii) As the contract nears completion, to ensure that deficiencies will be corrected and that completion is timely.

(2) Examples of deficient performance justifying a retention of funds include, but are not restricted to, the following—

(i) Unsatisfactory progress as determined by the Contracting Officer;

(ii) Failure to meet schedule in Schedule of Work Progress;

(iii) Failure to present submittals in a timely manner; or

(iv) Failure to comply in good faith with approved subcontracting plans, certifications, or contract requirements.

(3) Any level of retention shall not exceed 10 percent either where there is determined to be unsatisfactory performance, or when the retainage is to ensure satisfactory completion. Retained amounts shall be paid promptly upon completion of all contract requirements, but nothing contained in this paragraph (a)(3) shall be construed as limiting the Contracting Officer's right to withhold funds under other provisions of the contract or in accordance with the general law and regulations regarding the administration of Government contracts.

(b) The Contractor shall submit a schedule of costs in accordance with the requirements of section ''Network Analysis System—Critical Path Method (NAS–CPM)'' to the Contracting Officer for approval within 90 calendar days after date of receipt of notice to proceed. The approved cost schedule will be one of the bases for determining progress payments to the Contractor for work completed.

(1) Costs as shown on this schedule must be true costs and the resident engineer may require the Contractor to submit its original estimate sheets or other information to substantiate the detailed makeup of the cost schedule.

(2) The total costs of all work activities/events shall equal the contract price.

(3) Insurance and similar items shall be prorated and included in each work activity/event cost of the critical path method (CPM).

(4) The CPM shall include a separate cost loaded activity for adjusting and testing of the systems listed in the table in paragraph (b)(5) of this clause. The percentages listed in paragraph (b)(5) will be used to determine the cost of adjust and test work activities/events and identify, for payment purposes, the value of the work to adjust, correct and test systems after the material has been installed.

(5) Payment for adjust and test activities will be made only after the Contractor has demonstrated that each of the systems is substantially complete and operates as required by the contract.

VALUE OF ADJUSTING, CORRECTING, AND TESTING SYSTEM

System	Percent
Pneumatic tube system	10
Incinerators (medical waste and trash)	5
Sewage treatment plant equipment	5
Water treatment plant equipment	5
Washers (dish, cage, glass, etc.)	5
Sterilizing equipment	5
Water distilling equipment	5
Prefab temperature rooms (cold, constant temperature)	5
Entire air-conditioning system (Specified under 600 Sections)	5
Entire boiler plant system (Specified under 700 Sections)	5
General supply conveyors	10
Food service conveyors	10
Pneumatic soiled linen and trash system	10
Elevators and dumbwaiters	10
Materials transport system	10
Engine-generator system	5
Primary switchgear	5
Secondary switchgear	5

VALUE OF ADJUSTING, CORRECTING, AND TESTING SYSTEM—Continued

System	Percent
Fire alarm system	5
Nurse call system	5
Intercom system	5
Radio system	5
TV (entertainment) system	5

(c) In addition to this cost schedule, the Contractor shall submit such unit costs as may be specifically requested. The unit costs shall be those used by the Contractor in preparing its bid and will not be binding as pertaining to any contract changes.

(d) The Contracting Officer will consider for monthly progress payments material and/or equipment procured by the Contractor and stored on the construction site, as space is available, or at a local approved location off the site, under such terms and conditions as the Contracting Officer approves, including but not limited to the following—

(1) The materials or equipment are in accordance with the contract requirements and/or approved samples and shop drawings;

(2) The materials and/or equipment are approved by the resident engineer;

(3) The materials and/or equipment are stored separately and are readily available for inspection and inventory by the resident engineer;

(4) The materials and/or equipment are protected against weather, theft and other hazards and are not subjected to deterioration; and

(5) The Contractor obtains the concurrence of its surety for off-site storage.

(e) The Government reserves the right to withhold payment until samples, shop drawings, engineer's certificates, additional bonds, payrolls, weekly statements of compliance, proof of title, nondiscrimination compliance reports, or any other requirements of this contract, have been submitted to the satisfaction of the Contracting Officer.

(f) The Contracting Officer will notify the Contractor in writing within 10 calendar-days of exercising retainage against any payment in accordance with FAR clause 52.232–5(e). The notice shall disclose the amount of the retainage in value and percent retained from the payment, and provide explanation for the retainage.

(End of clause)

Alternate I (Nov 2018). If the specifications include guarantee period services, the Contracting Officer shall include the following paragraphs as additions to paragraph (b) of the basic clause:

(6)(i) The Contractor shall show on the critical path method (CPM) the total cost of the guarantee period services in accordance with the guarantee period service section(s) of the specifications. This cost shall be priced out when submitting the CPM cost loaded network. The cost submitted shall be subject to the approval of the Contracting Officer. The activity on the CPM shall have money only and not activity time.

(ii) The Contractor shall submit with the CPM a guarantee period performance program which shall include an itemized accounting of the number of work-hours required to perform the guarantee period service on each piece of equipment. The Contractor shall also submit the established salary costs, including employee fringe benefits, and what the Contractor reasonably expects to pay over the guarantee period, all of which will be subject to the Contracting Officer's approval.

(iii) The cost of the guarantee period service shall be prorated on an annual basis and paid in equal monthly payments by VA during the period of guarantee. In the event the installer does not perform satisfactorily during this period, all payments may be withheld and the Contracting Officer shall inform the Contractor of the unsatisfactory performance, allowing the Contractor 10 days to correct and comply with the contract. The guarantee period service is subject to those provisions as set forth in the Payments and Default clauses.

■ 35. Section 852.232–72 is revised to read as follows:

852.232–72 Electronic Submission of Payment Requests.

As prescribed in 832.7001–2, insert the following clause:

Electronic Submission of Payment Requests (Nov 2018)

(a) *Definitions.* As used in this clause—

(1) *Contract financing payment* has the meaning given in FAR 32.001;

(2) *Designated agency office* means the office designated by the purchase order, agreement, or contract to first receive and review invoices. This office can be contractually designated as the receiving entity. This office may be different from the office issuing the payment;

(3) *Electronic form* means an automated system transmitting information electronically according to the accepted electronic data transmission methods and formats identified in paragraph (c) of this clause. Facsimile, email, and scanned documents are not acceptable electronic forms for submission of payment requests;

(4) *Invoice payment* has the meaning given in FAR 32.001; and

(5) *Payment request* means any request for contract financing payment or invoice payment submitted by the Contractor under this contract.

(b) *Electronic payment requests.* Except as provided in paragraph (e) of this clause, the Contractor shall submit payment requests in electronic form. Purchases paid with a Government-wide commercial purchase card are considered to be an electronic transaction for purposes of this rule, and therefore no additional electronic invoice submission is required.

(c) *Data transmission.* A Contractor must ensure that the data transmission method and format are through one of the following:

(1) VA's Electronic Invoice Presentment and Payment System at the current website address provided in the contract.

(2) Any system that conforms to the X12 electronic data interchange (EDI) formats established by the Accredited Standards Center (ASC) and chartered by the American National Standards Institute (ANSI).

(d) *Invoice requirements.* Invoices shall comply with FAR 32.905.

(e) *Exceptions.* If, based on one of the circumstances in this paragraph (e), the Contracting Officer directs that payment requests be made by mail, the Contractor shall submit payment requests by mail through the United States Postal Service to the designated agency office. Submission of payment requests by mail may be required for—

(1) Awards made to foreign vendors for work performed outside the United States;

(2) Classified contracts or purchases when electronic submission and processing of payment requests could compromise the safeguarding of classified or privacy information;

(3) Contracts awarded by Contracting Officers in the conduct of emergency operations, such as responses to national emergencies;

(4) Solicitations or contracts in which the designated agency office is a VA entity other than the VA Financial Services Center in Austin, Texas; or

(5) Solicitations or contracts in which the VA designated agency office does not have electronic invoicing capability as described above.

(End of clause)

852.236–82 and 852.236–83 [Removed and Reserved]

■ 36. Remove and reserve sections 852.236–82 and 852.236–83.

PART 870—SPECIAL PROCUREMENT CONTROLS

■ 37. The authority citation for part 870 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

870.112 and 870.113 [Removed]

■ 38. Remove sections 870.112 and 870.113.

[FR Doc. 2018–18984 Filed 9–28–18; 8:45 am]

BILLING CODE 8320–01–P

Proposed Rules

Federal Register
Vol. 83, No. 190
Monday, October 1, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[Doc. No. AMS–SC–18–0060; SC18–920–1 PR]

Kiwifruit Grown California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the Kiwifruit Administrative Committee (Committee) to decrease the assessment rate established for the 2018–2019 and subsequent fiscal periods. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by October 31, 2018.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: *http://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Maria Stobbe, Marketing Specialist or Terry Vawter, Senior Marketing Specialist, California Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or email: *Maria.Stobbe@ams.usda.gov* or *Terry.Vawter@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202)720–8938, or email: *Richard.Lower@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Agreement and Order No. 920, as amended (7 CFR part 920), regulating the handling of kiwifruit grown in California. Part 920 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of producers of kiwifruit operating within the area of production, and one member of the public.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this proposal does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the Order now in effect, kiwifruit handlers in California are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate would be applicable to all assessable kiwifruit for the 2018–2019 fiscal period, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The Order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers of kiwifruit grown in California, and one member of the public. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

This proposed rule would decrease the assessment rate for the 2018–2019 and subsequent fiscal periods from $0.040 to $0.025 per 9-kilo volume-fill container or equivalent of kiwifruit handled.

The Committee met on July 19, 2018, and unanimously recommended 2018–19 expenditures of $119,000, and an assessment rate of $0.025 per 9-kilo volume-fill of kiwifruit. In comparison, last year's budgeted expenditures were $114,383. The assessment rate of $.025 is $0.015 lower than the rate currently in effect. The Committee currently has a cash reserve of approximately $52,056. The proposed decreased assessment rate, plus the cash reserve are sufficient

to fund the 2018–2019 budgeted expenses.

The major expenditures recommended by the Committee for 2018–2019 include $80,000 for management services, $29,000 in office expenditures, and $10,000 for research. Budgeted expenses for these items in 2017–2018 were $80,000 for management services, $24,383 in office expenditures, and $10,000 for research.

The assessment rate recommended by the Committee was derived by considering anticipated expenses, expected shipments of kiwifruit in the production area, and the level of funds in the authorized reserve. Kiwifruit shipments for the 2018–2019 season are estimated at 4,207,071 9-kilo volume-fill containers, which should provide $105,177 in assessment income (4,207,071 9-kilo volume-fill containers times $0.025 per container equals $105,177). Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, would be adequate to cover budgeted expenses. Funds in the reserve (currently $52,056) would be kept within the maximum permitted by the Order (approximately one fiscal period's expenses).

The assessment rate recommended in this proposal would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee and other available information.

Although this assessment rate would be in effect for an indefinite period, the Committee would continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's budget for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 140 producers of kiwifruit in the production area and approximately 20 handlers subject to regulation under the Order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,500,000 (13 CFR 121.201).

According to Committee, USDA Market News, and National Agricultural Statics Service (NASS) data, the average price of kiwifruit for the 2016–17 season was approximately $0.92 per pound, and the total crop was approximately 9.0 million tray equivalents, or 63 million pounds. Based on the average price and handler-specific annual kiwifruit sales data provided by the Committee, nineteen of the twenty handlers have average annual receipts less than $7,500,000. Thus, the majority of kiwifruit handlers may be classified as small business entities.

In addition, based on information from the NASS, the average grower price for kiwifruit during the 2016–17 season was approximately $0.525 cents per pound. The Committee analyzed grower-specific production data and determined that growers with production over 204,081 9-kilo volume-fill containers would be classified as large entities (204,081 9-kilo volume-fill containers time 7 pounds per container times $0.525 per pound = $749,998). Using the NASS average grower price and the Committee's specific grower production information, at least 130 of 140 producers have annual receipts of less than $750,000. Thus, the majority of the kiwifruit producers may be classified as small entities.

This proposal would decrease the assessment rate collected from handlers for the 2018–2019 and subsequent fiscal periods from $0.040 to $0.025 per 9-kilo volume-fill container of kiwifruit. The Committee unanimously recommended 2018–2019 expenditures of $119,000, and an assessment rate of $0.025 per 9-kilo volume-fill container. The proposed assessment rate of $0.025 is $0.015 lower than the 2017–2018 rate. The quantity of assessable commodity for the 2018–2019 fiscal year is estimated at 4,207,071 9-kilo volume-fill container. Thus, the $0.025 rate should provide $105,177 in assessment income (4,207,071 × $0.025). Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve (currently, $52,056), would be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2018–2019 fiscal year include $80,000 for management services, $29,000 in office expenditures, and $10,000 for research. Budgeted expenses for these items in 2017–2018 were $80,000 for management services, $24,383 in office expenditures, and $10,000 for research. The Committee estimates that the funds in the reserve (currently $52,056) would be reduced by $13,303 to ensure the reserve remains within the maximum permitted by the Order (approximately one fiscal period's expenses).

Prior to arriving at this budget and assessment rate, the Committee considered various options, such as maintaining the current assessment rate and expenditure levels. Alternative expenditure levels were discussed by the Committee, based upon the relative value of various activities to the kiwifruit industry. The Committee ultimately determined that 2018–2019 expenditures of $119,000 were appropriate, the recommended $0.025 assessment rate, and the use of $13,303 from the financial reserve, would be sufficient to meet its expenses.

A review of historical crop and price information, as well as preliminary information pertaining to the upcoming fiscal period, indicates that the shipping point price for the 2017–2018 season averaged about $17.32 per 9-kilo volume-fill container of California kiwifruit handled. If the 2018–2019 price is similar to the 2017–2018 price, estimated assessment revenue as a percentage of total estimated handler revenue would be 0.14 percent for the 2018–2019 season ($0.025 divided by $17.32 per 9-kilo volume-fill container).

This proposed rule would decrease the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate would reduce the burden on handlers, and may reduce the burden on producers. This proposal would not have a significant economic impact on a substantial number of small entities.

The Committee's meeting was widely publicized throughout the production

area. All interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the July 19, 2018, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Interested persons are invited to submit comments on this proposed rule, including the regulatory and information collection impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0189, Fruit Crops. No changes in those requirements would be necessary as a result of this proposed rule. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large California kiwifruit handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this action.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously-mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. All written comments timely received will be considered before a final determination is made on this rule.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 920 is proposed to be amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

■ 1. The authority citation for part 920 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 920.213 is revised to read as follows:

§ 920.213 Assessment rate.

On and after August 1, 2018, an assessment rate of $0.025 per 9-kilo volume-fill container or equivalent of kiwifruit is established for kiwifruit grown in California.

Dated: September 26, 2018.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2018–21264 Filed 9–28–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1212

[Document Number AMS–SC–18–0016]

Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order; Change in Membership

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites comments on changing the National Honey Board (Board) importer-handler member and alternate to an importer member and alternate. The Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order (Order) is administered by the Board with oversight by the U.S. Department of Agriculture (USDA). This proposal would also update the definition for the term Board to reflect current practices, and make clarifying and conforming changes to other provisions of the program.

DATES: Comments must be received by October 31, 2018.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments may be submitted on the internet at: *http://www.regulations.gov* or to the Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; facsimile: (202) 205–2800. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection, including name and address, if provided, in the above office during regular business hours or it can be viewed at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Sue Coleman, Marketing Specialist, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; telephone: (202) 378–2569; facsimile: (202) 205–2800; or electronic mail: *Sue.Coleman@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposal affecting 7 CFR part 1212 is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411–7425).

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Order 12988

This proposal has been reviewed under Executive Order 12988, Civil

Justice Reform. It is not intended to have retroactive effect. Section 524 of the 1996 Act (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act (7 U.S.C. 7418), a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The 1996 Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Background

This proposal invites comments on changing the importer-handler member and alternate to an importer member and alternate on the Board under the Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order (Order). The Order is administered by the Board with oversight by USDA. Under the Order, assessments are collected from first handlers and importers and used for research and promotion projects designed to maintain and expand the market for honey and honey products in the United States and abroad. This proposal would change the importer-handler representatives to importer representatives and make clarifying and conforming changes to other provisions of the program. This action was unanimously recommended by the Board in October 2017 and would allow more importers to be eligible to serve on the Board.

Section 1212.46 of the Order provides authority for the Board to recommend amendments to the Order. Section 1212.40 of the Order provides that the Board have ten members—three first handlers, two importers, one importer-handler, three producers, and one marketing cooperative representative. Each member shall have an alternate. Currently, the eligible importer-handler member and alternate must import at least 75 percent of the honey or honey products they market in the United States and handle at least 250,000 pounds annually. With the proposed amendment, the total number of Board representatives would remain at ten, but importer representatives would increase from two to three representatives and the importer-handler member would be removed. Handlers would continue to be represented with three members on the Board. A corresponding adjustment would be made to the alternate representatives for each member. This action would increase the pool of importer nominees eligible to serve on the Board and reflect the current distribution of the industry.

U.S. honey imports have dramatically increased from 104,984 metric tons in 2008 to 203,534 metric tons in 2017. In comparison, U.S. honey production has decreased. USDA's National Agricultural Statistics Service estimates U.S. honey production from producers with 5 or more colonies at 164 million pounds in 2008 and at 148 million pounds in 2017.[1] The proposed changes to the Board would reflect the distribution of the production of honey and the quantity of the honey and honey products imported into the United States.

Nominations to the Board are made by qualified national organizations and these organizations were consulted before the Board's recommendation. No qualified national organizations were opposed to the recommendation.

The Board met on October 26, 2017, and unanimously recommended that the importer-handler member and alternate become an importer member and alternate. This should allow more importers to be eligible to serve on the Board. Section 1212.40 of the Order is proposed to be revised accordingly. Conforming changes would be made to remove references to the importer-handler representative by removing § 1212.12 and revising §§ 1212.22, 1212.41, and 1212.42(b).

The current importer-handler member and alternate were appointed to the Board for a term that began on January 1, 2018 and ends on December 31, 2020. The importer-handler member and alternate would remain in their positions until their term expires on December 31, 2020. The following term beginning on January 1, 2021, would be filled by an importer member and importer alternate.

Finally, this proposal would revise the term Board as defined in § 1212.2 from the 'Honey Packers and Importers Board' to the 'National Honey Board' to reflect current practices. The term as it appears in § 1212.40 and in the undesignated heading preceding § 1212.40 would also be revised to read 'National Honey Board.'

Initial Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of the proposed rule on small entities. Accordingly, AMS has considered the economic impact of this action on such entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration (SBA) defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $750,000, and small agricultural service firms (first handlers and importers) as those having annual receipts of no more than $7.5 million.

The Board reported that there were about 785 importers and 40 first handlers of honey and honey products covered under the program during the 2017 fiscal period. Fourteen out of the 40 first handlers (35 percent) and 23 out of the 785 importers (3 percent) accounted for 91 and 90 percent of the assessments in their respective categories. Total assessments for 2017 were $8.87 million, of which $2.09 million (24 percent) were paid by first handlers and $6.78 million (76 percent) were paid by importers. This data can be used to compute an estimate of average annual revenue from honey sales from each of these categories, which in turn helps to estimate the number of large and small first handlers and importers. As mentioned above, 14 first handlers account for 91 percent of the domestic assessments. Multiplying first handler assessments in 2017 of $2,091,881 by 0.91 and then dividing by 14 yields an average annual assessment of $135,972 for the first handlers in this category. Dividing this figure ($135,972) by the assessment rate of 1.5 cents per pound ($0.015) yields an average quantity per first handler of 9.065 million pounds. Multiplying 9.065 million pounds by the average 2017 U.S.

[1] USDA, National Agricultural Statistics Service, Honey, March 14, 2018, p. 3, *http://usda.mannlib.cornell.edu/usda/current/Hone/Hone-03-14-2018.pdf.*

domestic price of $2.16 per pound [2] yields an average, annual honey revenue per handler of $19.58 million, which is well above the SBA threshold of $7.5 million. It should be noted that this revenue estimate is based on the average price at the producer level, and the $19.58 million is an estimate of the total value at which the average size handler acquired the honey from producers. Therefore, most of the 14 first handlers that pay 91 percent of the domestic assessments are likely to be large firms according to the SBA definition.

An equivalent computation can be made for the 23 importers who paid 90 percent of the $6,778,147 in assessments in 2017. Of the 23 importers, the average assessment per importer was $265,741. Dividing the average assessment per importer by the assessment rate of $0.015 per pound yields an average quantity per importer estimate of 17.716 million pounds.

For honey imports, the equivalent of the season average price for domestic honey is referred to as a ''unit value.'' The unit value of $1.23 per pound is computed by dividing annual imported honey value of $550.16 million by average quantity of 448.72 million pounds.[3] Multiplying the $1.23 unit value by the average quantity of 17.716 million pounds yields average annual honey revenue per importer figure of $21.790 million, almost three times the SBA threshold figure of $7.5 million for a large firm. Therefore, the majority of the 23 importers that pay 90 percent of the assessments are large firms, according to the SBA definition.

Comparable computations can be made to determine the average 2017 honey revenue for the 26 first handlers and 762 importers that paid 9 and 10 percent, respectively, of the assessment in the first handler and importer categories. The first handler and importer average annual honey revenue figures are approximately $1,043,000 and $17,000, respectively, indicating that the vast majority are small businesses (in terms of honey sales), under the SBA large business threshold of $7.5 million in annual sales.

Based on the foregoing, the majority of first handlers and importers may be classified as small entities.

This proposed rule invites comments on changing the importer-handler Board member and alternate, as specified in section 1212.40 of the Order, to an importer member and alternate. The Order currently requires one importer-handler representative on the Board who must import at least 75 percent of the honey or honey products they market in the United States and handle at least 250,000 pounds annually. The U.S. honey industry has experienced dramatic increases in imported honey and honey products, as the domestic production has decreased. Thus, the Board unanimously recommended that the importer-handler representative become an importer representative. This would allow for a greater pool of importer nominees to be eligible to serve on the Board. Conforming changes would also be made to remove § 1212.12 and revise §§ 1212.22, 1212.41, and 1212.42(b). Finally, this proposal would update the term Board to reflect current practices (§ 1212.2, the heading preceding § 1212.40 and § 1212.40). Authority for this action is provided in section 1212.46(d) of the Order.

Relaxing the eligibility requirements for importer representatives on the Board is administrative in nature and would have no economic impact on entities covered under the program. This change would help increase the number of importers who would be eligible to serve on the Board. Eligible producers, first handlers, and importers interested in serving on the Board would have to complete a background questionnaire. Those requirements are addressed later in this proposal in the section titled *Reporting and Recordkeeping Requirements.*

Prior to arriving at this proposed action, the Board consulted with the qualified national organizations that make the nominations to the Board. Alternatives that were considered included making no changes and adjusting the eligibility requirements. However, in considering the distribution of the production of honey and the quantity of honey and honey products imported into the United States, the Board concluded that revising the importer-handler representative to an importer representative would be an accurate reflection of the industry and would increase the pool of eligible importers.

Reporting and Recordkeeping Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection requirements that are imposed by the part have been previously approved by OMB under OMB control number 0581–0093. Additionally, Board nominees (including producers) must submit a Background Information form (AD–755) to ensure they are qualified to serve on the Board. The time to complete that form is estimated at 30 minutes per response. The background form is approved under OMB control no. 0505–0001. This proposed rule would not result in a change to the information collection and recordkeeping requirements previously approved and would impose no additional reporting requirements and recordkeeping burden on honey producers, first handlers, or importers.

As with all Federal promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public-sector agencies. Finally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

This action was discussed with the qualified national organizations. The Board met on October 26, 2017, and unanimously recommended changing the importer-handler representative to an importer representative. All of the Board's meetings are open to the public and interested persons are invited to participate and express their views.

AMS has performed this initial RFA regarding the impact of this proposed action on small entities and invites comments concerning potential effects of this action.

USDA has determined that this proposed rule is consistent with and would effectuate the purposes of the 1996 Act.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments received in response to this proposed rule by the date specified will be considered prior to finalizing this action.

List of Subjects in 7 CFR Part 1212

Administrative practice and procedure, Advertising, Consumer information, Honey Packer and Importer promotion, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1212 is proposed to be amended as follows:

PART 1212—HONEY PACKERS AND IMPORTERS RESEARCH, PROMOTION, CONSUMER EDUCATION AND INDUSTRY INFORMATION ORDER

■ 1. The authority citation for 7 CFR part 1212 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. Revise § 1212.2 to read as follows:

[2] USDA, NASS, Honey, March 14, 2018, p. 3, *http://usda.mannlib.cornell.edu/usda/current/Hone/Hone-03-14-2018.pdf.*

[3] USDA, AMS, SCP, MND, National Honey Report, February 26, 2018, p. 10, *https://www.ams.usda.gov/mnreports/fvmhoney.pdf.*

§ 1212.2 Board.

''Board'' or ''National Honey Board'' means the administrative body established pursuant to § 1212.40, or such other name as recommended by the Board and approved by the Department.

■ 3. Remove and reserve § 1212.12.

■ 4. Revise § 1212.22 to read as follows:

§ 1212.22 Qualified national organization representing importer interests.

''Qualified national organization representing importer interests'' means an organization that the Secretary certifies as being eligible to nominate importer and alternate importer members of the Board under § 1212.42.

■ 5. Revise the undesignated center heading preceding § 1212.40 to read ''National Honey Board.''

■ 6. Revise 1212.40 to read as follows:

§ 1212.40 Establishment and membership.

The National Honey Board is established to administer the terms and provisions of this part. The Board shall have ten members, composed of three first handler representatives, three importer representatives, three producer representatives, and one marketing cooperative representative. In addition, each producer representative must produce a minimum of 50,000 pounds of honey in the United States annually based on the best three-year average of the most recent five calendar years, as certified by producers. The Secretary will appoint members to the Board from nominees submitted in accordance with § 1212.42. The Secretary shall also appoint an alternate for each member.

■ 7. Revise § 1212.41 to read as follows:

§ 1212.41 Term of office.

Each Board member and alternate will serve a three-year term or until the Secretary selects his or her successor. No member or alternate may serve more than two consecutive terms. Each term of office will end on December 31, with new terms of office beginning on January 1.

■ 8. Revise § 1212.42 paragraph (b) to read as follows:

§ 1212.42 Nominations and appointments.

* * * * *

(b) All qualified national organizations representing importer interests will have the opportunity to participate in a nomination caucus and will, to the extent practical, submit as a group a single slate of nominations to the Secretary for importer positions and the importer alternate positions on the Board. If the Secretary determines that there are no qualified national organizations representing importer interests, individual importers who have paid assessments to the Board in the most recent fiscal period may submit nominations.

* * * * *

Dated: September 26, 2018.

Bruce Summers,

Administrator.

[FR Doc. 2018–21266 Filed 9–28–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0801; Product Identifier 2017–NM–147–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2008–24–14, which applies to all Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. AD 2008–24–14 requires revising the instructions for continued airworthiness to incorporate certain airworthiness limitations for the main landing gear (MLG) trunnion fitting assembly. Since we issued AD 2008–24–14, new airworthiness limitation (AWL) tasks have been introduced with revised inspection, modification, and safe-life requirements. This proposed AD would require revising the maintenance or inspection program, as applicable, to incorporate certain AWLs. It would also require reworking the trunnion fitting in order to meet new structural safe-life limits. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 15, 2018.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0801; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0801; Product Identifier 2017–NM–147–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each

substantive verbal contact we receive about this proposed AD.

Discussion

We issued AD 2008–24–14, Amendment 39–15758 (73 FR 73785, December 4, 2008) (''AD 2008–24–14''), for all Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. AD 2008–24–14 requires revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness to incorporate new structural inspection requirements. AD 2008–24–14 resulted from reports of the discovery of cracks on the MLG trunnion fitting web during fatigue testing. We issued AD 2008–24–14 to detect and correct fatigue cracking of the MLG trunnion fitting web.

Actions Since AD 2008–24–14 Was Issued

Since we issued AD 2008–24–14, new AWL tasks have been introduced with revised inspection, modification, and safe-life requirements, and we have determined that the trunnion fitting lower flange and both forward and aft bore holes are also subject to fatigue cracking.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2017–27, dated August 2, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The MCAI states:

> Cracks on the main landing gear (MLG) trunnion fitting web discovered during fatigue testing led to the issuance of [Canadian] AD CF–2008–21 [which corresponds to FAA AD 2008–24–14], which mandated new inspection requirements to ensure that fatigue cracking of the trunnion web would be detected and corrected.
>
> Additional fatigue test article findings and in-service findings have shown that the trunnion fitting lower flange and both forward and aft bore holes are also subject to fatigue cracking. Failure of the main landing gear trunnion fitting could result in the collapse of the main landing gear. Bombardier Inc. has decided to implement a series of design changes to improve the fatigue life of the trunnion fitting that is now a safe-life assembly.
>
> New and revised Airworthiness Limitation (AWL) tasks for the MLG trunnion fitting assembly have been introduced in order to require new inspection, modification, and safe-life requirements. This [Canadian] AD mandates the incorporation of these new and revised AWL tasks, and removal of the AWL tasks they replace, to ensure that fatigue cracking of the MLG trunnion fitting is detected and corrected. This [Canadian] AD also requires rework of the trunnion fitting in order to meet new structural safe-life limits.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0801.

Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service information.

- Bombardier Service Bulletin 601R–57–046, Revision C, dated December 20, 2012, describes the cold working of fastener holes in the MLG trunnion fitting, and related investigative and corrective actions.
- Bombardier Service Bulletin 601R–57–047, Revision B, dated October 2, 2012, describes the installation of forcemate bushings in the MLG trunnion, and related investigative and corrective actions.
- Bombardier Service Bulletin 601R–57–048, Revision C, dated June 6, 2013, describes the cold working of holes on the web of the MLG trunnion, and related investigative and corrective actions.

These documents are distinct because they apply to different parts of the airplane.

The following service information describes certain AWL tasks for the MLG trunnion fitting assembly.

- Bombardier Maintenance Requirements Manual Temporary Revision (TR) 2B–2237, dated June 19, 2014.
- Bombardier Maintenance Requirements Manual Temporary Revision (TR) 2B–2238, dated June 19, 2014.
- Bombardier Maintenance Requirements Manual Temporary Revision (TR) 2B–2239, dated June 19, 2014.
- Bombardier Maintenance Requirements Manual Temporary Revision (TR) 2B–2241, dated June 19, 2014.
- Bombardier Maintenance Requirements Manual Temporary Revision (TR) 2B–2242, dated June 19, 2014.
- Bombardier Maintenance Requirements Manual Temporary Revision (TR) 2B–2246, dated November 7, 2014.

These documents are distinct because they describe different actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (p)(1) of this proposed AD. The request should include a description of changes to the required actions that will ensure the continued operational safety of the airplane.

Differences Between This Proposed AD and the Service Information

The MCAI includes the following statement: ''If it is not possible to complete all of the instructions in the SBs . . . due to the configuration of the aircraft, contact Bombardier Inc. for approved instructions.'' This issue is addressed in 14 CFR 39.17, which states that ''If a change in a product affects your ability to accomplish the actions required by the AD in any way, you must request FAA approval of an AMOC [alternative method of compliance]. . . .'' Since we do not currently have the authority to delegate AMOC approvals to foreign civil aviation authorities, the FAA is responsible for these approvals.

Costs of Compliance

We estimate that this proposed AD affects 460 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions	1 work-hour × $85 per hour = $85	$0	≤$85	$39,100.
Rework trunnion bearings (new proposed actions).	Up to 178 work-hours × $85 per hour = Up to $15,130.	38,928	Up to $54,058	Up to $24,866,680.

We have determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although we recognize that this number may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we have determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

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

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2008–24–14, Amendment 39–15758 (73 FR 73785, December 4, 2008), and adding the following new AD:

Bombardier, Inc.: Docket No. FAA–2018–0801; Product Identifier 2017–NM–147–AD.

(a) Comments Due Date

We must receive comments by November 15, 2018.

(b) Affected ADs

This AD replaces AD 2008–24–14, Amendment 39–15758 (73 FR 73785, December 4, 2008) (''AD 2008–24–14'').

(c) Applicability

This AD applies to Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, serial numbers 7002 and subsequent.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by reports of cracks on the main landing gear trunnion (MLG) fitting during fatigue testing, the introduction of new airworthiness limitation (AWL) tasks with revised inspection, modification, and safe-life requirements, and a determination that the trunnion fitting lower flange and both forward and aft bore holes are also subject to fatigue cracking. We are issuing this AD to detect and correct fatigue cracking of the MLG trunnion fitting. Failure of the MLG trunnion fitting web could compromise the structural integrity of the trunnion fitting and result in MLG collapse.

(f) Compliance

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

(g) Retained Revision of Airworthiness Limitation Section With No Changes

This paragraph restates the requirements of paragraph (f)(1) of AD 2008–24–14, with no changes. Within 30 days after December 19, 2008 (the effective date of AD 2008–24–14), revise the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness to incorporate AWL 57–21–161, as identified in Bombardier Temporary Revision 2B–2136, dated May 1, 2008, to the Bombardier CL–600–2B19 Maintenance Requirements Manual, Part 2, Appendix B—Airworthiness Limitations. The initial compliance time for the task starts from the applicable time specified in table 1 or table 2 to paragraphs (g) and (j) of this AD, as applicable. Repeat the inspection thereafter at the applicable interval specified in Bombardier Temporary Revision 2B–2136, dated May 1, 2008.

Table 1 to paragraphs (g) and (j) of this AD - *Pre-modsum TC601R15827 airplanes*

If the airplane has accumulated as of December 19, 2008 (the effective date of AD 2008-24-14)—	Then phase in the initial inspection—
23,500 or fewer total flight cycles	Prior to the accumulation of 25,000 total flight cycles.
23,501 to 25,000 total flight cycles	Prior to the accumulation of 26,000 total flight cycles, or within 1,500 flight cycles after December 19, 2008 (the effective date of AD 2008-24-14), whichever occurs first.
25,001 to 26,000 total flight cycles	Prior to the accumulation of 26,500 total flight cycles, or within 1,000 flight cycles after December 19, 2008 (the effective date of AD 2008-24-14), whichever occurs first.
26,001 or more total flight cycles	Within 500 flight cycles after December 19, 2008 (the effective date of AD 2008-24-14).

Table 2 to paragraphs (g) and (j) of this AD - *Post-modsum TC601R15827 airplanes*

If the airplane has accumulated as of December 19, 2008 (the effective date of AD 2008-24-14)—	Then phase in the initial inspection—
15,667 or fewer total flight cycles	Prior to the accumulation of 16,667 total flight cycles.
15,668 to 16,667 total flight cycles	Prior to the accumulation of 17,333 total flight cycles, or within 1,000 flight cycles after December 19, 2008 (the effective date of AD 2008-24-14), whichever occurs first.
16,668 to 17,333 total flight cycles	Prior to the accumulation of 17,666 total flight cycles, or within 666 flight cycles after December 19, 2008 (the effective date of AD 2008-24-14), whichever occurs first.
17,334 or more total flight cycles	Within 333 flight cycles after December 19, 2008 (the effective date of AD 2008-24-14).

(h) Retained No Alternative Actions or Intervals With New Exception

This paragraph restates the requirements of paragraph (f)(2) of AD 2008–24–14, with a new exception: Except as required by paragraph (i) of this AD, after accomplishing the actions specified in paragraph (g) of this AD, no alternative inspections or inspection intervals may be used unless the inspection or inspection interval is approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (p)(1) of this AD.

(i) New Requirement of This AD: Revision of Maintenance or Inspection Program

(1) Within 60 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, by incorporating the AWL tasks specified in figure 1 to paragraphs (i) and (o) of this AD. Except as specified in paragraph (j) of this AD, the initial compliance times for the tasks are at the applicable times specified in the temporary revisions (TRs) identified in figure 1 to paragraph (i) and (o) of this AD, or within 60 days after the effective date of this AD, whichever occurs later. When the information in AWL tasks identified in the TRs specified in figure 1 to paragraphs (i) and (o) of this AD has been included in the general revisions of Bombardier Maintenance Requirements Manual (MRM), CSP A–053, Part 2, Appendix B, the general revisions may be inserted in the MRM, and the TRs may be removed.

Figure 1 to paragraphs (i) and (o) of this AD - *AWL Tasks to be Incorporated*

Section Within MRM, CSP A-053, Part 2, Appendix B	AWL Task	TR Number	TR Issue Date
Structural AWLs	57-21-145	TR 2B-2237	June 19, 2014
	57-21-161	TR 2B-2238	June 19, 2014
	57-21-155	TR 2B-2239	June 19, 2014
Structural Life Limits	57-21-162	TR 2B-2246	November 7, 2014
	57-21-163		
Structural Life Limits, High Altitude Airfield Operations (HAAO)	57-21-162	TR 2B-2241	June 19, 2014
	57-21-163		

(2) Within 60 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, by removing the AWL tasks specified in figure 2 to paragraph (i) of this AD.

Figure 2 to paragraph (i) of this AD - *AWL Tasks to be Removed*

Section Within MRM, CSP A-053, Part 2, Appendix B	AWL Task	TR Number	TR Issue Date
Structural AWLs	57-21-164	TR 2B-2242	June 19, 2014
	57-21-165		
	57-21-166		

(j) New Requirement of This AD: Initial Compliance Times for AWL Tasks

(1) For AWL 57–21–161, the compliance time for the initial inspection of AWL 57–21–161 is as specified in tables 1 or 2 to paragraphs (g) and (j) of this AD, as applicable; or within 60 days after the effective date of this AD, whichever occurs later.

(2) For AWL 57–21–161, the compliance time for the limitation section is at the applicable time specified in AWL 57–21–161 or within 2,000 flight cycles after the effective date of this AD, whichever occurs later.

(3) For AWL 57–21–145 and AWL 57–21–155, the compliance times for the initial inspections are at the applicable times specified in AWL 57–21–145 and AWL 57–21–155 or within 2,000 flight cycles after the effective date of this AD, whichever occurs later.

(k) New Requirement of This AD: No Alternative Actions or Intervals

After the maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (p)(1) of this AD.

(l) New Requirement of This AD: Rework of MLG Trunnion To Meet Structural Safe-Life Limits

Except as specified in paragraphs (m)(1) and (m)(2) of this AD: Within the phase-in times specified in paragraphs (j)(2) and (j)(3) of this AD, rework the MLG trunnion in accordance with the Accomplishment Instructions of the service information identified in paragraphs (l)(1) through (l)(3) of this AD, as applicable.

(1) Bombardier Service Bulletin 601R–57–046, Revision C, dated December 20, 2012, for the cold working of fastener holes in the MLG trunnion fitting, and related investigative and corrective actions.

(2) Bombardier Service Bulletin 601R–57–047, Revision B, dated October 2, 2012, for the installation of forcemate bushings in the MLG trunnion, and related investigative and corrective actions.

(3) Bombardier Service Bulletin 601R–57–048, Revision C, dated June 6, 2013, for the cold work of holes on the web of the MLG trunnion, and related investigative and corrective actions.

(m) Exceptions to Rework Requirements

(1) For airplanes on which Bombardier Service Bulletin 601R–57–046, Revision A, dated December 21, 2009; or Bombardier Service Bulletin 601R–57–046, Initial Issue, dated July 17, 2009; was accomplished prior to the effective date of this AD: Within 6 months after the effective date of this AD, do Part G of the Accomplishment Instructions of Bombardier Service Bulletin 601R–57–046, Revision C, dated December 20, 2012.

(2) For airplanes on which Bombardier Service Bulletin 601R–57–048, Revision A, dated November 24, 2009; or Bombardier Service Bulletin 601R–57–048, Initial Issue, dated July 17, 2009; was accomplished prior to the effective date of this AD: Within 6 months after the effective date of this AD, do Part C of the Accomplishment Instructions of Bombardier Service Bulletin 601R–57–048, Revision C, dated June 6, 2013.

(n) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (l)(1) of this AD, if those actions were performed before the effective date of this AD, using Bombardier Service Bulletin 601R–57–046, Revision B, dated August 24, 2012.

(2) This paragraph provides credit for actions required by paragraph (l)(2) of this AD, if those actions were performed before the effective date of this AD, using the service information specified in paragraph (n)(2)(i) or (n)(2)(ii) of this AD.

(i) Bombardier Service Bulletin 601R–57–047, Revision A, dated February 1, 2012.

(ii) Bombardier Service Bulletin 601R–57–047, Initial Issue, dated June 29, 2011.

(3) This paragraph provides credit for actions required by paragraph (l)(3) of this

AD, if those actions were performed before the effective date of this AD, using Bombardier Service Bulletin 601R–57–048, Revision B, dated August 24, 2012.

(4) This paragraph provides credit for actions required by paragraph (m)(1) of this AD, if those actions were performed before the effective date of this AD, using Part G of the Accomplishment Instructions of Bombardier Service Bulletin 601R–57–046, Revision B, dated August 24, 2012.

(5) This paragraph provides credit for actions required by paragraph (m)(2) of this AD, if those actions were performed before the effective date of this AD, using Part C of the Accomplishment Instructions of Bombardier Service Bulletin 601R–57–048, Revision B, dated August 24, 2012.

(o) Repairs and Alternative Actions or Intervals

(1) If any damage is found during an inspection required by the AWLs identified in figure 1 to paragraphs (i) and (o) of this AD, repair before further flight using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature. The approved repair instructions must specifically refer to this AD or Canadian AD CF–2017–27, dated August 2, 2017.

(2) Repairs approved by Bombardier, Inc., that deviate from the AWLs identified in figure 1 to paragraphs (i) and (o) of this AD are acceptable methods of compliance if approved by the Manager, New York ACO Branch, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature. The approved repair instructions must specifically refer to this AD or Canadian AD CF–2017–27, dated August 2, 2017.

(3) For repairs approved before the effective date of this AD that affect the AWLs identified in figure 1 to paragraphs (i) and (o) of this AD and the approved repair instructions do not specifically refer to Canadian AD CF–2017–27, dated August 2, 2017: Within 6 months of the effective date of this AD, contact the Manager, New York ACO Branch, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO Inc., for new or revised limitations or inspection requirements on the repair area and comply with the revised limitations or inspections requirements. The new or revised limitations or inspection requirements must specifically refer to this AD or Canadian AD CF–2017–27, dated August 2, 2017.

(4) Canadian AMOC No. AARDG–2018/A21, dated May 1, 2018, which was approved before the effective date of this AD by TCCA, is an acceptable method of compliance to the corresponding requirements of this AD.

(p) Other FAA AD Provisions

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature. The approved corrective action instructions must specifically refer to this AD or Canadian AD CF–2017–27, dated August 2, 2017.

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2017–27, dated August 2, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0801.

(2) For more information about this AD, contact Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on September 11, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–20950 Filed 9–28–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

[Docket No. FWS–R7–SM–2018–0003; FXRS12610700000–189–FF07J00000; FBMS #4500124645]

RIN 1018–BB99

Subsistence Management Regulations for Public Lands in Alaska—Cook Inlet Area Regulations

AGENCY: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the regulations for seasons, harvest limits, and methods and means for the subsistence taking of fish in the Cook Inlet Area of Alaska. This action would also reorganize specific regulations addressing the Kenai River, which would provide clarity for the public, and allow the Federal Subsistence Board to correct regulatory conflicts that have arisen based on recent rulemaking.

DATES:

Public meetings: The Southcentral Federal Subsistence Regional Advisory Council will hold a public meeting October 29–30, 2018, to receive comments, make proposals to change this proposed rule, and make recommendations to the Federal Subsistence Board. The Board will discuss and evaluate proposed regulatory changes during a public meeting in January 2019. See **SUPPLEMENTARY INFORMATION** for specific information on the public meetings.

Public comments: Comments and proposals to change this proposed rule must be received or postmarked by October 31, 2018.

ADDRESSES:

Public meetings: The Federal Subsistence Board and the Southcentral Federal Subsistence Regional Advisory Council will hold public meetings at various locations in Alaska. See **SUPPLEMENTARY INFORMATION** for specific information on the dates and locations of the public meetings.

Public comments: You may submit comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: *http://*

www.regulations.gov and search for FWS–R7–SM–2018–0003, which is the docket number for this rulemaking.

• *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503–6199, or hand delivery to the Designated Federal Official attending the Southcentral Federal Subsistence Regional Advisory Council public meeting. See **SUPPLEMENTARY INFORMATION** for additional information on locations of the public meetings.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Review Process section below for more information).

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas C.J. Doolittle, Office of Subsistence Management; (907) 786–3888 or *subsistence@fws.gov.* For questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743–9461 or *twhitford@fs.fed.us.*

SUPPLEMENTARY INFORMATION:

Background

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (hereafter referred to as ''the Secretaries'') jointly implement the Federal Subsistence Management Program (hereafter referred to as ''the Program''). The Program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. Only Alaska residents of areas identified as rural are eligible to participate in the Program. The Secretaries published temporary regulations to carry out the Program in the **Federal Register** on June 29, 1990 (55 FR 27114), and final regulations on May 29, 1992 (57 FR 22940). Program officials have subsequently amended these regulations a number of times.

Because the Program is a joint effort between the Departments of the Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): The Agriculture regulations are at title 36, ''Parks, Forests, and Public Property,'' and the Interior regulations are at title 50, ''Wildlife and Fisheries,'' at 36 CFR 242.1–28 and 50 CFR 100.1–28, respectively. Consequently, to indicate that identical changes are proposed for regulations in both titles 36 and 50, in this document we will present references to specific sections of the CFR as shown in the following example: § ___.27.

The Program regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife. Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Program. The Board comprises:

• A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;

• The Alaska Regional Director, U.S. Fish and Wildlife Service;

• The Alaska Regional Director, National Park Service;

• The Alaska State Director, Bureau of Land Management;

• The Alaska Regional Director, Bureau of Indian Affairs;

• The Alaska Regional Forester, USDA Forest Service; and

• Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D. Subpart C sets forth important Board determinations regarding program eligibility, *i.e.,* which areas of Alaska are considered rural and which species are harvested in those areas as part of a ''customary and traditional use'' for subsistence purposes. Subpart D sets forth specific harvest seasons and limits.

In administering the Program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council. The Regional Advisory Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Regional Advisory Council members represent varied geographical, cultural, and user interests within each region.

Public Review Process—Comments, Proposals, and Public Meetings

The Southcentral Federal Subsistence Regional Advisory Council will have a substantial role in reviewing this proposed rule and making recommendations for the final rule. The Federal Subsistence Board, through the Southcentral Federal Subsistence Regional Advisory Council, will hold a public meeting on this proposed rule in Cordova, AK, beginning October 29, 2018.

The location and date may change based on weather or local circumstances. The amount of work on the Southcentral Regional Advisory Council's agenda will determine the length of the meeting.

The Board will discuss and evaluate proposed changes to this proposed rule during a public meeting to be held in Anchorage, AK, in January 2019. The Federal Subsistence Regional Advisory Council Chairs, or their designated representatives, will present their respective Councils' recommendations at the Board meeting. Additional oral testimony may be provided on this proposed rule to the Board at that time. At that public meeting, the Board will deliberate and take final action on this proposed rule. Specific information about the meeting locations may be obtained closer to the meeting dates from the contacts listed in **FOR FURTHER INFORMATION CONTACT**.

You may submit written comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. If you submit a comment via *http://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R7–SM–2018–0003, or by appointment, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays, at: USFWS, Office of Subsistence Management, 1011 East Tudor Road, Anchorage, AK 99503.

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to these meetings for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Caron McKee, 907–786–3880, *subsistence@fws.gov,* or 800–877–8339 (TTY), seven business days prior to the meeting you would like to attend.

Tribal Consultation and Comment

As expressed in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government political relationship that exists between the Federal Government and Federally Recognized Indian Tribes (Tribes) as listed in 82 FR 4915 (January 17, 2017). Consultation with Alaska Native corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: ''The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.''

ANILCA does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members are affected by subsistence fishing, hunting, and trapping regulations, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule.

The Board will engage in outreach efforts for this proposed rule, including a notification letter, to ensure that Tribes and Alaska Native corporations are advised of the mechanisms by which they can participate. The Board will provide a variety of opportunities for consultation: Commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Advisory Council meeting; engaging in dialogue at the Board meeting; and providing input in person, by mail, email, or phone at any time during the rulemaking process. The Board will commit to efficiently and adequately providing an opportunity to Tribes and Alaska Native corporations for consultation in regard to subsistence rulemaking.

The Board will consider Tribes' and Alaska Native corporations' information, input, and recommendations, and address their concerns as much as practicable.

Developing the Cook Inlet Area Proposed Regulations

In titles 36 and 50 of the CFR, the subparts C and D regulations are subject to periodic review and revision. The Board currently completes the process of revising subsistence take of fish and shellfish regulations in odd-numbered years and wildlife regulations in even-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle, and nonrural determinations during the fish and shellfish cycle.

The current Cook Inlet Area subsistence regulations were revised on May 18, 2015 (80 FR 28187). Two of the revisions addressed community gillnets on the Kasilof and Kenai rivers. While the intent of providing additional opportunities for subsistence users was met, details concerning the harvest limits were difficult and confusing to the public since they overlapped with other active subsistence fisheries on these rivers. In addition, the new regulations were in conflict with existing regulations dealing with early- and late-run Chinook salmon, and various size limits for rainbow trout and Dolly Varden.

The Board directed program and field staff to develop recommendations to alleviate these concerns from the Council and members of the public. While some of the size limits are needed as management tools in certain fisheries, the limits are not required in other fisheries. Issues with early and late runs of Chinook salmon will require new regulations addressing early-run fish.

In the interim, the Board addressed these concerns through the special action process as defined in § __.19 of these regulations.

This proposed rule reflects the combined efforts of program and field staff, staff from other agencies participating in the Federal program, and members of the public and tribal entities affected by these regulations.

Compliance With Statutory and Regulatory Authorities

National Environmental Policy Act

A Draft Environmental Impact Statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of the subsistence program regulations was conducted in accordance with section 810. That evaluation also supported the Secretaries' determination that the regulations will not reach the ''may significantly restrict'' threshold that would require notice and hearings under ANILCA section 810(a).

Paperwork Reduction Act (PRA)

This proposed rule does not contain any new collections of information that require Office of Management and Budget (OMB) approval. OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100, and assigned OMB Control Number 1018–0075, which expires June 30, 2019. An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

Regulatory Planning and Review (Executive Order 12866)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all

significant rules. OIRA has determined that this proposed rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this proposed rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of $3.00 per pound, this amount would equate to about $6 million in food value statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this proposed rule is not a major rule. It will not have an effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these proposed regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

Title VIII of ANILCA does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule, as discussed above under *Tribal Consultation and Comment.*

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this proposed rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted this proposed rule under the guidance of Thomas C.J. Doolittle of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by:

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Clarence Summers, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Carol Damberg, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, USDA–Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Proposed Regulation Promulgation

For the reasons set out in the preamble, the Federal Subsistence Board proposes to amend 36 CFR part 242 and 50 CFR part 100 as set forth below.

PART ____—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

■ 1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart D—Subsistence Taking of Fish and Wildlife

■ 2. Amend 36 CFR part 242 and 50 CFR part 100 by revising § ____.27(e)(10) to read as follows:

§ ____.27 Subsistence taking of fish.

* * * * *

(e) * * *

(10) *Cook Inlet Area.* The Cook Inlet Area includes all waters of Alaska enclosed by a line extending east from Cape Douglas (58°51.10′ N Lat.) and a line extending south from Cape Fairfield (148°50.25′ W Long.).

(i) *General area regulations.*

(A) Unless restricted by regulations in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Cook Inlet Area.

(B) If you take rainbow or steelhead trout incidentally in subsistence net

fisheries, you may retain them for subsistence purposes, unless otherwise prohibited or provided for in this section. With jigging gear through the ice or rod-and-reel gear in open waters, there is an annual limit of two rainbow or steelhead trout 20 inches or longer, taken from Kenai Peninsula fresh waters.

(C) Under the authority of a Federal subsistence fishing permit, you may take only salmon, trout, Dolly Varden, and other char.

(D) All fish taken under the authority of a Federal subsistence fishing permit must be marked and recorded prior to leaving the fishing site.

(*1*) The fishing site includes the particular Federal public waters and/or adjacent shoreline from which the fish were harvested.

(*2*) Marking means removing the dorsal fin.

(E) You may not take grayling or burbot for subsistence purposes.

(F) You may take smelt with dip nets in fresh water only from April 1 through June 15. There are no harvest or possession limits for smelt.

(G) You may take whitefish in the Tyone River drainage using gillnets.

(H) You may take fish by gear listed in this section unless restricted by other regulations in this section or under the terms of a Federal subsistence fishing permit (as may be modified by regulations in this section).

(I) Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein or by issuance of a Federal special action.

(J) Applicable harvest provisions are as follows:

Permit	Location	Methods and means
Household Annual Permit	Kasilof River Drainage	Kasilof dip net or rod and reel for salmon; Kasilof fish wheel for salmon; Kasilof experimental gillnet for salmon.
	Kenai River Drainage	Kenai dip net or rod and reel for salmon; Kenai gillnet for salmon.
General Subsistence Fishing Permit (Daily/Possession Limits).	Kasilof River Drainage	Tustumena Lake rod and reel for salmon; Kasilof drainage rod and reel for resident species.
	Kenai River Drainage	Kenai rod and reel only for salmon; Kenai River and tributaries under ice jigging and rod and reel for resident species.
Tustumena Lake Winter Permit	Tustumena Lake	Tustumena Lake under ice fishery.

(*1*) Harvest limits may not be accumulated.

(*2*) Each household may harvest its annual salmon limits in one or more days.

(*3*) All salmon harvested as part of a household annual limit must be reported to the Federal in-season manager within 72 hours of leaving the fishing site.

(*4*) For Ninilchik residents, the household annual limits for Chinook salmon in the Kasilof River and for late-run Chinook salmon in the Kenai River are combined.

(ii) *Seasons, harvest limits, and methods and means for Kasilof fisheries.* Household annual limits for salmon in Kasilof River fisheries are as follows:

Species	Number of fish allowed for each permit holder	Additional fish allowed for each household member
Sockeye	25	5
Chinook	10	2
Coho	10	2
Pink	10	2

(A) *Kasilof dip net or rod and reel; salmon.*

(*1*) Residents of Ninilchik may take sockeye, Chinook, coho, and pink salmon through a dip net or rod and reel fishery on the upper mainstem of the Kasilof River from a Federal regulatory marker on the river below the outlet of Tustumena Lake downstream to a marker on the river approximately 2.8 miles below the Tustumena Lake boat ramp.

(*2*) Residents using rod-and-reel gear may fish with up to two baited single or treble hooks.

(*3*) Harvest seasons are as follows:

Species	Season	Harvest limits
Sockeye salmon	June 16–August 15	
Chinook salmon	June 16–August 15	
Coho salmon	June 16–October 31	
Pink salmon	June 16–October 31	
Rainbow and steelhead trout	April 1–August 15	The Federal in-season manager will close the take of rainbow and steelhead trout after 200 have been harvested.

(B) *Kasilof fish wheel; salmon.*

(*1*) Residents of Ninilchik may harvest sockeye, Chinook, coho, and pink salmon through a fish wheel fishery in the Federal public waters of the upper mainstem of the Kasilof River.

(*2*) Residents of Ninilchik may retain other species incidentally caught in the Kasilof River fish wheel except for rainbow or steelhead trout, which must be released and returned unharmed to the water.

(*3*) Only one fish wheel may be operated on the Kasilof River. The fish wheel must: Have a live box, be monitored when fishing, be stopped from fishing when it is not being monitored or used, and be installed and

operated in compliance with any regulations and restrictions for its use within the Kenai National Wildlife Refuge.

(*4*) One registration permit will be available and will be awarded by the Federal in-season fishery manager, in consultation with the Kenai National Wildlife Refuge manager, based on the merits of the operational plan. The registration permit will be issued to an organization that, as the fish wheel owner, will be responsible for its construction, installation, operation, use, and removal in consultation with the Federal fishery manager. The owner may not rent or lease the fish wheel for personal gain. As part of the permit, the organization must:

(*i*) *Prior to the season:* Provide a written operational plan to the Federal fishery manager including a description of how fishing time and fish will be offered and distributed among households and residents of Ninilchik.

(*ii*) *During the season:* Mark the fish wheel with a wood, metal, or plastic plate that is at least 12 inches high by 12 inches wide, permanently affixed, and plainly visible and that contains the following information in letters and numerals at least 1 inch high: Registration permit number; organization's name and address; and primary contact person name and telephone number.

(*iii*) *After the season:* Provide written documentation of required evaluation information to the Federal fishery manager including, but not limited to, persons or households operating the gear, hours of operation, and number of each species caught and retained or released.

(*5*) People operating the fish wheel must:

(*i*) Have in possession a valid Federal subsistence fishing permit and remain onsite to monitor the fish wheel and remove all fish at least every hour.

(*ii*) In addition, any person operating the fish wheel who is not the owner must attach to the fish wheel an additional wood, metal, or plastic plate that is at least 12 inches high by 12 inches wide, is plainly visible, and contains the person's fishing permit number, name, and address in letters and numerals at least 1 inch high.

(*6*) The organization owning the fish wheel may operate the fish wheel for subsistence purposes on behalf of residents of Ninilchik by requesting a subsistence fishing permit that:

(*i*) Identifies a person who will be responsible for operating the fish wheel; and

(*ii*) Includes provisions for recording daily catches, the household to whom the catch was given, and other information determined to be necessary for effective resource management by the Federal fishery manager.

(*7*) Fishing is allowed from June 16 through October 31 on the Kasilof River unless closed or otherwise restricted by Federal special action.

(C) *Kasilof experimental gillnet; salmon.*

(*1*) Residents of Ninilchik may harvest sockeye, Chinook, coho, and pink salmon through an experimental community gillnet fishery in the Federal public waters of the upper mainstem of the Kasilof River from a Federal regulatory marker on the river below the outlet of Tustumena Lake downstream to the Tustumena Lake boat launch June 16 through August 15.

(*2*) The experimental community gillnet fishery will expire July 13, 2020.

(*3*) Only one community gillnet may be operated on the Kasilof River. The gillnet may not be over 10 fathoms in length and may not obstruct more than half of the river width with stationary fishing gear. In addition, subsistence stationary gillnet gear may not be set within 200 feet of other subsistence stationary gear.

(*4*) One registration permit will be available and will be awarded by the Federal in-season fishery manager, in consultation with the Kenai National Wildlife Refuge manager, based on the merits of the operational plan. The registration permit will be issued only to an organization that, as the community gillnet owner, will be responsible for its use in consultation with the Federal fishery manager. As part of the permit, the organization must:

(*i*) *Prior to the season:* Provide a written operational plan to the Federal fishery manager including a description of fishing method, mesh size requirements, fishing time and location, and how fish will be offered and distributed among households and residents of Ninilchik.

(*ii*) *After the season:* Provide written documentation of required evaluation information to the Federal fishery manager including, but not limited to, persons or households operating the gear, hours of operation, and number of each species caught and retained or released.

(*5*) The experimental community gillnet is subject to compliance with applicable Kenai National Wildlife Refuge regulations and restrictions. It is the obligation of the gillnet owner to be familiar with such regulations and restrictions.

(*6*) The organization owning the gillnet may operate the net for subsistence purposes on behalf of residents of Ninilchik by requesting a subsistence fishing permit that identifies a person who will be responsible for fishing the gillnet and includes provisions for recording daily catches, the household to whom the catch was given, and other information determined to be necessary for effective resource management by the Federal fishery manager.

(*7*) Residents of Ninilchik may retain other species incidentally caught in the Kasilof River experimental community gillnet fishery. The gillnet fishery will be closed when the retention of rainbow or steelhead trout has been restricted under Federal subsistence regulations.

(D) *Tustumena Lake rod and reel; salmon.*

(*1*) In addition to the dip net and rod and reel fishery on the upper mainstem of the Kasilof River described under paragraph (e)(10)(ii)(B) of this section, residents of Ninilchik may also take coho and pink salmon through a rod and reel fishery in Tustumena Lake. Fishing is allowed with up to two baited single or treble hooks.

(*2*) Seasons, areas, harvest and possession limits, and methods and means for take are the same as for the taking of these species under Alaska sport fishing regulations (5 AAC 56), except for the following harvest and possession limits:

Species	Size	Limits
Coho salmon	16 inches and longer	4 per day and 4 in possession.
Pink salmon	16 inches and longer	6 per day and 6 in possession.

(E) *Kasilof drainage rod and reel; resident species.* Resident fish species including lake trout, rainbow or steelhead trout, and Dolly Varden or Arctic char may be harvested by rod and reel in Federally managed waters of the Kasilof River drainage the entire year as follows:

Species	Specifications	Limits
Lake trout	Fish 20 inches and longer	4 per day and 4 in possession.
	Fish less than 20 inches in length	15 per day and 15 in possession.
Dolly Varden and Arctic char	In flowing waters	4 per day and 4 in possession.
	In lakes and ponds	10 per day and 10 in possession.
Rainbow or steelhead trout	In flowing waters	2 per day and 2 in possession.
	In lakes and ponds	5 per day and 5 in possession.

(F) *Tustumena Lake under ice fishery; resident species.*

(*1*) You may fish in Tustumena Lake with a gillnet under the ice, or with jigging gear used through the ice. The gillnet may not be longer than 10 fathoms.

(*2*) Harvest limits are as follows:

Methods	Limits	Additional provisions
Jigging gear through the ice	Household annual limit of 30 fish in any combination of lake trout, rainbow trout, and Dolly Varden or Arctic char.	Household limits are included in the overall total annual harvest quota.
Gillnet under the ice	Total annual harvest quota of 200 lake trout, 200 rainbow trout, and 500 Dolly Varden or Arctic char.	The Federal in-season manager will issue a closure for this fishery once any of these quotas has been met.

(*3*) You may harvest fish under the ice only in Tustumena Lake. Gillnets are not allowed within a ¼-mile radius of the mouth of any tributary to Tustumena Lake, or the outlet of Tustumena Lake.

(*4*) A permit is required. The permit will be issued by the Federal in-season manager or designated representative and will be valid for the winter season unless the season is closed by special action.

(*i*) The permittee must report the following information: The number of each species caught; the number of each species retained; the length, depth (number of meshes deep), and mesh size of gillnet fished; the fishing site; and the total hours fished.

(*ii*) The gillnet must be checked at least once in every 48-hour period.

(*iii*) For unattended gear, the permittee's name and address must be plainly and legibly inscribed on a stake at one end of the gillnet.

(*5*) Incidentally caught fish may be retained and must be recorded on the permit before transporting fish from the fishing site.

(*6*) Failure to return the completed harvest permit by May 31 may result in issuance of a violation notice and/or denial of a future subsistence permit.

(iii) *Seasons, harvest limits, and methods and means for Kenai fisheries.* Household annual limits for salmon in Kenai River fisheries are as follows:

Species	Number of fish allowed for each permit holder	Additional fish allowed for each household member	Additional provisions
Sockeye salmon	25	5	Chum salmon that are retained are to be included within the annual limit for sockeye salmon.
Chinook salmon—Early-run (July 1 through July 15).	2	1	For the Kenai River community gillnet fishery described under paragraph (e)(10)(iii)(B) of this section.
Chinook salmon—Late-run (July 16 through August 31).	10	2	
Coho salmon	20	5	
Pink salmon	15	5	

(A) *Kenai dip net or rod and reel; salmon.*

(*1*) You may take only sockeye salmon through a dip net or rod and reel fishery at one specified site on the Russian River.

(*i*) For the Russian River fishing site, incidentally caught fish may be retained for subsistence uses, except for early- and late-run Chinook salmon, coho salmon, rainbow trout, and Dolly Varden, which must be released.

(*ii*) At the Russian River Falls site, dip netting is allowed from a Federal regulatory marker near the upstream end of the fish ladder at Russian River Falls downstream to a Federal regulatory marker approximately 600 yards below Russian River Falls. Residents using rod and reel gear at this fishery site may not fish with bait at any time.

(*2*) You may take sockeye, late-run Chinook, coho, and pink salmon through a dip net or rod and reel fishery at two specified sites on the Kenai River below Skilak Lake and as provided in this section.

(*i*) For both Kenai River fishing sites below Skilak Lake, incidentally caught fish may be retained for subsistence uses, except for early-run Chinook salmon (unless otherwise provided for in this section), rainbow trout 18 inches or longer, and Dolly Varden 18 inches or longer, which must be released.

(*ii*) At the Kenai River Moose Range Meadows site, dip netting is allowed only from a boat from a Federal regulatory marker on the Kenai River at about river mile 29 downstream approximately 2.5 miles to another marker on the Kenai River at about river mile 26.5. Residents using rod and reel gear at this fishery site may fish from boats or from shore with up to two baited single or treble hooks June 15 through August 31.

(*iii*) At the Kenai river mile 48 site, dip netting is allowed while either standing in the river or from a boat, from Federal regulatory markers on both sides of the Kenai River at about river mile 48 (approximately 2 miles below

the outlet of Skilak Lake) downstream approximately 2.5 miles to a marker on the Kenai River at about river mile 45.5. Residents using rod and reel gear at this fishery site may fish from boats or from shore with up to two baited single or treble hooks June 15 through August 31.

(*3*) Fishing seasons are as follows:

Species	Season	Location
Sockeye salmon	June 15–August 15	All three sites.
Late-run Chinook salmon	July 16–September 30	Kenai River sites only.
Pink salmon	July 16–September 30	Kenai River sites only.
Coho salmon	July 16–September 30	Kenai River sites only.

(B) *Kenai gillnet; salmon.*

(*1*) Residents of Ninilchik may harvest sockeye, Chinook, coho, and pink salmon in the Moose Range Meadows area of the Federal public waters of the Kenai River with a single gillnet to be managed and operated by the Ninilchik Traditional Council.

(*2*) Fishing will be allowed July 1 through August 15 and September 10–30 on the Kenai River unless closed or otherwise restricted by Federal special action. The following conditions apply to harvest in the Kenai community gillnet fishery:

(*i*) Salmon taken in this fishery will be included as household annual limits of participating households.

(*ii*) Additional harvest restrictions for this fishery are as follows:

Species	Period	Harvest	Limits
Early-run Chinook salmon less than 46 inches in length or greater than 55 inches in length.	July 1–15	Fish may be retained if the most current preseason forecast from the State of Alaska Department of Fish and Game projects the in-river run to be within or above the optimal escapement goal range for early-run Chinook salmon; otherwise, live fish must be released.	Fishery will close until July 16 once 50 early-run Chinook salmon have been retained or released.
Late-run Chinook salmon	July 16–August 15		Fishery will close prior to August 15 if 200 late-run Chinook salmon have been retained or released prior to that date. Fishery will reopen September 10–30 for species available at that time.
Pink salmon	July 16–August 15 and September 10–30.		
Coho salmon	July 16–August 15 and September 10–30.		
Incidentally caught rainbow trout and Dolly Varden.		All live fish must be released. Fish that die in net may be retained.	Fishery will close for the season once 100 rainbow trout or 150 Dolly Varden have been released or retained.

(*iii*) Chinook salmon less than 20 inches in length may be retained and do not count towards retained or released totals.

(*iv*) Other incidentally caught species may be retained; however, all incidental fish mortalities, except for Chinook salmon less than 20 inches in length, count towards released or retained totals specified in this section.

(*3*) Only one community gillnet may be operated on the Kenai River.

(i) The gillnet may not: Be over 10 fathoms in length to take salmon; be larger than 5.25-inch mesh; and obstruct more than half of the river width with stationary fishing gear.

(*ii*) Subsistence stationary gillnet gear may not be set within 200 feet of other subsistence stationary gear.

(*4*) One registration permit will be available and will be issued by the Federal in-season manager, in consultation with the Kenai National Wildlife Refuge manager, to the Ninilchik Traditional Council. As the community gillnet owner, the Ninilchik Traditional Council will be responsible for its use and removal in consultation with the Federal in-season manager. As part of the permit, the Ninilchik Traditional Council must provide post-season written documentation of required evaluation information to the Federal in-season manager including, but not limited to:

(*i*) Persons or households operating the gear;

(*ii*) Hours of operation; and

(*iii*) Number of each species caught and retained or released.

(*5*) The Ninilchik Traditional Council may operate the net for subsistence purposes on behalf of residents of Ninilchik by requesting a subsistence fishing permit that:

(*i*) Identifies a person who will be responsible for fishing the gillnet; and

(*ii*) Includes provisions for recording daily catches, the household to whom the catch was given, and other information determined to be necessary for effective resource management by the Federal in-season manager.

(C) *Kenai rod and reel only; salmon.*

(*1*) For Federally managed waters of the Kenai River and its tributaries, you may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage.

(*2*) Seasons, areas, harvest and possession limits, and methods and means for take are the same as for the taking of these salmon species under State of Alaska fishing regulations (5 AAC 56, 5 AAC 57 and 5 AAC 77.540), except for the following harvest and possession limits:

Species	Size	Limits
Early-run Chinook salmon	Less than 46 inches or 55 inches and longer.	2 per day and 2 in possession.
Late-run Chinook salmon ..	20 inches and longer	2 per day and 2 in possession.
All other salmon	16 inches and longer	6 per day and 6 in possession, of which no more than 4 per day and 4 in possession may be Coho salmon, except for the Sanctuary Area and Russian River where no more than 2 per day and 2 in possession may be Coho salmon.

(*i*) In the Kenai River below Skilak Lake, fishing is allowed with up to two baited single or treble hooks June 15 through August 31.

(*ii*) Annual harvest limits for any combination of early- and late-run Chinook salmon are four for each permit holder.

(*iii*) Incidentally caught fish, other than salmon, are subject to regulations found in paragraph (e)(10)(iii)(D) of this section.

(D) *Kenai River and tributaries under ice jigging and rod and reel; resident species.*

(*1*) For Federally managed waters of the Kenai River and its tributaries below Skilak Lake outlet at river mile 50, you may take resident fish species including lake trout, rainbow trout, and Dolly Varden or Arctic char with jigging gear through the ice or rod and reel gear in open waters. Seasons, areas, harvest and possession limits, and methods and means for take are the same as for the taking of these resident species under State of Alaska fishing regulations (5 AAC 56, 5 AAC 57, and 5 AAC 77.540), except for the following harvest and possession limits:

Species	Specifications	Limits
Lake trout	20 inches or longer	4 per day and 4 in possession.
	Less than 20 inches	15 per day and 15 in possession.
Dolly Varden or Arctic char	In flowing waters	For fish less than 18 inches, 1 per day and 1 in possession.
	In lakes and ponds	2 per day and 2 in possession, of which only one may be 20 inches or longer, may be harvested daily.
Rainbow or steelhead trout	In flowing waters	For fish less than 18 inches in length, 1 per day and 1 in possession.
	In lakes and ponds	2 per day and 2 in possession, of which only one fish 20 inches or longer may be harvested daily.

(*2*) For Federally managed waters of the upper Kenai River and its tributaries above Skilak Lake outlet at river mile 50, you may take resident fish species including lake trout, rainbow trout, and Dolly Varden or Arctic char with jigging gear through the ice or rod and reel gear in open waters. Seasons, areas, harvest and possession limits, and methods and means for take are the same as for the taking of these resident species under Alaska fishing regulations (5 AAC 56, 5 AAC 57, 5 AAC 77.540), except for the following harvest and possession limits:

Species	Specifications	Limits
Lake trout	20 inches or longer	4 per day and 4 in possession.
	Less than 20 inches	15 per day and 15 in possession.
	From Hidden Lake	2 per day and 2 in possession regardless of length.
Dolly Varden or Arctic char	In flowing waters	For fish less than 16 inches in length, 1 per day and 1 in possession.
	In lakes and ponds	2 per day and 2 in possession, of which only one fish 20 inches or longer may be harvested daily.
Rainbow or steelhead trout	In flowing waters	For fish less than 16 inches in length, 1 per day and 1 in possession.
	In lakes and ponds	2 per day and 2 in possession, of which only one fish 20 inches or longer may be harvested daily.

* * * * *

Dated: September 25, 2018.

Thomas C.J. Doolittle,

Acting Assistant Regional Director, U.S. Fish and Wildlife Service.

Dated: September 25, 2018.

Thomas Whitford,

Subsistence Program Leader, USDA–Forest Service.

[FR Doc. 2018–21218 Filed 9–28–18; 8:45 am]

BILLING CODE 4333–15–P; 3411–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0531; FRL–9984–83—Region 4]

Air Plan Approval; North Carolina; Ozone NAAQS Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of North Carolina through the North Carolina Division of Air Quality (NCDAQ) with a letter dated March 21, 2018. The SIP submittal includes changes to the State's air quality rules for ozone to be consistent with the National Ambient Air Quality Standards (NAAQS). EPA is proposing to approve these provisions of the SIP revision because the State has demonstrated that these changes are consistent with the Clean Air Act (CAA or Act) and federal regulations.

DATES: Comments must be received on or before October 31, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2018–0531 at *https://www.regulations.gov.* Follow the online

instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9088. Ms. Bell can also be reached via electronic mail at *bell.tiereny@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Sections 108 and 109 of the CAA govern the establishment, review, and revision, as appropriate, of the NAAQS to protect public health and welfare. The CAA requires periodic review of the air quality criteria—the science upon which the standards are based—and the standards themselves. EPA's regulatory provisions that govern the NAAQS are found at 40 CFR 50—*National Primary and Secondary Ambient Air Quality Standards.* In this rule, EPA is proposing to approve revisions to the North Carolina air quality rules addressing Rule 15A NCAC 02D .0405, *Ozone,* in the North Carolina SIP. EPA notes that the cover letter was dated March 21, 2018.[1] Rule 15A NCAC 02D.0405 is amended by updating air quality standards to reflect the most recent ozone NAAQS as well as making textual modifications in the following manner: Removing 0.075 parts per million (ppm) and replacing it with 0.070 ppm; deleting ''8-hour'' and replacing it with ''eight-hour''; deleting the word ''is'' and replacing it with ''shall be'' and later ''shall be deemed''; and deleting Appendix P, which referenced the 2008 Ozone Standard, and replacing it with Appendix U, which references the 2015 Ozone Standard. The SIP submission amending the North Carolina regulations to incorporate the most recent ozone NAAQS can be found in the docket for this rulemaking at *www.regulations.gov* and is summarized below.

[1] The submittal date is the date of receipt by EPA, which was April 4, 2018.

II. EPA's Analysis of North Carolina's Submittal

On October 26, 2015, EPA promulgated revised 8-hour primary and secondary ozone NAAQS, strengthening both from 0.075 ppm to 0.070 ppm (the 2015 8-hour Ozone NAAQS). *See* 80 FR 65292. Accordingly, in the March 21, 2018, SIP submission, North Carolina revised Rule 15A NCAC 02D .0405, ''Ozone,'' by updating the State's air quality standard to be consistent with the 2015 8-hour Ozone NAAQS promulgated by EPA in 2015. EPA is proposing to approve this change because it is consistent with the CAA and Federal regulations.

III. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the NCDAQ Rule 15A NCAC 02D .0405 entitled ''Ozone,'' state effective January 1, 2018, which revises the ozone standard to be consistent with the 2015 ozone NAAQS. 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).

IV. Proposed Action

EPA is proposing to approve the State of North Carolina's March 21, 2018, SIP submission identified in sections I and II above, because these changes are consistent with the CAA and federal regulations.

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by

reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: September 19, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

[FR Doc. 2018–21328 Filed 9–28–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA–HQ–OAR–2017–0629; FRL–9984–55–OAR]

RIN 2060–AT81

Protection of Stratospheric Ozone: Revisions to the Refrigerant Management Program's Extension to Substitutes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Clean Air Act (CAA) prohibits knowingly venting or releasing ozone-depleting and substitute refrigerants in the course of maintaining, servicing, repairing, or disposing of appliances or industrial process refrigeration. On November 18, 2016, EPA finalized a rule that updated the existing refrigerant management requirements and extended requirements that previously applied only to refrigerants containing an ozone-depleting substance (ODS) to substitute refrigerants such as hydrofluorocarbons that are subject to the venting prohibition (*i.e.,* those that have not been exempted from that prohibition). The Agency is revisiting the aspects of the 2016 Rule that apply to equipment containing such substitute refrigerants. This action proposes changes to the legal interpretation that supported that rule and amendments to the regulations based on the revised interpretation. More specifically, in connection with the proposed changes to the legal interpretation, EPA is proposing to revise the appliance maintenance and leak repair provisions so they apply only to equipment using refrigerant containing a class I or class II substance. Based on this proposed limitation of the leak repair requirements, this document further proposes to revise the list of practices that must be followed in order for refrigerant releases to be considered *de minimis* to clarify that the reference to following leak repair practices only applies to equipment that contains ODS refrigerant. EPA is also taking comment on whether, in connection with the proposed changes to the legal interpretation, the 2016 Rule's extension of subpart F refrigerant management requirements to such substitute refrigerants should be rescinded in full. Additionally, EPA is proposing to extend by six to twelve months the January 1, 2019 compliance date for when appliances containing only substitute refrigerants subject to the venting prohibition must comply with the appliance maintenance and leak repair provisions.

DATES: Written comments must be received by November 15, 2018. EPA will hold a public hearing on or before October 16, 2018. The hearing will be held in Washington, DC. More details concerning the hearing can be found at *www.epa.gov/section608.*

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2017–0629, at *www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*e.g.,* 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 *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jeremy Arling by regular mail: U.S. Environmental Protection Agency, Stratospheric Protection Division (6205T), 1200 Pennsylvania Avenue NW, Washington, DC 20460; by telephone: (202) 343–9055; or by email: *arling.jeremy@epa.gov.*

I. General Information

A. What is the National Recycling and Emission Reduction Program?

Section 608 of the CAA, titled ''National Recycling and Emissions Reduction Program,'' has three main components. First, section 608(a) requires EPA to establish standards and requirements regarding the use and disposal of class I and class II substances.[1] The second component, section 608(b), requires that the regulations issued pursuant to subsection (a) contain requirements for the safe disposal of class I and class II substances. The third component, section 608(c), prohibits the knowing venting, release, or disposal of ODS refrigerants [2] and their substitutes [3] in the course of maintaining, servicing, repairing, or disposing of appliances or industrial process refrigeration (IPR). This third component is also referred to as the ''venting prohibition'' in this proposal. Section 608(c)(1) includes an exemption from this prohibition for ''[d]e minimis releases associated with good faith attempts to recapture and recycle or safely dispose'' of class I or class II substances, and section 608(c)(2) extends 608(c)(1) to substitute refrigerants. Section 608(c)(2) also includes a provision that allows the Administrator to exempt a substitute refrigerant from the venting prohibition if he or she determines that such venting, release, or disposal of a substitute refrigerant ''does not pose a threat to the environment.'' [4]

EPA first issued regulations under section 608 of the CAA on May 14, 1993 (58 FR 28660, ''1993 Rule''), to establish the national refrigerant management program for ODS refrigerants recovered during the service, repair, or disposal of air-conditioning and refrigeration appliances. These regulations were intended to substantially reduce the use and emissions of refrigerants that are ODS.

[1] A class I or class II substance refers to an ozone-depleting substance listed at 40 CFR part 82 subpart A, appendix A or appendix B, respectively. This proposal refers to class I and class II substances collectively as ozone-depleting substances, or ODS.

[2] The term ''ODS refrigerant'' as used in this proposal refers to any refrigerant or refrigerant blend in which one or more of the components is a class I or class II substance.

[3] The term ''substitute'' is defined at 40 CFR 82.152. In the context of the subpart F regulations, any refrigerant or refrigerant blend in which none of the components is a class I or class II substance is treated as a substitute, while any refrigerant or refrigerant blend in which one or more the components is a class I or class II substance is regulated as an ODS refrigerant.

[4] EPA is using the term ''non-exempt substitute'' in this document to refer to substitute refrigerants that have not been exempted from the venting prohibition under CAA section 608(c)(2) and 40 CFR 82.154(a) in the relevant end-use. Similarly, the term ''exempt substitute'' refers to a substitute refrigerant that has been exempted from the venting prohibition under section 608(c)(2) and § 82.154(a) in the relevant end-use. A few exempt substitutes have been exempted from the venting prohibition in all end-uses.

The 1993 Rule required that persons servicing air-conditioning and refrigeration equipment containing ODS refrigerants observe certain practices that reduce emissions. It established requirements for refrigerant recovery equipment, reclaimer certification, and technician certification, and also restricted the sale of ODS refrigerant so that only certified technicians could purchase it. In addition, the 1993 Rule required that ODS be removed from appliances prior to disposal, and that all air-conditioning and refrigeration equipment using an ODS be provided with a servicing aperture or process stub to facilitate refrigerant recovery. The 1993 Rule also established a requirement to repair leaking appliances containing more than 50 pounds of ODS refrigerant. The rule set an annual leak rate of 35 percent for commercial refrigeration appliances and IPR and 15 percent for comfort cooling appliances. If the applicable leak rate is exceeded, the appliance must be repaired within 30 days. Further, consistent with CAA section 608(c)(1), the 1993 Rule included a regulatory provision prohibiting the knowing venting or release of ODS refrigerant by any person maintaining, servicing, repairing, or disposing of an appliance. 58 FR 28714; 40 CFR 82.154(a) (1993). It also provided that such releases would be considered *de minimis,* and therefore not subject to the prohibition, if they occurred when certain regulatory requirements were followed. 40 CFR 82.154(a) (1993).

EPA revised these regulations, which are found at 40 CFR part 82, subpart F (''subpart F''), through subsequent rulemakings published on August 19, 1994 (59 FR 42950), November 9, 1994 (59 FR 55912), August 8, 1995 (60 FR 40420), July 24, 2003 (68 FR 43786), March 12, 2004 (69 FR 11946), January 11, 2005 (70 FR 1972), April 13, 2005 (70 FR 19273), May 23, 2014 (79 FR 29682), April 10, 2015 (80 FR 19453), and November 18, 2016 (81 FR 82272). In the April 2005 rulemaking, EPA revised the regulatory venting prohibition in 40 CFR 82.154, so that it also applied to non-exempt substitute refrigerants, and included such substitutes in the regulatory provision implementing the *de minimis* exemption, so that it exempted ''*de minimis* releases associated with good faith attempts to recycle or recover refrigerants or non-exempt substitutes'' from the prohibition. 70 FR 19278. However, in contrast to how these regulations applied to ODS refrigerants, they did not provide that releases of non-exempt substitute refrigerants would be considered *de minimis* if certain regulatory requirements were followed. Additionally, the 2004 and 2005 rules exempted certain substitute refrigerants from the venting prohibition either in specific end uses or in all end uses. *See* 69 FR 11953–11954; 70 FR 19278; 40 CFR 82.154(a) (June 2005). This regulatory list of exemptions from the venting prohibition in 40 CFR 82.154(a) has been periodically updated since 2005. EPA also issued proposed rules to revise the regulations in subpart F on June 11, 1998 (63 FR 32044), elements of which were not finalized, and on December 15, 2010 (75 FR 78558), for which no elements were finalized. A more detailed history of these regulatory updates can be found at 81 FR 82275. Prior to the 2016 Rule, EPA regulations did not address how regulated entities could avail themselves of the *de minimis* exemption for non-exempt substitutes. *See, e.g.,* 81 FR 82283–82285.

On November 18, 2016, EPA published a rule updating the refrigerant management requirements and extending requirements that previously applied only to refrigerants containing an ODS to non-exempt substitute refrigerants, such as hydrofluorocarbons (HFCs) and hydrofluorolefins (HFOs) (81 FR 82272) (''2016 Rule''). The 2016 Rule also made a number of revisions to improve the efficacy of the refrigerant management program as a whole, such as revisions of regulatory provisions for increased clarity and readability, and removal of provisions that had become obsolete.

B. Does this action apply to me?

Categories and entities potentially affected by this action include those who own, operate, maintain, service, repair, recycle, reclaim, or dispose of refrigeration and air-conditioning appliances and refrigerants, as well as entities that manufacture or sell refrigerants, products, and services for the refrigeration and air-conditioning industry. Potentially affected entities include, but are not limited to, the following:

TABLE 1—POTENTIALLY AFFECTED ENTITIES

Category	North American Industry Classification System (NAICS) code	Examples of regulated entities
Industrial Process Refrigeration (IPR).	111, 11251, 11511, 21111, 2211, 2212, 2213, 311, 3121, 3221, 3222, 32311, 32411, 3251, 32512, 3252, 3253, 32541, 3256, 3259, 3261, 3262, 3324, 3328, 33324, 33341, 33361, 3341, 3344, 3345, 3346, 3364, 33911, 339999.	Owners or operators of refrigeration equipment used in agriculture and crop production, oil and gas extraction, ice rinks, and the manufacture of frozen food, dairy products, food and beverages, ice, petrochemicals, chemicals, machinery, medical equipment, plastics, paper, and electronics.
Commercial Refrigeration.	42374, 42393, 42399, 4242, 4244, 42459, 42469, 42481, 42493, 4451, 4452, 45291, 48422, 4885, 4931, 49312, 72231.	Owners or operators of refrigerated warehousing and storage facilities, supermarkets, grocery stores, warehouse clubs, supercenters, convenience stores, and refrigerated transport.
Comfort Cooling	45211, 45299, 453998, 512, 522, 524, 531, 5417, 551, 561, 6111, 6112, 6113, 61151, 622, 7121, 71394, 721, 722, 813, 92.	Owners or operators of air-conditioning equipment used in the following: hospitals, office buildings, colleges and universities, metropolitan transit authorities, real estate rental & leased properties, lodging and food services, property management, schools, and public administration or other public institutions.
Plumbing, Heating, and Air-Conditioning Contractors.	238220, 811111, 81131, 811412	Plumbing, heating, and air-conditioning contractors, and refrigerant recovery contractors, including automotive repair.
Manufacturers and Distributors of Small Cans of Refrigerant.	325120, 441310, 447110	Automotive parts and accessories stores and industrial gas manufacturers.
Reclaimers	325120, 423930, 424690, 562920, 562212	Industrial gas manufacturers, recyclable material merchant wholesalers, materials recovery facilities, solid waste landfills, and other chemical and allied products merchant wholesalers.

TABLE 1—POTENTIALLY AFFECTED ENTITIES—Continued

Category	North American Industry Classification System (NAICS) code	Examples of regulated entities
Disposers and Recyclers of Appliances.	423990, 562212, 562920	Materials recovery facilities, solid waste landfills, and other miscellaneous durable goods merchant wholesalers.
Refrigerant Wholesalers	325120, 42, 424690	Industrial gas manufacturers, other chemical and allied products merchant wholesalers, wholesale trade.
Certifying Organizations	541380	Environmental test laboratories and services.

This list is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. To determine whether your facility, company, business, or organization could be affected by this action, you should carefully examine the regulations at 40 CFR part 82, subpart F and the proposed revisions below. If you have questions regarding the applicability of this action, if finalized, to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

C. What action is the agency taking?

Subpart F contains a comprehensive set of specific refrigerant management requirements, including provisions that: Restrict the servicing of appliances and the sale of refrigerant to certified technicians; specify the proper evacuation levels before opening an appliance; require the use of certified refrigerant recovery and/or recycling equipment; require the maintenance and repair of appliances that meet size and leak rate thresholds; require that refrigerant be removed from appliances prior to disposal; require that appliances have a servicing aperture or process stub to facilitate refrigerant recovery; require that refrigerant reclaimers be certified to reclaim and sell used refrigerant; and establish standards for technician certification programs, recovery equipment, and quality of reclaimed refrigerant (40 CFR part 82 subpart F).

Based on feedback from some in the regulated community, the Agency reviewed the 2016 Rule, focusing in particular on whether the Agency had the statutory authority to extend the full set of subpart F refrigerant management regulations to non-exempt substitute refrigerants, such as HFCs and HFOs. Based on that review, Administrator Pruitt signed a letter on August 10, 2017 stating that EPA is ''planning to issue a proposed rule to revisit aspects of the 2016 Rule's extension of the 40 CFR part 82 subpart F refrigerant management requirements to non-exempt substitutes.'' [5] Consistent with the Administrator's letter, the Agency is now proposing to withdraw the recent extension of the appliance maintenance and leak repair provisions at 40 CFR 82.157 [6] to appliances using only non-exempt substitute refrigerants.[7] This proposal would relieve businesses from having to conduct leak inspections, repair leaks, and keep records for appliances containing 50 or more pounds of non-exempt substitute refrigerant. EPA is also taking comment on whether to withdraw the extension of the full set of subpart F provisions to non-exempt substitute refrigerants. EPA is not proposing any changes to the refrigerant management program as it relates to requirements for ozone-depleting refrigerants or appliances containing or using any amount of ODS. Accordingly, none of the proposed changes would affect requirements for ODS under CAA section 608.

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

These proposed revisions to the regulations found at 40 CFR part 82, subpart F are based on proposed changes to EPA's interpretation of its authority under CAA section 608. In particular, in the 2016 Rule EPA had for the first time adopted an interpretation of CAA section 608 to support the extension of the full set of subpart F refrigerant management requirements to non-exempt substitute refrigerants. Under the interpretation proposed in this document, EPA now proposes to conclude that its authority to regulate substitutes under section 608 does not extend as far as its authority to regulate ODS. Specifically, EPA would conclude, as a legal matter, that the extension of the full set (that is, the entirety) of subpart F requirements to non-exempt substitute refrigerants exceeds EPA's statutory authority. In connection with the proposed changes in its legal interpretation, EPA is proposing to rescind the 2016 Rule's extension of the leak repair requirements to non-exempt substitutes, while retaining the extension of the remaining subpart F requirements. In light of the questions regarding the scope of EPA's authority to regulate non-exempt substitute refrigerants under section 608, EPA is also taking comment on whether it would be appropriate and warranted for the agency to instead rescind the entire extension of the subpart F requirements to non-exempt substitutes at this time. EPA is not, however, proposing to change the interpretation that EPA has authority to interpret the venting prohibition and the *de minimis* exemption in section 608(c) and to explain how that prohibition and that exemption apply to non-exempt substitute refrigerants.[8]

EPA's authority for this proposed action is further supported by the Agency's authority to revisit and revise existing regulations and legal interpretations. More detail on EPA's authority for this action is provided in subsequent sections of this document, including in sections II.D and II.E below, discussing EPA's authority under CAA sections 608(c) and 608(a), respectively.

E. What are the incremental costs and benefits of this action?

By rescinding the extension of the leak repair provisions to substitutes, the proposed rule would reduce the burden associated with the 2016 Rule by $39 million per year. EPA also estimates this rule would increase the need to purchase non-exempt substitute refrigerant for leaking appliances, at an overall cost of approximately $15 million per year. Thus, incremental compliance savings and increased refrigerant costs combined are estimated to be a reduction of at least $24 million

[5] Letter from EPA to National Environmental Development Association's Clean Air Project and the Air Permitting Forum (Aug. 10, 2017), *available at www.epa.gov/sites/production/files/2017-08/documents/608_update_letter.pdf* and in the docket to this rule.

[6] For ease of reference, in this document EPA uses the terms ''leak repair provisions'' or ''leak repair requirements'' to refer to the appliance maintenance and leak repair provisions at 40 CFR 82.157.

[7] Ozone-depleting refrigerants and appliances that contain or use any amount of class I or class II ODS would continue to be subject to the ODS requirements.

[8] Section 608(c) does not expressly provide that EPA may write regulations under that section. Section 301, however, states that the ''Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under [the Clean Air Act].''

per year. EPA estimates that this proposed action would result in foregone annual greenhouse gas (GHG) emissions reductions benefits of at least 3 million metric tons of carbon dioxide equivalent ($MMTCO_2e$). This proposed rule to rescind the extension of the leak repair provisions to substitutes would not directly affect the stratospheric ozone layer.

EPA is also taking comment whether the agency should rescind the entire extension of the subpart F requirements to non-exempt substitutes and any additional cost savings associated with that action. This would reduce the burden associated with the 2016 Rule by at least an additional $4 million per year (for a total annual burden reduction of at least $43 million per year). EPA estimates withdrawing subpart F regulations of non-exempt substitute refrigerants to result in additional foregone annual GHG emissions reductions of 0.7 $MMTCO_2e$ associated with the use of self-sealing valves for a total foregone emissions reduction of at least 3.6 $MMTCO_2e$.

Table 2 presents a summary of the annual costs and benefits associated with two scenarios including rescinding the extension of the leak repair provisions to non-exempt substitutes and rescinding the extension of all Subpart F provisions to non-exempt substitutes.

TABLE 2—SUMMARY OF ANNUAL COSTS AND BENEFITS WITH 7% AND 3% DISCOUNT RATES

[2014$]

	Rescinding extension of leak repair provisions to non-exempt substitutes		Rescinding extension of all Subpart F provisions to non-exempt substitutes	
	7% Discount rate	3% Discount rate	7% Discount rate	3% Discount rate
Burden Reduction	$38,958,000	$35,264,000	$43,014,000	$39,320,000
Refrigerant Replacement Cost.	−$14,874,000	−$14,874,000	−$14,874,000	−$14,874,000
Forgone Emissions Reductions.	2.946 $MMTCO_2e$	2.946 $MMTCO_2e$	3.603 $MMTCO_2e$	3.603 $MMTCO_2e$
Annual Cost Savings	$24,084,000	$20,390,000	$28,140,000	$24,446,000

Additional information on these analyses can be found in Section III of this document and the technical support document in the docket.

II. The Proposed Rule

A. History of the Extension of the Subpart F Requirements to Non-Exempt Substitutes

On November 18, 2016, EPA published a rule updating existing refrigerant management requirements and extending the full set of the subpart F refrigerant management requirements, which prior to that rule applied only to ODS refrigerants,[9] to non-exempt substitute refrigerants, such as HFCs and HFOs (81 FR 82272). As such, as part of the 2016 Rule, EPA extended the ''appliance maintenance and leak repair'' provisions, currently codified at 40 CFR 82.157, to appliances that contain 50 or more pounds of non-exempt substitute refrigerant. Included in the leak repair provisions are requirements to conduct leak rate calculations when refrigerant is added to an appliance, repair an appliance that leaks above the threshold leak rate applicable to that type of appliance, conduct verification tests on repairs, conduct periodic leak inspections on appliances that have exceeded the threshold leak rate, report to EPA on chronically leaking appliances, retrofit or retire appliances that are not repaired, and maintain related documentation to verify compliance. Although the 2016 Rule took effect on January 1, 2017, it included later compliance dates for some of the revised regulations, including the leak repair provisions. Under the 2016 Rule, owners and operators of appliances that contain 50 or more pounds of refrigerant must comply with these revised appliance maintenance and leak repair provisions beginning January 1, 2019.

Two industry coalitions, National Environmental Development Association's Clean Air Project (NEDA/CAP) and the Air Permitting Forum (APF), filed petitions for judicial review of the 2016 Rule in the U.S. Court of Appeals for the District of Columbia Circuit, and the cases have been consolidated. *See NEDA/CAP* v. *EPA,* No. 17–1016 (D.C. Cir. filed January 17, 2017); *APF* v. *EPA,* No. 17–1017 (D.C. Cir. filed January 17, 2017). The Chemours Company, Honeywell International Inc., the Natural Resources Defense Council, and the Alliance for Responsible Atmospheric Policy are participating as intervenor-respondents in that litigation, in support of the 2016 Rule. In addition, APF has filed a petition with EPA for administrative reconsideration of the 2016 Rule. The petition for reconsideration is available in the docket for this action and raises several issues regarding changes made in the 2016 Rule, including EPA's statutory authority for its decision in the 2016 Rule to expand the scope of the refrigerant management requirements—including, but not limited to, leak repair requirements—to cover non-exempt substitute refrigerants. Honeywell International Inc. submitted a document styled as a response to APF's petition for reconsideration, which is also available in the docket for this action.

B. Legal Background

The discussion of EPA's statutory authority to extend refrigerant management requirements to non-exempt substitute refrigerants in the 2016 Rule focused primarily on CAA section 608, especially on sections 608(c) and 608(a). *See generally* 81 FR 82284–82288.

Section 608(a) requires EPA to establish standards and requirements regarding use and disposal of class I and class II substances. With regard to refrigerants, EPA is to promulgate regulations establishing standards and requirements for the use and disposal of class I and class II substances during the service, repair, or disposal of air-conditioning and refrigeration appliances or IPR. Regulations under section 608(a) are to include requirements to reduce the use and emission of ODS to the lowest achievable level, and to maximize the recapture and recycling of such substances. Section 608(a) further provides that ''[s]uch regulations may include requirements to use alternative substances (including substances which are not class I or class II substances) or to minimize use of class I or class II substances, or to promote the use of safe

[9] The only subpart F requirements that applied to substitute refrigerants prior to the 2016 Rule were the venting prohibition and certain exemptions from that, as set forth in § 82.154(a).

alternatives pursuant to section [612] or any combination of the foregoing.''

Section 608(c) establishes a self-effectuating prohibition, commonly called the ''venting prohibition.'' [10] Section 608(c)(1), effective July 1, 1992, makes it unlawful for any person in the course of maintaining, servicing, repairing, or disposing of an appliance or IPR to knowingly vent, release, or dispose of any ODS used as a refrigerant in such equipment in a manner that permits that substance to enter the environment. Section 608(c)(1) also includes an exemption from this prohibition for ''[d]e minimis releases associated with good faith attempts to recapture and recycle or safely dispose'' of such a substance. Section 608(c)(2) states that, effective November 15, 1995, ''paragraph (1) shall also apply to the venting, release, or disposal of any substitute substance for a class I or class II substance by any person maintaining, servicing, repairing, or disposing of an appliance or [IPR] which contains and uses as a refrigerant any such substance, unless the Administrator determines that venting, releasing, or disposing of such substance does not pose a threat to the environment.'' EPA interprets section 608(c)(2)'s extension of section 608(c)(1) to substitute refrigerants to extend both the prohibition on venting and the *de minimis* exemption to non-exempt substitute refrigerants. This is a long-held position and EPA is not proposing to revisit it. *See, e.g.,* 69 FR 11949 (March 12, 2004); 70 FR 19274–19275 (April 13, 2005).

In the 2016 Rule, EPA interpreted section 608 of the CAA as being ambiguous with regard to EPA's authority to establish refrigerant management regulations for non-exempt substitute refrigerants because Congress had not precisely spoken to this issue. Accordingly, EPA took the view that it had the discretion under *Chevron, U.S.A., Inc.* v. *Natural Res. Def. Council, Inc.,* 467 U.S. 837, 843–44 (1984), to interpret section 608 as providing EPA with authority to extend all aspects of its refrigerant management regulations under section 608 to non-exempt substitute refrigerants, including those regulations that had previously only applied to ODS refrigerants. *See* 81 FR 82283. The 2016 Rule explained that EPA had established the subpart F standards for the proper handling of ODS refrigerants during service, repair, or disposal of an appliance to maximize the recovery and/or recycling of such substances and reduce the use and emission of such substances primarily under section 608(a). Section 608(a) expressly requires EPA to issue regulations that apply to class I and class II substances, but does not expressly address whether EPA could establish the same refrigerant management practices for substitute substances. On the other hand, section 608(c)(2) explicitly mentions substitute refrigerants and directly applies the provisions for ODS refrigerants in section 608(c)(1) to them.

In the 2016 Rule EPA grounded its authority for the extension of refrigerant requirements to non-exempt substitute refrigerants largely on section 608(c), which EPA interpreted to provide it authority to promulgate regulations that interpret, explain, and enforce the venting prohibition and the *de minimis* exemption as they apply to non-exempt substitute refrigerants. *See* 81 FR 82283–82284. In reaching this interpretation, EPA relied in part on a policy rationale that by establishing a comprehensive and consistent framework that applies to both ODS and non-exempt substitute refrigerants, the 2016 Rule would provide clarity to the regulated community concerning the measures that should be taken to comply with the venting prohibition for non-exempt substitutes and would thus reduce confusion and enhance compliance for both ODS and non-exempt substitutes. EPA further explained its view in the 2016 Rule that the extension of requirements under section 608 to non-exempt substitutes was also supported by section 608(a) because having a consistent regulatory framework for non-exempt substitutes and ODS is expected to reduce emissions of ODS refrigerants, as well as non-exempt substitutes. In addition, EPA located supplemental authority for the 2016 Rule in section 301(a), which provides authority for EPA to ''prescribe such regulations as are necessary to carry out [the EPA Administrator's] functions'' under the Act. *Id.* Further, EPA located supplemental authority to extend the recordkeeping and reporting requirements to non-exempt substitutes in section 114, which provides authority to the EPA Administrator to require recordkeeping and reporting in carrying out provisions of the CAA. *Id.*

C. EPA's Authority To Revisit Existing Regulations and Interpretations

EPA's ability to revisit existing regulations is well-grounded in the law. Specifically, EPA has inherent authority to reconsider, repeal, or revise past decisions to the extent permitted by law so long as the Agency provides a reasoned explanation. The CAA complements EPA's inherent authority to reconsider prior rulemakings by providing the Agency with broad authority to prescribe regulations as necessary in CAA section 301(a). The authority to reconsider prior decisions exists in part because EPA's interpretations of statutes it administers ''[are not] instantly carved in stone,'' but must be evaluated ''on a continuing basis.'' *Chevron U.S.A. Inc.* v. *NRDC, Inc.,* 467 U.S. 837, 863–64 (1984). This is true when, as is the case here, review is undertaken ''in response to . . . a change in administrations.'' *National Cable & Telecommunications Ass'n* v. *Brand X internet Services,* 545 U.S. 967, 981 (2005). Indeed, ''[a]gencies obviously have broad discretion to reconsider a regulation at any time.'' *Clean Air Council* v. *Pruitt,* 862 F.3d 1, 8–9 (D.C. Cir. 2017). Similarly, the fact that an agency has previously adopted one interpretation of a statute does not preclude it from later exercising its discretion to change its interpretation. *National Cable & Telecommunications Ass'n,* 545 U.S. at 981.

In accordance with the Administrator's statement in the August 10, 2017 letter that EPA planned to issue a proposed rule to revisit aspects of the 2016 Rule's extension of the subpart F refrigerant management requirements to non-exempt substitutes, EPA has reassessed its decision to extend those requirements to non-exempt substitutes and the interpretations supporting that extension. The main considerations leading to the Agency's decision to reassess the 2016 Rule's extension of subpart F requirements to non-exempt substitute refrigerants are questions about whether extending the full set of subpart F requirements exceeded EPA's statutory authority under CAA section 608. The subpart F requirements, including the leak repair requirements, were originally established for ODS based primarily on authority under CAA section 608(a). Sections 608(a)(1) and (2) explicitly require EPA to regulate ODS but make no mention of substitutes. Section 608(c)(2) does expressly mention substitute refrigerants. However, that provision focuses on prohibiting knowing releases of substitute refrigerants in the course of maintenance, service, repair, and disposal activities and on providing an exemption for *de minimis* releases.

Thus, the structure of section 608, specifically the inclusion of the term ''substitutes'' in section 608(c) but not section 608(a), contrasted with the express references to ODS (class I and class II substances) in both subsections,

[10] In this context, EPA uses the term ''self-effectuating'' to mean that the statutory prohibition on venting is itself legally binding even in the absence of implementing regulations.

suggests that EPA's authority to address substitutes under section 608 is more limited than its authority to address ODS. If Congress had intended to convey authority to EPA to promulgate the same, full set of refrigerant management requirements for substitutes as for ODS, it is reasonable to expect that Congress would have expressly included substitutes in section 608(a), as it did for section 608(c)—but it did not. On the other hand, section 608(a) requires the Agency to issue regulations that reduce the use and emission of ODS to the lowest achievable level and maximize the recapture and recycling of such substances. While section 608(a) contains discretionary language about what requirements those regulations *may* include, it does not contain any more specific mandates about *how* the required objectives should be achieved. To the extent that the extension of certain subpart F requirements to non-exempt substitutes is necessary to reduce the use and emission of ODS to the lowest achievable level or to maximize the recapture and recycling of such substances, EPA is proposing to conclude, as in the 2016 Rule, that such an extension would be authorized by section 608(a). In addition, EPA believes that section 608(c) is reasonably construed as providing the Agency discretionary authority to interpret and apply the venting prohibition and the *de minimis* exemption, as they are expressly incorporated as relating to substitutes under section 608(c)(2). However, EPA believes that its statutory authority under section 608, taking that authority as a whole, does not extend as far with respect to substitutes as it does with respect to ODS, and specifically believes that section 608 is ambiguous with respect to the extent to which, if at all, Congress authorized EPA to issue refrigerant management regulations for substitutes.

In light of these considerations, the Agency has re-examined its authority for aspects of the 2016 Rule. In particular, EPA has carefully reviewed the specific requirements under subpart F that were extended to non-exempt substitute refrigerants and evaluated whether those extensions were within the scope of EPA's statutory authority under sections 608(a) and 608(c).

While EPA believes the scope of its authority for substitutes under section 608 is narrower than that for ODS, EPA maintains that section 608 is ambiguous with respect to the extent of its authority to apply refrigerant management requirements to non-exempt substitute refrigerants. EPA is proposing to change some of the interpretations that supported the 2016 Rule. Specifically, EPA is proposing to conclude that the extension of the leak repair requirements in § 82.157 to non-exempt substitute refrigerants exceeds EPA's legal authority and furthermore is not necessary to fulfill the purposes of section 608(a). EPA proposes to conclude that these changes in interpretations are appropriate interpretations of sections 608(a) and (c) in light of the statutory text, context, and EPA's historical views. With regard to section 608(a), EPA is also taking comment on an alternative legal interpretation under which the agency would not rely on section 608(a) for any extension of the refrigerant management regulations to substitute refrigerants.

In light of EPA's proposed legal interpretations, EPA's proposal for amending the 2016 Rule is to rescind the extension of the leak repair requirements to non-exempt substitutes, while retaining the extension of the remaining subpart F requirements. EPA is also requesting comment on whether the agency should rescind the entire extension of the subpart F requirements to non-exempt substitutes. These points, and EPA's proposed legal interpretations, are discussed further below in the context of specific authority under sections 608(c) and (a), respectively.

D. Authority Under CAA § 608(c) To Extend Refrigerant Management Provisions to Non-Exempt Substitute Refrigerants

EPA is proposing to change aspects of the interpretation of CAA section 608(c) that it adopted in the 2016 Rule. Under the interpretation proposed in this action, the Agency exceeded its statutory authority under section 608(c) in the 2016 Rule by extending the leak repair (§ 82.157) requirements to appliances that use only substitute refrigerants.

As in prior actions under section 608, EPA continues to interpret section 608(c) to provide it some authority to interpret, explain, and enforce the venting prohibition and the *de minimis* exemption, as these are both provisions in a statutory regime that EPA is entrusted to administer. However, EPA also recognizes that sections 608(a) and 608(c) differ from one another in some key respects, including the fact that 608(a)(1) and (2) expressly require EPA to issue regulations for class I and class II substances, but include no such requirement for (or, indeed, any mention of) substitutes.[11] In contrast, 608(c) does explicitly apply to substitute refrigerants, but that subsection leaves EPA discretion as to whether to promulgate regulations implementing its provisions. In light of these differences in wording between 608(a) and 608(c), EPA is proposing to conclude that the 2016 Rule exceeded the agency's authority under section 608 by extending the full set of the subpart F requirements to substitutes.

Specifically, EPA believes that the extension of the leak repair requirements to non-exempt substitute refrigerants exceeded its authority. To justify the extension of the leak repair requirements to non-exempt substitute refrigerants in the 2016 Rule, EPA reversed its longstanding position that ''topping off'' leaking appliances was not venting or a knowing release of refrigerant in the course of maintaining, servicing, repairing, or disposing of an appliance within the meaning of section 608(c). Prior to the 2016 Rule, EPA's position had been that refrigerant released during the use of an appliance is not subject to the venting prohibition. When establishing the original leak repair provisions, EPA in 1993 stated that:

> [T]he venting prohibition itself, which applies to the maintenance, service, repair, and disposal of equipment, does not prohibit 'topping off' systems, which leads to emissions of refrigerant during the use of equipment. The provision on knowing releases does, however, include the situation in which a technician is practically certain that his or her conduct will cause a release of refrigerant during the maintenance, service, repair, or disposal of equipment. Knowing releases also include situations in which a technician closes his or her eyes to obvious facts or fails to investigate them when aware of facts that demand investigation. [58 FR 28672.]

In the 2016 Rule, EPA changed the Agency's interpretation of the venting prohibition as part of the rationale that supported applying the leak repair requirements, originally issued under CAA section 608(a), to non-exempt substitute refrigerants. EPA stated in the 2016 Rule that it:

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[11] Section 608(a)(3) does provide that the regulations issued under section 608(a) ''may include requirements to use alternative substances (including substances which are not class I or class II substances), . . . or to promote the use of safe alternatives pursuant to section [612].'' (In implementing Title VI, EPA has at times used the terms ''alternative'' and ''substitute'' interchangeably. *See, e.g.,* 81 FR 86779, n.1; 81 FR 82276, 82291.) EPA is not relying upon these provisions in 608(a)(3) in this document, as the proposed regulatory changes do not relate to requirements to use substitutes or promote their use pursuant to section 612. Furthermore, EPA did not rely on these authorities in 608(a)(3) in extending the refrigerant management requirements to substitute refrigerants in the 2016 Rule, and is not relying on them in addressing the underlying questions of statutory interpretation at issue here.

concludes that its statements in the 1993 Rule presented an overly narrow interpretation of the statutory venting prohibition. Consistent with the direction articulated in the proposed 2010 Leak Repair Rule, EPA is adopting a broader interpretation. When refrigerant must be added to an existing appliance, other than when originally charging the system or for a seasonal variance, the owner or operator necessarily knows that the system has leaks. At that point the owner or operator is required to calculate the leak rate. If the leaks exceed the applicable leak rate for that particular type of appliance, the owner or operator will know that absent repairs, subsequent additions of refrigerant will be released in a manner that will permit the refrigerant to enter the environment. Therefore, EPA interprets section 608(c) such that if a person adds refrigerant to an appliance that he or she knows is leaking, he or she also violates the venting prohibition unless he or she has complied with the applicable practices referenced in § 82.154(a)(2), as revised, including the leak repair requirements, as applicable. [81 FR 82285.]

EPA is proposing to conclude that this 2016 interpretation exceeds the scope of the Agency's authority under section 608(c)(2). The agency is therefore proposing to return to the interpretation used prior to the 2016 Rule.[12] First, the 2016 interpretation is based on a strained reading of section 608(c)(2) because the refrigerant releases from such leaks typically occur during the normal operation of the appliance, rather than ''in the course of maintaining, servicing, repairing, or disposing of'' an appliance. The operational leaks that trigger the leak repair provisions may take the form of a slow leak that results in the need to add refrigerant and that occurs in the weeks or months prior to the servicing event. Leaks may also result from an unintended catastrophic failure, which leads to a subsequent service event to recharge the appliance. While section 608(c)(2) applies to the release of substitute refrigerants in ''the course of maintaining, servicing, repairing, or disposing of an appliance,'' neither of those types of leaks typically occur in the course of maintaining, servicing, repairing, or disposing of an appliance. Moreover, EPA has always understood that few appliances are leak-free, which further supports the notion that leaks frequently occur during normal operation of an appliance.[13] Further, EPA has recognized that refrigeration and air-conditioning equipment often does leak, and that ''[t]his is particularly likely for larger and more complicated appliances like those subject to the subpart F leak repair provisions.'' (81 FR 82313). Therefore, the leak repair provisions apply to activities that are too distinct from the activities identified in section 608(c) to provide EPA with regulatory authority to extend the leak repair regulations to non-exempt substitute refrigerants.

EPA notes that under the proposed revisions to its interpretation discussed in this document, the venting prohibition under section 608(c) would continue to apply to actions taken in the course of maintaining, servicing, repairing, or disposing of appliances containing non-exempt substitute refrigerant, including those containing 50 or more pounds of such refrigerant. For example, knowing release from cutting refrigerant lines when disposing of an appliance is prohibited. Similarly, opening an appliance to repair a component without first isolating it and recovering the refrigerant would typically lead to a knowing release of refrigerant to the environment. It is also possible that some ''topping off'' may occur in an appliance with a leak that is so visible, audible, or frequent that adding refrigerant to the appliance creates the practical certainty that the refrigerant will be released contemporaneously with the servicing event and therefore may constitute a knowing release. For example, hearing hissing or noticing a ruptured line while continuing to add refrigerant to an appliance would constitute a knowing release. However, EPA does not believe this occurs in a substantial number of situations, and thus does not believe that the possibility of such an event justifies a blanket interpretation that ''topping off'' an appliance that has leaked, absent adherence to the leak repair requirements at § 82.157, is necessarily and *per se* a violation of 608(c).

EPA is proposing to remove the extension of the leak repair requirements to non-exempt substitute refrigerants as exceeding its authority, but to retain the other provisions of subpart F as appropriate measures to implement, explain, and enforce the venting prohibition for non-exempt substitute refrigerants. In contrast to the leak repair requirements, the other provisions of subpart F that EPA extended to non-exempt substitute refrigerants in the 2016 Rule relate directly to emissions that necessarily occur in the course of maintaining, servicing, repairing, or disposing of an appliance. Accordingly, those provisions directly address the potential for knowing releases of non-exempt substitute refrigerants that would be within the scope of section 608(c)(2). Moreover, prior to the 2016 Rule, EPA had long recognized connections between other subpart F requirements and the potential for releases to occur during appliance maintenance, service, repair or disposal, and continues to do so. For example, failure to properly evacuate an appliance (§ 82.156 and § 82.158) before opening it for servicing will create the practical certainty that the refrigerant in the appliance will be released during the servicing event. EPA required that recovery and/or recycling equipment be tested and certified by an EPA-approved laboratory or organization ''[i]n order to ensure that recycling and recovery equipment on the market is capable of limiting emissions.'' (58 FR 28682).

Similarly, disposing of the appliance without removing the refrigerant (§ 82.155) will result in the release of any remaining refrigerant during disposal of the appliance. EPA acknowledged this when finalizing the safe disposal requirements in 1993, writing: ''The Agency wishes to clarify that the prohibition on venting refrigerant includes individuals who are preparing to dispose of a used appliance.'' (58 FR 28703). EPA established the reclamation requirement for used refrigerant to prevent equipment damage from dirty refrigerant and ensure a market for recovered refrigerants, both of which minimize knowingly venting or releasing of refrigerant during appliance maintenance, servicing, repair, and disposal. (58 FR 28678). With respect to the sales restriction and technician certification requirements, EPA stated that ''unrestricted sales will enable untrained or undertrained technicians to obtain access to refrigerants that are likely to be used improperly in connection with servicing activities that will result in the venting of refrigerants'' (58 FR 28698) and that ''[e]ducating technicians on how to contain and conserve refrigerant effectively, curtailing illegal venting into the atmosphere'' was one of the primary reasons many technicians commented

[12] The 2010 leak repair proposal (75 FR 78558) was not finalized. As noted in the 2016 Rule (81 FR 82275), EPA withdrew the 2010 proposal in the 2016 rulemaking and re-proposed elements of the 2010 proposal in the notice of proposed rulemaking (80 FR 69461) for the 2016 Rule.

[13] Recognizing that appliances can leak during their normal operation, 40 CFR 82.157(g) requires periodic leak inspections of appliances with 50 or more pounds of refrigerant that had been repaired after leaking above the applicable threshold rate. Automatic leak detection equipment is also allowed in lieu of inspections for such appliances, or portions of such appliances. This proposal, if finalized, would rescind this requirement for appliances containing only non-exempt substitute refrigerant.

in support of the certification program. (58 FR 28691). Accordingly, as part of EPA's proposal, the agency would conclude that the 2016 Rule's extension of the other, non-leak-repair requirements under subpart F to non-exempt substitute refrigerants is within the scope of EPA's authority under CAA section 608(c)(2), because those other requirements implement that provision's venting prohibition.

While EPA continues to believe that it has authority to implement, explain, and enforce the venting prohibition and the exemptions in 608(c) for non-exempt substitute refrigerants, as explained above, it is proposing to conclude that the extension of the full set of the subpart F requirements to appliances using only substitute refrigerant exceeded its legal authority under section 608(c). As explained above, it is proposing to rescind the extension of subpart F's leak repair requirements to appliances using only non-exempt substitute refrigerants. EPA is also seeking comments on whether the agency should instead withdraw the entire extension of subpart F requirements to non-exempt substitute refrigerants in the 2016 Rule given its proposed interpretation. Section 608(c) does not expressly require EPA to issue regulations, nor does it contain specific deadlines or requirements for any rules that EPA might promulgate under that authority. Accordingly, EPA has substantial discretion in issuing regulations under section 608(c) and the timing of any such regulations. Given that discretion, EPA could conclude that a full withdrawal of the extension of subpart F requirements to non-exempt substitute refrigerants is appropriate and warranted at this time. Such an approach could be reasonable in light of the questions as to EPA's legal authority for that extension. For example, if EPA were to conclude that interpreting section 608(c) to authorize the same full set of requirements as 608(a) for refrigerants renders 608(a) superfluous with respect to refrigerants [14] and that this structural issue raises critical uncertainties as to the extent to which EPA should replicate 608(a) requirements under 608(c), EPA could decide that a full withdrawal of the extension is an appropriate use of its discretion under section 608(c). Such action would allow the Agency to consider and potentially develop options not discussed in this proposed rule. If EPA were to decide that a full withdrawal of the extension is prudent, the prohibitions under section 608(c) would continue to apply directly to any knowing release of non-exempt substitute refrigerant in the course of maintaining, servicing, repairing, or disposing of an appliance.

For the reasons discussed above in this section, EPA is specifically requesting comment on whether to retain the non-leak repair requirements in the final rule or whether to rescind the entirety of the 2016 Rule's extension of the subpart F requirements to non-exempt substitutes. Included in the docket for this action is a version of the regulatory text in subpart F with red-line strikeout showing the types of revisions to subpart F that the Agency is considering making, should it decide to finalize a full withdrawal of the 2016 Rule's extension of the refrigerant management requirements to non-exempt substitutes. Additional information on the costs and benefits of rescinding that entire extension is found in Section III of this document and the technical support document in the docket. If EPA were to rescind the extension in full through this rulemaking, it would likely give subsequent consideration to whether some subset of the subpart F requirements, a different set of requirements, or some combination of the two, would be an appropriate means of implementing the venting prohibition for substitutes. Such consideration could result in a new proposal following final action on this current proposal.

EPA requests comment on the proposed changes discussed above, including the proposed changes in interpretation of section 608(c). EPA also welcomes comment on whether section 608(c) provides authority to promulgate a set of leak repair provisions, or refrigerant management requirements generally, for non-exempt substitutes that may be different from the ones currently found in subpart F, to meet the purposes of that section while minimizing overlap with requirements authorized under section 608(a). Additionally, EPA requests comment on the practical considerations of implementing the venting prohibition for substitutes in a manner that is different from ODS. Lastly, EPA requests comment on whether stakeholders may have a reliance interest in either the leak repair provisions or the other subpart F provisions as they relate to substitutes under the 2016 Rule and how that interest would be affected by the proposed changes discussed above.

E. Authority Under CAA § 608(a) To Extend Refrigerant Management Provisions to Non-Exempt Substitute Refrigerants

As noted above, EPA concluded in the 2016 Rule that it had supplemental authority under section 608(a) to extend the subpart F requirements to non-exempt substitutes:

> This action extending the regulations under subpart F to non-exempt substitutes is additionally supported by the authority in section 608(a) because regulations that minimize the release and maximize the recapture and recovery of non-exempt substitutes will also reduce the release and increase the recovery of ozone-depleting substances. Improper handling of substitute refrigerants is likely to contaminate appliances and recovery cylinders with mixtures of ODS and non-ODS substitutes, which can lead to illegal venting because such mixtures are difficult or expensive to reclaim or appropriately dispose of . . . . In short, the authority to promulgate regulations regarding the use of class I and II substances encompasses the authority to establish regulations regarding the proper handling of substitutes where this is needed to reduce emissions and maximize recapture and recycling of class I and II substances. Applying consistent requirements to all non-exempt refrigerants will reduce complexity and increase clarity for the regulated community and promote compliance with those requirements for ODS refrigerants, as well as their substitutes. [81 FR 82286.]

In reviewing the legal interpretation of 608(a) that supported the 2016 Rule, EPA has further examined the connection between the purposes of section 608(a) and the 2016 Rule's extension of subpart F refrigerant management requirements to non-exempt substitute refrigerants. After further consideration of this issue, EPA believes that the statements in the preamble to the 2016 Rule, which were advanced generally and without distinction to support extending all the subpart F requirements to non-exempt substitute refrigerants, failed to recognize that particular requirements may have a greater or lesser connection to the purposes of section 608(a) when applied to non-exempt substitute refrigerants. Accordingly, EPA is proposing to conclude that the connection between applying the leak repair requirements to appliances with only substitute refrigerants and the reduction in emissions of ODS is too tenuous to support reliance on CAA section 608(a) as a basis for authority to extend the leak repair requirements to non-exempt substitutes.

[14] While section 608(c) only addresses refrigerants, whether ODS or substitutes, section 608(a) is not limited to refrigerants. In fact, EPA has applied its authority under section 608(a) to establish or consider regulations for ODS in non-refrigerant applications. For example, in 1998, EPA issued a rule on halon management under the authority of section 608(a)(2). (63 FR 11084). Accordingly, when considering potential issues arising from interpretations of section 608(c) to authorize the same requirements as 608(a), it is appropriate to focus on refrigerants.

This may be particularly true when the leak repair provisions are compared to the other provisions of subpart F. The 2016 Rule also identified several scenarios where failure to apply consistent standards to appliances containing non-exempt substitute refrigerants could arguably lead to emissions of ODS. For example, improper handling of non-exempt substitute refrigerants by persons lacking the requisite training may contaminate appliances and recovery cylinders with mixtures of ODS and non-ODS substitutes. Contaminated appliances may lead to equipment failures and emissions from those systems, including emissions of ODS. Because contaminated cylinders may be more costly to recycle they may simply be destroyed. The costs of handling or properly disposing of these mixed refrigerants may incentivize intentional releases to the atmosphere. Therefore, contamination can lead to the release of class I and class II substances. Maintaining the sales restriction and technician certification requirement for non-exempt substitute refrigerants may reduce the possibility that refrigerant in the appliances will be misidentified by an uncertified person attempting to service the appliance, which in turn reduces the possibility that contamination and subsequent refrigerant releases may occur. Maintaining reclamation standards may ensure that used refrigerant is not contaminated when it reenters the market for use and may reduce emissions associated with the mixing of refrigerants and equipment damage. EPA solicits comment and any data or analysis commenters may have regarding these scenarios, their frequency, and their emissions effects.

In contrast, requiring the repair of appliances using only substitute refrigerants would reduce emissions from those particular appliances, but is unlikely to independently reduce cross-contamination, refrigerant mixing, or releases from an ODS appliance. The response to comments for the 2016 Rule [15] did note, in the context of explaining EPA's authority for the revisions to 40 CFR 82.157, that providing a consistent standard for ODS and non-exempt substitute refrigerants would reduce emissions of ODS by reducing the incidence of failure to follow the requirements for ODS appliances. However, in that discussion, EPA did not address whether, if all other subpart F requirements were extended to non-exempt substitutes, it would be necessary to also extend § 82.157 to non-exempt substitute refrigerants. EPA is proposing to withdraw the extension of the subpart F provisions related to leak repair for non-exempt substitute refrigerants. Other elements of the 608 program such as the refrigerant sales restriction, technician certification, reclamation standards, and evacuation standards would continue to apply to non-exempt substitute refrigerants if this proposal is finalized. If these other subpart F requirements continue to apply, such that, for example, the regulations only permit certified technicians to service equipment regardless of whether it contains ODS or non-exempt substitutes, those requirements could also reduce the incidence of failure to follow the requirements for ODS appliances. By contrast, it is unclear how application specifically of the leak repair requirements to non-exempt substitute refrigerants would lead to additional reductions in ODS emissions if those other requirements are applied to non-exempt substitutes. Thus, insofar as the 2016 Rule was grounded in an argument that section 608(a) supports the extension of the leak repair provisions to non-exempt substitute refrigerants, EPA is proposing to withdraw that interpretation.

EPA is also seeking comment on whether, as a matter of statutory interpretation, the agency can rely on section 608(a) for the issuance of any of the subpart F requirements for substitute refrigerants, even those for which there is demonstrably a connection between the regulatory requirement and the purposes of section 608(a) to reduce use and emission of class I and II substances to the lowest achievable levels and maximize the recapture and recycling of such substances. As noted above, in section 608(a) Congress specifically required EPA to issue regulations for class I and class II substances that would meet certain statutory purposes set forth in that section. But Congress did not list substitutes for coverage by those requirements. In contrast, section 608(c) does expressly extend requirements to substitute refrigerants. This difference between section 608(a) and 608(c) could be interpreted as a manifestation of Congressional intent to distinguish between the categories of substances covered in these respective provisions and to only convey authority to address substitute refrigerants under 608(c), not 608(a).[16] This interpretation, if adopted, would lead to the conclusion that section 608(a) cannot provide a basis for extending any of subpart F's refrigerant management requirements to substitute refrigerants.[17]

EPA requests comment on the proposed changes discussed in this section, including the proposed changes in interpretation of section 608(a) so as to remove support for the extension of the leak repair requirements in § 82.157 to non-exempt substitute refrigerants. EPA also requests comment on the frequency of appliances being contaminated by mixtures of ODS and substitute refrigerants, and the resulting equipment damage. Further, EPA requests comment on whether the agency should conclude that it could not rely on section 608(a) for any authority to extend subpart F requirements to substitutes. If EPA were to reach such a conclusion, EPA would rely solely on section 608(c) for the extension of the non-leak repair subpart F requirements to non-exempt substitutes, or alternatively, would withdraw the entire extension. As noted previously, the docket contains a version of the regulatory text showing the types of revisions to subpart F that the Agency is considering making should it decide to finalize a full withdrawal of the 2016 Rule's extension of the refrigerant management requirements to non-exempt substitutes. In addition, EPA welcomes comment on whether section 608(a) provides authority to promulgate a set of leak repair provisions, or refrigerant management requirements generally, for non-exempt substitutes that may be different from the ones currently found in subpart F. If the Agency were to decide to pursue a different approach than one of the two potential outcomes discussed in detail in this proposed rule—the proposed action, rescinding the 2016 Rule's extension of the leak repair requirements to non-exempt

[15] Response to Comments for the Notice of Proposed Rulemaking: Protection of Stratospheric Ozone: Update to the Refrigerant Management Requirements under the Clean Air Act, pages 13–14 (pdf pages 18–19). Available at: *https://www.regulations.gov/document?D=EPA-HQ-OAR-2015-0453-0226.*

[16] This interpretation would not affect EPA's discretionary authority to ''include requirements to use alternative substances (including substances which are not class I or class II substances) . . . or to promote the use of safe alternatives pursuant to section [612]'' in regulations under section 608(a), as these authorities are expressly mentioned in section 608(a)(3). As discussed at n.11, *supra,* EPA did not rely on these authorities in 608(a)(3) in extending the refrigerant management requirements to substitute refrigerants in the 2016 Rule, and is not relying on them in this proposal or in addressing the underlying questions of statutory interpretation at issue here.

[17] Some commenters on the 2016 Rule pointed out that Congress specifically listed class I and class II substances for coverage under the regulations required by section 608(a) and contended that those regulations could not be applied to refrigerants that are neither class I nor class II substances.

substitutes, or the potential alternative approach on which it takes comment, rescinding its extension of the full set of subpart F requirements to non-exempt substitutes—it would provide the public with an opportunity to offer comments on that different approach. Lastly, EPA requests comment on whether stakeholders may have a reliance interest in either the leak repair provisions or the other subpart F provisions as they relate to substitutes under the 2016 Rule and how that interest would be affected by the potential changes discussed in this section.

F. Extension of the January 1, 2019 Compliance Date for the Appliance Maintenance and Leak Repair Provisions for Non-Exempt Substitute Refrigerants

EPA is evaluating whether the January 1, 2019 compliance date for the appliance maintenance and leak repair provisions for non-exempt substitutes remains viable for regulated entities or whether the date should be extended, depending on the outcome and timing of the final rule. EPA has been working to develop this proposed rule expeditiously and intends to develop the final rule as quickly as practicable, in recognition of the January 1, 2019 compliance date for the extension of the appliance maintenance and leak repair provisions at § 82.157 to non-exempt substitutes.[18] Despite the Agency's best efforts, it is possible that regulated entities will face a choice about whether to incur compliance costs prior to issuance of a final rule that could rescind those requirements for non-exempt substitutes. In that scenario, certain regulated entities likely would incur costs to comply with provisions that might ultimately be rescinded, while the foregone benefits of extending the compliance date likely would be limited as explained below. Therefore, EPA is proposing to take final action to extend the compliance date in § 82.157(a) for appliances containing only non-exempt substitute refrigerants if final action on the substantive portions of this proposed rule will not occur within a reasonable time before the existing compliance date. If we take final action on this proposal, we will revise the first sentence of § 82.157(a) to extend the compliance date for appliances containing only non-exempt substitute refrigerants. Such an extension would only be for as long as is needed to provide regulated entities certainty on whether to incur expenditures necessary to comply with these provisions. EPA anticipates that the extension would be between six to twelve months beyond January 1, 2019. If needed, EPA intends to take final action on the proposed extension of the compliance date separate from, and before, taking final action on other proposals in this document.

EPA is proposing this extension because it anticipates that there could be undue costs to owners and operators to comply with the appliance maintenance and leak repair provisions for appliances containing non-exempt substitutes, such as inventorying equipment, establishing recordkeeping procedures, and meeting the new leak rate thresholds if it has not finalized any revisions within a reasonable time before the existing compliance date and if that compliance date is not extended. Facilities that have both ODS and non-exempt substitute appliances may already be using similar refrigerant management programs for all of their appliances. However, the costs may be greater for facilities that only have appliances that use non-exempt substitute refrigerants and that do not have established procedures for ODS-containing equipment. In the 2016 Rule EPA did consider the ongoing costs that such facilities would face in complying with the newly applicable subpart F requirements, but did not consider potential one-time costs to such facilities associated with establishing a refrigerant management program or designing a recordkeeping system. EPA's analysis of appliance data submitted to the California Air Resources Board under its Refrigerant Management Program show that 46 percent of facilities only have HFC appliances. Within that group of facilities, EPA estimates that 55 percent have at least one appliance that exceeds the new threshold rates. As discussed in the economic analysis section, EPA estimates that extending the compliance date by up to 12 months would result in foregone annual GHG emissions reductions benefits of 3 $MMTCO_2e$.

EPA requests comment on the proposal to extend the date by which appliances containing non-exempt substitute refrigerants must comply with § 82.157. EPA is interested in whether facilities, and particularly those facilities that do not have ODS equipment, anticipate any practical difficulties in gearing up to meet the January 1, 2019 compliance date, and intends to consider such information in determining whether a compliance date extension is needed. EPA additionally requests comments on any costs or hardship that owners and operators of appliances containing non-exempt substitutes would face if this compliance date is not extended and if EPA has not finalized any revisions within a reasonable time before the current compliance date for § 82.157, and on any foregone benefits from extending this compliance date.

EPA further notes that the United States Court of Appeals for the District of Columbia Circuit issued a recent decision in *Air Alliance Houston* v. *EPA,* No. 17–1155 (DC Cir. August 17, 2018), which addressed an EPA rule delaying the effective date of a previously issued EPA regulation in the context of a reconsideration proceeding under section 307(d)(7)(B) of the Clean Air Act. In contrast to the rule at issue in the *Air Alliance Houston* case, this notice of proposed rulemaking is not occurring in the context of a section 307(d)(7)(B) reconsideration. Nevertheless, EPA requests comments regarding the implications, if any, of this recent decision for its ability to finalize an extension of the compliance date as proposed in this section. EPA will consider these comments in deciding whether to finalize such an extension.

III. Economic Analysis

Section 608 of the CAA does not explicitly address whether costs or benefits should be considered in developing regulations under that section. Because the statutory language does not dictate a particular means of taking economic factors into account, if at all, EPA has discretion to adopt a reasonable method for doing so. EPA has focused primarily on the proper scope of the Agency's authority to regulate, although it has also presented and considered an analysis of costs and benefits in making the choices underlying this proposed rulemaking. EPA interprets section 608 to *permit* it to consider costs and benefits, but does not interpret section 608 to *require* it to propose or select the option with the best cost-benefit outcome.

While EPA is proposing to determine that the 2016 Rule's extension of the full set of subpart F requirements, in its entirety, to non-exempt substitute refrigerants exceeded EPA's statutory authority, the agency notes that it has

[18] Only the amendments to the appliance maintenance and leak repair provisions found at § 82.157 have a compliance date of January 1, 2019. EPA is not proposing an extension of the compliance dates for the extension of any of the other subpart F requirements, as those compliance dates have already passed. While the amendments at § 82.157 include revisions to the appliance maintenance and leak repair program that affect appliances using ODS refrigerants, as well those using only non-exempt substitutes, EPA is only proposing to extend the compliance date for appliances using only non-exempt substitutes, for the reasons described later in this document.

also considered costs in developing this proposal. EPA's economic analysis indicates that the expected cost savings for the proposal would outweigh the monetized foregone benefits. Specifically, the $39 million annual savings of rescinding the 2016 Rule's extension of the leak repair provisions to non-exempt substitutes would outweigh the foregone benefits of $15 million in avoided refrigerant purchases. For the scenario where the agency would rescind the entire extension of the subpart F requirements to non-exempt substitutes in the 2016 Rule, the cost savings of $43 million would outweigh the same $15 million in foregone benefits.[19] EPA requests comment on whether it should continue to explicitly take costs into consideration in the final rule, and if so how.

The Agency attempted to minimize costs in the 2016 Rule, in particular by allowing more time and options for repair before requiring retrofit or retirement. As an example, EPA provided an extension if a component is not available in the first 30 days after discovering the leak. Prior to 2016, an owner/operator would have had to retrofit or retire their appliance. Owners and operators of appliances containing non-exempt substitutes would also benefit from those flexibilities, but also became subject to a new regulatory scheme.

EPA is proposing to remove the requirement to repair leaks in appliances containing only substitute refrigerants, along with the associated verification tests, leak inspections, and recordkeeping. In the 2016 Rule, EPA estimated that extending the leak repair provisions to appliances containing non-exempt substitutes would have an annual cost of $39 million in 2014 dollars using a 7 percent discount rate. This is composed of $10 million in recordkeeping costs and $29 million in repair and leak inspection costs. Costs were modeled for a single typical year in which all the requirements were in effect, based on the appliance distribution modeled for 2015. To allow for ease of comparison between the two rules, the model and the use of 2014 dollars are the same in the analysis for this proposal as EPA used in the 2016 Rule.

In the 2016 Rule, EPA also estimated lower expenditures to purchase replacement refrigerant and lower emissions of refrigerant expressed in ozone depletion potential tons and global warming potential. The current leak repair requirement in the 2016 Rule was expected to result in appliance owners or operators purchasing less refrigerant because they would be able to identify and repair leaks earlier, preventing refrigerant releases. EPA estimated that the total annual reduced expenditures for purchasing non-exempt substitute refrigerant would be $15 million. By withdrawing that portion of the 2016 Rule, those reduced expenditures would not be realized.

EPA estimates that this proposed rule to rescind the extension of the leak repair provisions to substitutes would not directly affect the stratospheric ozone layer. EPA is not proposing to amend any provisions of 40 CFR part 82, subpart F that relate to ODS refrigerants. EPA estimates that this proposed action would result in foregone annual GHG emissions reductions benefits of 2.9 $MMTCO_2e$—approximately a 40 percent reduction from the level estimated for the 2016 rulemaking. GHG emissions reductions benefits associated with the reduction in emissions of ODS refrigerants would be retained.

As discussed previously, EPA is requesting comment on whether to withdraw the entire extension of subpart F requirements to non-exempt substitute refrigerants. EPA estimates that rescinding the entire subpart F requirements for non-exempt substitute refrigerants would reduce the annual burden associated with the 2016 Rule by at least an additional $4 million per year (for a total annual burden reduction of at least $43 million per year). This is composed of $3 million in compliance costs associated with the requirement to use self-sealing valves on small cans of refrigerant and $1 million in recordkeeping costs. The unrealized annual savings associated with reduced use of non-exempt substitute refrigerant would remain $15 million, as discussed previously. Thus, EPA estimates that withdrawing the entire extension of subpart F requirements to non-exempt substitute refrigerants would reduce total compliance costs by at least $28 million per year. EPA estimates that this would result in additional foregone annual greenhouse gas (GHG) emissions reductions benefits of 0.7 $MMTCO_2e$ associated with the use of self-sealing valves (for a total of at least 3.6 $MMTCO_2e$). While the majority of GHG reductions from HFC appliances that EPA quantified were the result of extending the leak repair provisions to non-exempt substitutes, in the 2016 Rule EPA asserted that there would be other, unquantified benefits resulting from extending the full set of refrigerant management provisions to substitutes.

In the 2016 Rule, EPA did not identify any additional costs or benefits associated with extending certain provisions of subpart F to non-exempt substitute refrigerants. These provisions include the evacuation requirements, recovery equipment certification, safe disposal requirements, reclamation standards, and technician certification. As noted in the technical support document for the 2016 Rule, EPA assumes full compliance with the venting prohibition and such actions that were considered necessary to comply with the venting prohibition were not considered to lead to additional costs or benefits.

With regard to the extension of the 608 technician certification requirement to non-exempt substitute refrigerants in the 2016 Rule, EPA understood that most technicians serviced both appliances containing ODS refrigerants, which were previously subject to the 608 technician certification requirements, and appliances containing non-exempt substitutes. Most technicians are contractors who work on appliances of various ages and for multiple clients, including both individuals and businesses. There was no evidence that facilities using only non-exempt substitute refrigerants are segregated geographically, such that a technician in a certain county would only encounter appliances solely using non-exempt substitutes, or are segregated by business type, such that a technician who only works in one sector (*e.g.,* supermarkets or residential air conditioning) would only encounter appliances solely using non-exempt substitutes. Based on this rationale, EPA concluded in the 2016 Rule that it was extremely unlikely that a person in the air-conditioning and refrigeration equipment servicing field would never encounter equipment containing ODS refrigerant during the course of their career. Accordingly, in the 2016 Rule, EPA assumed persons entering that field would seek 608 technician certifications in order to maintain competitiveness and persons currently in that field already had 608 certification so that they could accept jobs that involved appliances containing ODS refrigerant.

While commenters on the 2016 Rule did not provide any information indicating EPA's analysis was missing a significant group of new technicians that would be newly required to go through the 608 certification process, during the development of this notice of proposed rulemaking one Federal Department indicated that they had 608 certified technicians working on

[19] This analysis is based on effects that EPA monetized in the 2016 Rule. As discussed later in this section, EPA is requesting comment on additional factors.

facilities with appliances containing class I or class II refrigerant, and a separate group of un-certified persons working at facilities that contained only appliances using non-exempt substitute refrigerant.

Based on this new information, EPA broadly requests comment on whether there are costs associated with the technician certification requirements in the 2016 Rule and on whether removal of that technician certification requirement for non-exempt substitutes would alleviate those costs. EPA particularly requests comment on whether this Federal Department's arrangement is typical, either for larger entities that have in-house personnel servicing appliances or for contractors that provide technicians to service refrigeration and cooling equipment. If so, EPA requests comment on what training was provided prior to the 2016 Rule related to the handling of refrigerants or the venting prohibition for those technicians, whether there were any costs associated with tracking which personnel are 608 certified and thus were eligible to work on appliances containing ODS refrigerant, and which were not certified and thus were only eligible to work on appliances containing non-exempt substitutes. Similarly, EPA broadly requests comments on whether there are costs associated with the other provisions that were extended to non-exempt substitute refrigerants in the 2016 Rule for which EPA had previously assumed no incremental compliance costs. Conversely, because those requirements have now gone into effect, EPA requests comment on whether there are any costs associated with rescinding those requirements as they apply to non-exempt substitute refrigerants.

Details of the methods used to estimate the benefits of this proposed rule are discussed in the *Analysis of the Economic Impact of the Proposed 2018 Revisions to the National Recycling and Emission Reduction Program* in the docket. For a complete description of the methodology used in EPA's analysis, see the technical support document and Section VI of the 2016 Rule (81 FR 82344).

To avoid the costs associated with leaking appliances and increased refrigerant purchases, owners and operators of large appliances that use non-exempt substitute refrigerants may already be engaged in effective refrigerant management programs that work for their facilities and their types of equipment. EPA welcomes input from owners and operators of such equipment for how to achieve the goals of the 2016 Rule in reducing refrigerant leaks without a comprehensive regulatory program for leak repair.

IV. Statutory and Executive Order Reviews

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

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket. EPA prepared an economic analysis of the potential costs and benefits associated with this action which is available in Docket Number EPA–HQ–OAR–2017–0629.

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

This action is expected to be an Executive Order 13771 deregulatory action. Details on the estimated cost savings of this proposed rule can be found in EPA's analysis of the potential costs and benefits associated with this action.

C. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to OMB under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 1626.16. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

EPA is proposing to revise the leak repair provisions so they apply only to equipment using refrigerant containing a class I or class II substance. This proposal does not affect the recordkeeping and reporting requirements finalized in the 2016 Rule that apply to appliances containing 50 or more pounds of an ODS refrigerant. There are no new records that would be maintained or reports that would be submitted under this proposal. Most of this burden is already covered by the existing requirements in 40 CFR part 82, subpart F, and the existing ICR.

Respondents/affected entities: This proposal would remove reporting and recordkeeping requirements for owners and operators of appliances containing 50 or more pounds of a non-exempt substitute refrigerant (*e.g.,* HFCs) and technicians servicing such appliances. Entities required to comply with reporting and recordkeeping requirements include technicians; technician certification programs; refrigerant wholesalers; refrigerant reclaimers; refrigeration and air-conditioning equipment owners and/or operators; and other establishments that perform refrigerant removal, service, or disposal.

Respondent's obligation to respond: Mandatory (40 CFR part 82, subpart F).

Estimated number of respondents: 573,731.

Frequency of response: The frequency of responses vary from once a year to daily. Public reporting burden for this collection of information is estimated to vary from one minute to 9.4 hours per response, including time for reviewing instructions and gathering, maintaining, and submitting information.

Total estimated burden: 434,359 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $24,625,892 (per year). There are no estimated annualized capital or operation & maintenance costs associated with the reporting or recordkeeping requirements.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to *OIRA_submission@omb.eop.gov,* Attention: Desk Officer for the EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive comments no later than October 31, 2018. The EPA will respond to any ICR-related comments in the final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This proposed rule would not impose any

new regulatory requirements. It is deregulatory in that it proposes to remove required leak repair and maintenance practices and associated recordkeeping for appliances containing non-exempt substitute refrigerant. This document also seeks comments on withdrawal of additional refrigerant management requirements for appliances containing non-exempt substitute refrigerant. We have therefore concluded that this action will relieve regulatory burden for directly regulated small entities.

E. Unfunded Mandates Reform Act

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

F. Executive Order 13132: Federalism

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

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

This action does not have tribal implications as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866. EPA has not conducted a separate analysis of risks to infants and children associated with this proposed rule.

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

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

EPA believes that it is not feasible to quantify any disproportionately high and adverse effects from this action on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

List of Subjects in 40 CFR Part 82

Environmental protection, Air pollution control, Chemicals, Reporting and recordkeeping requirements.

Dated: September 18, 2018.

Andrew R. Wheeler,

Acting Administrator.

For the reasons set forth in the preamble, the Environmental Protection Agency proposes to amend 40 CFR part 82 as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

■ 1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

■ 2. Amend § 82.154 by revising paragraph (a)(2)(i) to read as follows:

§ 82.154 Prohibitions.

(a) * * *

(2) * * *

(i) The applicable practices in § 82.155 and § 82.156 are observed, the practices in § 82.157 are observed for appliances that contain a class I or class II refrigerant, recovery and/or recycling machines that meet the requirements in § 82.158 are used whenever refrigerant is removed from an appliance, the technician certification provisions in § 82.161 are observed, and the reclamation requirements in § 82.164 are observed; or

* * * * *

■ 3. Amend § 82.157 by revising paragraph (a) to read as follows:

§ 82.157 Appliance maintenance and leak repair.

(a) *Applicability.* This section applies as of January 1, 2019. This section applies only to appliances with a full charge of 50 or more pounds of any class I or class II refrigerant or blend containing a class I or class II refrigerant. Notwithstanding the use of the term refrigerant in this section, the requirements of this section do not apply to appliances containing solely substitute refrigerants. Unless otherwise specified, the requirements of this section apply to the owner or operator of the appliance.

* * * * *

[FR Doc. 2018–21084 Filed 9–28–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EPA–HQ–OAR–2017–0755; FRL–9984–54–OAR]

RIN 2060–AT75

Light-Duty Vehicle GHG Program Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing two technical corrections to the light-duty vehicle greenhouse gas (GHG) emissions standards regulations finalized in the 2012 rulemaking that established standards for model years 2017–2025 light-duty vehicles. First, EPA proposes to correct regulations pertaining to how auto manufacturers must calculate credits for the GHG program's optional advanced technology incentives. The regulations currently in place result in auto manufacturers receiving fewer credits than the agency intended for electric vehicles, plug-in hybrid electric vehicles, fuel cell electric vehicles, and natural gas fueled vehicles. Auto manufacturers requested through a petition letter submitted jointly by the Auto Alliance and Global Automakers in June 2016 that EPA correct the regulations to provide the intended level of credits for these technologies. Second, the regulations regarding how manufacturers must calculate certain types of off-cycle credits contain an error and are inconsistent with the 2012 final rule preamble, raising implementation concerns for some manufacturers. The proposed amendments would clarify the calculation methodology in the regulations. Both of these corrections allow the program to be implemented as originally intended. The proposed corrections are not expected to result in any additional regulatory burdens or costs.

DATES:

Comments: Written comments must be received on or before October 31, 2018. If EPA receives a request for a

public hearing by October 9, 2018, we will publish information related to the timing and location of the hearing and a new deadline for public comment.

Public Hearing: EPA will not hold a public hearing on this matter unless a request is received by the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble by October 9, 2018. If EPA receives such a request, we will publish information related to the timing and location of the hearing and a new deadline for public comment.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2017–0755, 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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Christopher Lieske, Office of Transportation and Air Quality (OTAQ), Assessment and Standards Division (ASD), Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4584; email address: *lieske.christopher@epa.gov*; fax number: 734–214–4816.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action affects companies that manufacture or sell new light-duty vehicles, light-duty trucks, and medium-duty passenger vehicles, as defined under EPA's CAA regulations.[1] Regulated categories and entities include:

Category	NAICS codes [A]	Examples of potentially regulated entities
Industry	336111 336112	Motor Vehicle Manufacturers.
Industry	811111 811112 811198 423110	Commercial Importers of Vehicles and Vehicle Components.
Industry	335312 811198	Alternative Fuel Vehicle Converters.

[A] North American Industry Classification System (NAICS).

B. What action is the Agency taking?

EPA is proposing two technical corrections to the light-duty vehicle greenhouse gas (GHG) emissions standards regulations finalized in the 2012 rulemaking that established standards for model years 2017–2025 light-duty vehicles. First, EPA proposes to correct an error in the regulations pertaining to how auto manufacturers must calculate credits for the GHG program's optional advanced technology incentives. The regulations currently in place result in auto manufacturers receiving fewer credits than the agency intended for electric vehicles, plug-in hybrid electric vehicles, fuel cell electric vehicles, and natural gas fueled vehicles. Auto manufacturers requested through a petition letter submitted jointly by the Auto Alliance and Global Automakers in June 2016 that EPA correct the regulations to provide the intended level of credits for these technologies. Second, the regulations regarding how manufacturers must calculate certain types of off-cycle credits contain an error and are inconsistent with the 2012 final rule preamble, raising implementation concerns for some manufacturers. The proposed amendments would clarify the calculation methodology in the regulations. Both of these corrections allow the program to be implemented as originally intended. The corrections are described in detail in Section III below.

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

EPA is proposing technical amendments to provisions of the light-duty vehicle GHG regulations under section 202 (a) of the Clean Air Act (CAA) ((42 U.S.C. 7521 (a)).

D. What are the incremental costs and benefits of this action?

The proposed corrections are not expected to result in any significant changes in regulatory burdens, costs, or benefits.

II. Public Participation

A. How do I prepare and submit information?

Direct your submittals to Docket ID No EPA–HQ–OAR–2017–0755. EPA's policy is that all submittals received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the submittal includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Do not submit information to the docket that you consider to be CBI or otherwise protected through *www.regulations.gov.* The *www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your submittal. If you submit an electronic submittal, EPA recommends that you include your name and other contact information in the body of your submittal and with any disk or CD–ROM you submit. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

B. Submitting CBI

Do not submit this information to EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI). In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

C. Tips for Preparing Your Comments

When submitting comments, remember to:

[1] ''Light-duty vehicle,'' ''light-duty truck,'' and ''medium-duty passenger vehicle'' are defined in 40 CFR 86.1803–01. Generally, the term ''light-duty vehicle'' means a passenger car, the term ''light-duty truck'' means a pick-up truck, sport-utility vehicle, or minivan of up to 8,500 lbs gross vehicle weight rating, and ''medium-duty passenger vehicle'' means a sport-utility vehicle or passenger van from 8,500 to 10,000 lbs gross vehicle weight rating. Medium-duty passenger vehicles do not include pick-up trucks.

- Identify the action by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified in the **DATES** section above.

III. Proposed Provisions

This proposed rule would correct two technical provisions in the regulations for the model year (MY) 2017–2025 greenhouse gas (GHG) emissions standards. The first correction addresses how manufacturers must apply advanced technology vehicle multipliers during credit calculations in order to ensure that credits are calculated as EPA intended in the 2012 final rule. The second correction addresses how manufacturers must calculate off-cycle credits under the program's 5-cycle credit calculation methodology. EPA views these items as technical amendments that correct and clarify the regulations and are not changes in how the program functions. Therefore, neither of these technical amendments introduce or remove any requirements on automobile manufacturers, nor do these changes impose additional regulatory costs or benefits. We describe each of these changes in the following sections. We note that in the recent ''Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks'' issued by EPA and the National Highway Traffic Safety Administration (NHTSA) regarding GHG and Corporate Average Fuel Economy (CAFE) standards for Model Years (MY) 2021 to 2026 (see 83 FR 42986, August 24, 2018), the agencies are broadly seeking comment on various incentives and flexibilities, including the availability and scope of advanced technology multipliers and off-cycle credits for those model years. Today's proposal would correct the application of advanced technology vehicle multipliers for MYs 2017 through 2021, and an off-cycle credit calculation methodology for MY 2012 and later vehicles.

A. Clarification of the Advanced Technology Multiplier Regulations

As part of the MY 2017–2025 rule, EPA adopted temporary incentive multipliers for battery electric vehicles (BEVs), plug-in hybrid electric vehicles (PHEVs), fuel cell vehicles (FCVs), and compressed natural gas (CNG) vehicles.[2] The multipliers allow manufacturers to count these lower CO_2 emitting vehicles as more than one vehicle in their fleet average compliance calculations. For example, the 2.0 multiplier for MY 2017 BEVs would allow a manufacturer to count every MY 2017 BEV produced as two vehicles produced. The multipliers established in the MY 2017–2025 rule are shown in Tables 1 and 2 below.

TABLE 1—THE PRODUCTION MULTIPLIERS, BY MODEL YEAR, FOR ELECTRIC VEHICLES AND FUEL CELL VEHICLES[3]

Model year	Production multiplier
2017	2.0
2018	2.0
2019	2.0
2020	1.75
2021	1.5

TABLE 2—THE PRODUCTION MULTIPLIERS, BY MODEL YEAR, FOR PLUG-IN HYBRID ELECTRIC VEHICLES, DEDICATED NATURAL GAS VEHICLES, AND DUAL-FUEL NATURAL GAS VEHICLES[4]

Model year	Production multiplier
2017	1.6
2018	1.6
2019	1.6
2020	1.45
2021	1.3

EPA and NHTSA received a joint petition from the Alliance of Automobile Manufacturers and the Association of Global Automakers on June 20, 2016 regarding various aspects of the CAFE and GHG programs.[5] Item 8 of the petition, titled ''Correct the Multiplier for BEVs, PHEVs, FCVs, and CNGs,'' correctly notes that ''the equation through which the number of earned credits is calculated is inaccurately stated in the regulations'' and that credits would be inadvertently lost due to the error. EPA is proposing to modify the regulations so that the credits are calculated correctly in all cases. The calculations are done separately for the passenger car and light truck fleets. These advanced vehicle technology multipliers do not apply to the NHTSA CAFE program.

The current regulations regarding the application of the multipliers state that ''[T]the actual production of qualifying vehicles may be multiplied by the applicable value according to the model year, and the result, rounded to the nearest whole number, may be used to represent the production of qualifying vehicles when calculating average carbon-related exhaust emissions under § 600.512 of this chapter.''[6] The following shows the application of this regulatory text in equation form:[7]

$$CO_2\ Credits = (S - E_{adj}) \times VLM \times P \div 1{,}000{,}000\ [Megagrams]$$

$$S = \frac{\Sigma\ \text{Target} \times Volume}{\Sigma\ \text{Volume}}\ [g/mile];\quad E_{adj} = \frac{\Sigma\ CREE \times Volume_{adj}}{\Sigma\ Volume_{adj}}\ [g/mile]$$

Where:

S = Production weighted fleet average standard

E_{adj} = Production weighted fleet average carbon related exhaust emissions (CREE) with the multiplier(s) applied to the advanced technology production in the CREE average value calculation

VLM = Vehicle lifetime miles (195,264 for cars and 225,865 for light trucks)

[2] 77 FR 62812–62816 (October 15, 2012) and 40 CFR 86.1866–12(b).

[3] 40 CFR 86.1866–12(b)(1).

[4] 40 CFR 86.1866–12(b)(2).

[5] ''Petition for Direct Final Rule with Regard to Various Aspects of the Corporate Average Fuel Economy Program and the Greenhouse Gas Program,'' Alliance of Automobile Manufacturers and the Association of Global Automakers, June 20, 2016.

[6] See 40 CFR 86.1866–12(b)(3).

[7] The descriptions of the terms in the above equations have been simplified somewhat for illustrative purposes compared to the proposed regulations. See the proposed language at 40 CFR 86.1866–12(b) for the proposed detailed regulatory provisions.

P = Annual total vehicle production (for either cars or light trucks)
Target = Model type footprint target
Volume = Model type vehicle production
$Volume_{adj}$ = Model type vehicle production with multiplier(s) applied to advanced technology vehicle production

Under the current regulations at 40 CFR 86.1865–12(k)(4), the multiplier for advanced technology production is applied by modifying the way the CREE [8] (E_{adj} in the equation above) is calculated. The petitioners noted that applying the multiplier only to E_{adj} does not produce the intended credit. The petitioners provided an example of the incorrect calculation for a manufacturer producing 5,000 battery electric vehicles (BEVs), which have a CREE of zero, showing that such a manufacturer would not receive any additional credits from the multiplier because the E_{adj} term would remain zero (regardless of the multiplier or how many vehicles were produced) and the fleet average standard term (*i.e.,* the footprint-based standard) remains unchanged because the multiplier does not affect the fleet average standard calculation.

Example 1 below shows the calculation of credits without the multiplier and Example 1a shows the calculation with the incorrect application of the multiplier using the 5,000 BEV example, assuming a footprint-based standard of 210 g/mile and a multiplier of 2.0.

Example 1a: Calculation of Credits Without the Multiplier

CO_2 *Credits* = $(210-0) \times 195{,}264 \times 5{,}000 \div 1{,}000{,}000 = 205{,}027$ *Megagrams*

Example 1b: Incorrect Application of the Multiplier Under Current Regulations

CO_2 *Credits* = $(210-0) \times 195{,}264 \times 5{,}000 \div 1{,}000{,}000 = 205{,}027$ *Megagrams*

Where the production weighted fleet average carbon related exhaust emissions, or E_{adj}, with the multiplier applied is calculated as follows:

$$E_{adj} = \frac{0 \times 5{,}000 \times 2.0}{5{,}000 \times 2.0} = 0\ g/mile$$

In order for the calculation to produce the correct result, the multiplier must be applied not only to the advanced technology vehicle production in the CREE average value, E_{adj}, calculation but also to the advanced technology vehicle production in the average standard calculation and the advanced technology vehicle production portions of the total production. The calculation of credits in megagrams with the multiplier correctly applied is represented by the following equations:

$$CO2\ Credits_{adj} = \left(S_{adj} - E_{adj}\right) \times VLM \times P_{adj} \div 1{,}000{,}000\ [Megagrams]$$

$$S_{adj} = \frac{\Sigma\,\text{Target} \times Volume_{adj}}{\Sigma\,Volume_{adj}}\ [g/mile];\ E_{adj} = \frac{\Sigma\,CREE \times Volume_{adj}}{Volume_{adj}}\ [g/mile]$$

Where:

S_{adj} = Production weighted fleet average standard with the multiplier(s) applied to the advanced technology vehicle production in the footprint target calculation
E_{adj} = Production weighted fleet average CREE with the multiplier(s) applied to the advanced technology production in the CREE value calculation
VLM = Vehicle lifetime miles (195,264 for cars and 225,865 for light trucks)
P_{adj} = Annual vehicle production with the multiplier(s) applied to the advanced technology vehicle production
Target = Model type footprint target
$Volume_{adj}$ = Model type vehicle production with multiplier(s) applied to advanced technology vehicle production

Using the corrected methodology, manufacturers would determine the additional credits associated with using the multiplier(s) by calculating fleet credits with and without the multiplier applied (the credits without the multiplier applied are shown below as term C). The credits calculated without the multiplier would be subtracted from the credits calculated with the multiplier with the difference reflecting the additional credits attributable to the multiplier.

Credits due to multiplier = $(S_{adj} - E_{adj}) \times VLM \times P_{adj} \div 1{,}000{,}000 - C$ [*Megagrams*]

Applying the above corrected equation to Example 1 produces the expected credits due to the multiplier. As shown using Example 1 from above, the correct application of the 2.0 multiplier doubles the resulting credit in this example, which is what EPA intended and manufacturers expected when the program was finalized.

Example 1a: Calculation of Credits Without the Multiplier

CO_2 *Credits(C)* = $(210-0) \times 195{,}264 \times 5{,}000 \div 1{,}000{,}000 = 205{,}027$ *Megagrams*

Example 1c: Correct Application of the Multiplier

CO_2 *CreditsM* = $(210-0) \times 195{,}264 \times (5{,}000 \times 2.0) \div 1{,}000{,}000 = 410{,}054$ *Megagrams*

Where the production weighted fleet average standard and fleet average carbon related exhaust emissions, or CREEavg, are calculated with the multiplier as follows:

[8] Vehicle and fleet average compliance is based on a combination of CO_2, hydrocarbon (HC), and carbon monoxide (CO) emissions. This is consistent with the carbon balance methodology used to determine fuel consumption for the labeling and CAFE programs. The GHG regulations account for these total carbon emissions appropriately and refer to the sum of these emissions as the ''carbon related exhaust emissions'' (CREE).

$$Sadj = \frac{210 \times 5{,}000 \times 2.0}{5{,}000 \times 2.0} = 210\ g/mile$$

$$Eadj = \frac{0 \times 5{,}000 \times 2.0}{5{,}000 \times 2.0} = 0\ g/mile$$

And finally, the credits due to application of the multiplier are:

Credits due to multiplier = 410,054 − 205,027 = 205,027

Example 2 below provides an example calculation for a fleet that consists of both conventional and advanced technology vehicles. The example consists of a fleet mix of two conventional vehicle models, one plug-in hybrid electric (PHEV) model, and one battery electric vehicle (BEV) model, where the PHEV multiplier is 1.6 and the EV multiplier is 2.0.

TABLE 3—EXAMPLE 2 FLEET MIX

Vehicle model	Production	Footprint target (CO_2 g/mi)	CREE (CO_2 g/mi)	Multiplier
Conventional 1	10,000	300	320	N/A
Conventional 2	8,000	210	210	N/A
PHEV	5,000	210	50	1.6
BEV	5,000	210	0	2.0
Total	28,000			

Example 2a: Calculation of Credits for Mixed Fleet With No Multiplier

CO_2 Credits(C) = (242 − 183) × 195,264 × 28,000 ÷ 1,000,000 = 322,576 *Megagrams*

Where the production weighted fleet average standard (S) and fleet average CREE (E) terms are calculated as follows:

$$S = \frac{(300 \times 10{,}000) + (210 \times 8{,}000) + (210 \times 5{,}000) + (210 \times 5{,}000)}{28{,}000} = 242\ g/mile$$

$$E = \frac{(320 \times 10{,}000) + (210 \times 8{,}000) + (50 \times 5{,}000) + (0 \times 5{,}000)}{28{,}000} = 183\ g/mile$$

Example 2b: Incorrect Application of the Multiplier Under Current Regulations

CO_2 Credits = (242 − 147) × 195,264 × 28,000 ÷ 1,000,000 = 519,402 *Megagrams*

Where the production weighted fleet average Standard (S) and adjusted CREE with the multiplier applied (E_{adj}) are calculated as follows:

$$S = \frac{(300 \times 10{,}000) + (210 \times 8{,}000) + (210 \times 5{,}000) + (210 \times 5{,}000)}{28{,}000} = 242\ g/mile$$

$$E_{adj} = \frac{(320 \times 10{,}000) + (210 \times 8{,}000) + (50 \times 5{,}000 \times 1.6) + (0 \times 5{,}000 \times 2.0)}{36{,}000} = 147\ g/mile$$

Example 2c: Calculation of Credits for Mixed Fleet Using Corrected Multiplier Methodology

CO_2 *Credits with multipler* = (235 − 147) × 195,264 × 36,000 ÷ 1,000,000 = 618,596 *Megagrams*

Where the production weighted fleet average S_{adj} and E_{adj} terms and the P_{adj} terms, are calculated using the multiplier as follows:

$$S_{adj} = \frac{(300\times10{,}000)+(210\times8{,}000)+(210\times5{,}000\times1.6)+(210\times10{,}000\times2.0)}{36{,}000} = 235\ g/mile$$

$$E_{adj} = \frac{(320\times10{,}000)+(210\times8{,}000)+(50\times5{,}000\times1.6)+(0\times5{,}000\times2.0)}{36{,}000} = 147\ g/mile$$

P_{adj} = 10,000 + 8,000 + (5,000 × 1.6) + (5,000 × 2.0) = 36,000

Under the proposed regulations, manufacturers would use the above approach to calculate Megagrams of credits with and without the multipliers applied and report the difference to EPA as the credits attributed to the use of the advanced technology multipliers. In the above Example 2, the credits attributable to the multipliers are 618,596 − 322,576 = 296,020. The previously established incorrect methodology, which applies the multiplier only to the CREE term, would provide fewer credits (519,402 − 322,576 = 196,826 Mg) for this example.

The descriptions of the terms in the above equations have been simplified somewhat for illustrative purposes compared to the proposed regulations. See the proposed language at 40 CFR 86.1866–12(b) for the proposed detailed regulatory provisions. Previously, § 86.1866–12(b)(3) simply modified the CREE term in the equation in § 86.1865–12(k)(4) to incorporate the multiplier. Now, since the multiplier should have been applied as discussed above, EPA proposes to revise the regulations to add additional steps to the calculation process. First, manufacturers would use the new equation to calculate the total number of credits generated with multipliers included. Then, manufacturers would subtract from that calculation the credits calculated without the multipliers applied, using the equation that already exists in § 86.1865–12(k)(4). The result provides the credit attributable to the multipliers to be reported to EPA as part of the credits portion of the year end compliance report.

The advanced technology multiplier incentive is available starting with the 2017 model year. Manufacturers are required to report all credit information by May 1 of the year following the end of the model year, which, for model year 2017, is May 1, 2018. EPA recognizes that the timing of this rulemaking precludes the ability to finalize the multiplier-based credits by the deadline, and, given this, the submissions made by manufacturers on or before May 1, 2018 will be evaluated using the current incorrect multiplier. For the 2017 model year reporting, EPA has asked that manufacturers enter all their test data as they normally would (which needs to be done for CAFE calculations anyway), and that reports be submitted on time, with fleet credits calculated from the values as determined by EPA's current regulatory calculation. After the regulations proposed today are finalized, EPA will allow manufacturers to request through EPA's online system, used by manufacturers to submit data to EPA for vehicle emissions certification and compliance purposes, that the EPA system recalculate the manufacturer's fleet performance based on the corrected values. EPA does not expect this to be burdensome, as the necessary data for the recalculation will have previously been submitted electronically by the manufacturer.

B. Off-Cycle Credit Calculations Based On the 5-Cycle Methodology

EPA's GHG emissions standards allow manufacturers to generate credits toward compliance through the application of off-cycle technologies. In model years 2017 and later, fuel economy off-cycle credits equivalent to EPA CO_2 credits are also available in the CAFE program. Off-cycle technologies are those that result in real-world emissions reductions that are not fully captured on the 2-cycle emissions tests used for compliance with the GHG standards (*i.e.,* the city and highway test cycles). EPA originally adopted the off-cycle credits program as part of the rulemaking establishing the MY 2012–2016 standards.[9] EPA later modified the off-cycle program in the MY 2017–2025 final rule.[10] One of the methodologies for manufacturers to demonstrate off-cycle emissions reductions is by conducting 5-cycle testing [11] with and without the off-cycle technology applied (*i.e.,* A/B testing).[12] The original program did not allow off-cycle credits for technologies that showed significant benefits on the 2-cycle segment of the 5-cycle test. The regulations established by the MY 2012–2016 rule stated that the ''CO_2-reducing impact of the technology must not be significantly measurable over the Federal Test Procedure and the Highway Fuel Economy Test.'' [13] As such, the regulations did not require manufacturers to subtract 2-cycle reductions from the 5-cycle benefits when deriving the off-cycle credit because the 2-cycle benefit would necessarily be negligible.

The program as revised by the MY 2017–2025 rule allows for the possibility that some qualifying technologies could have a small 2-cycle benefit but a larger off-cycle benefit. The 2012 rule stated ''EPA is removing the ''not significantly measurable over the

[9] 75 FR 25438–25440 (May 7, 2010) and 75 FR 25697–25698.

[10] 77 FR 62726–62738, 77 FR 62832–62840, and 40 CFR 86.1869–12.

[11] The 5-cycle methodology is currently used to determine fuel economy label values. EPA established the 5-cycle test methods to better represent real-world factors impacting fuel economy, including higher speeds and more aggressive driving, colder temperature operation, and the use of air conditioning.

[12] 77 FR 62837.

[13] 75 FR 25698.

2-cycle test'' criteria'' allowing for credits for qualifying off-cycle technologies ''providing small reductions on the 2-cycle tests but additional significant reductions off-cycle.'' [14] EPA stated ''[t]he intent of the off-cycle provisions is to provide an incentive for CO_2 and fuel consumption reducing off-cycle technologies that would otherwise not be developed because they do not offer a significant 2- cycle benefit and that the program would ''encourage innovative strategies for reducing CO_2 emissions beyond those measured by the 2-cycle test procedures.'' [15] It is plain from the proposed and final rules that the revised off-cycle credit program was intended to provide credits for the incremental benefit of the off-cycle technology that was not captured on the 2-cycle test. For example, EPA provided extensive discussion of how it developed the standards based on its evaluation of various technologies and their effectiveness as demonstrated on the 2-cycle test.[16] EPA further stated that the off-cycle credits were intended to recognize GHG reductions in excess of the benefits already reflected in the standards.[17] For the menu credits for waste heat recovery and active aerodynamics, for example, EPA derived the credits by estimating the 5-cycle benefit and then subtracting out the 2-cycle benefit.[18]

However, EPA inadvertently did not make the associated change in the regulations to require that the 2-cycle benefit be subtracted from the 5-cycle benefit for those off-cycle credits which are based on a manufacturer-specific 5-cycle technology demonstration. This could lead to double counting of the 2-cycle benefit of the technology, which is also included in the 2-cycle tailpipe emissions results of the vehicle used to determine compliance with the standards. EPA made clear in the final rule that such ''windfall credits'' would be inappropriate.[19] This issue has been raised by manufacturers seeking clarification from the agency. EPA is addressing this oversight and the potential double-counting issue by proposing to change the regulations such that the 2-cycle benefit is subtracted from the 5-cycle benefit of the off-cycle technology. EPA is proposing to add to the regulations the equation below to ensure that credits derived from the 5-cycle methodology are calculated properly. See the proposed regulatory language in 40 CFR 86.1869–12(c) for the complete proposed regulatory text.

Under the proposed regulatory correction, manufacturers would calculate the off-cycle credit in grams per mile using the following formula, rounding the result to the nearest 0.1 grams/mile:

$$Credit = (A - B) - (C - D)$$

Where:

Credit = the off-cycle benefit of the technology or technologies being evaluated, subject to EPA approval

A = the 5-cycle adjusted combined city/highway carbon-related exhaust emission value for the vehicle without the off-cycle technology;

B = 5-cycle adjusted combined city/highway carbon-related exhaust emission value for the vehicle with the off-cycle technology;

C = 2-cycle unadjusted combined city/highway carbon-related exhaust emissions value for the vehicle without the off-cycle technology; and

D = 2-cycle unadjusted combined city/highway carbon-related exhaust emissions value for the vehicle with the off-cycle technology.

IV. Statutory and Executive Order Reviews

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

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. This action is a ''significant regulatory action'' because it raises policy issues. Any changes made in response to OMB recommendations have been documented in the docket.

This proposed rule merely clarifies and corrects existing regulatory language. EPA does not believe there will not be costs associated with this rule. Also, this proposed rule is not anticipated to create additional burdens to the existing requirements. As such, a regulatory impact evaluation or analysis is unnecessary.

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

This action is not expected to be subject to Executive Order 13771 because this proposed rule merely clarifies and corrects existing regulatory language and is not expected to result in costs or additional burdens.

C. Paperwork Reduction Act (PRA)

This proposed action would not impose any new information collection burden under the PRA, since it merely clarifies and corrects existing regulatory language. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number of 2060–0104.

D. Regulatory Flexibility Act (RFA)

I certify that this proposed action would not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This proposed rule merely clarifies and corrects existing regulatory language. We therefore anticipate no costs and therefore no regulatory burden associated with this proposed rule. Further, small entities are generally exempt from the light-duty vehicles greenhouse gas standards unless the small entity voluntarily opts into the program. See 40 CFR 86.1801–12(j). We have therefore concluded that this proposed action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This proposed action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The proposed action imposes no enforceable duty on any state, local or tribal governments. Requirements for the private sector do not exceed $100 million in any one year.

F. Executive Order 13132: Federalism

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

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

This proposed action does not have tribal implications as specified in

[14] 77 FR 62835.

[15] 77 FR 62832.

[16] 76 FR 74942 (December 1, 2011) & 77 FR 62726.

[17] 77 FR 62650 and 77 FR 62836.

[18] Joint Technical Support Document: Final Rulemaking for 2017–2025 Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards, August 2012, EPA–420–R–12–901 pp. 5–65 and 5–82.

[19] 77 FR 62836.

Executive Order 13175. This rule only corrects and clarifies regulatory provisions that apply to light-duty vehicle manufacturers. Tribal governments would be affected only to the extent they purchase and use regulated vehicles. Thus, Executive Order 13175 does not apply to this action.

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

This proposed action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This proposed rule merely corrects and clarifies previously established regulatory provisions.

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

This proposed action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs agencies to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed action modifies existing regulations to correct errors in the regulations and therefore involves technical standards previously established by EPA. The amendments to the regulations do not involve the application of new technical standards. EPA is continuing to use the technical standards previously established in its rules regarding the light-duty vehicle GHG standards for MYs 2017–2025. See 77 FR 62960.

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

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This proposed regulatory action makes technical corrections to a previously established regulatory action and as such does not have any impact on human health or the environment.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Confidential business information, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: September 18, 2018.

Andrew R. Wheeler,

Acting Administrator.

For the reasons set forth in the preamble, the Environmental Protection Agency is proposing to amend part 86 of title 40, Chapter I of the Code of Federal Regulations as follows:

PART 86—CONTROL OF EMISSIONS FROM NEW AND IN-USE HIGHWAY VEHICLES AND ENGINES

■ 1. The authority citation for part 86 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 2. Section 86.1865–12 is amended by redesignating paragraph (k)(5)(v) as paragraph (k)(5)(vi) and by adding paragraph (k)(5)(v), to read as follows:

§ 86.1865–12 How to comply with the fleet average CO_2 standards.

* * * * *

(k) * * *

(5) * * *

(v) Advanced technology vehicle credits earned according to the provisions of § 86.1866–12(b)(3).

* * * * *

■ 3. Section 86.1866–12 is amended by revising paragraphs (b) introductory text and (b)(3) to read as follows:

§ 86.1866–12 CO_2 credits for advanced technology vehicles.

* * * * *

(b) For electric vehicles, plug-in hybrid electric vehicles, fuel cell vehicles, dedicated natural gas vehicles, and dual-fuel natural gas vehicles as those terms are defined in § 86.1803–01, that are certified and produced for U.S. sale in the 2017 through 2021 model years and that meet the additional specifications in this section, the manufacturer may use the production multipliers in this paragraph (b) to determine additional credits for advanced technology vehicles. Full size pickup trucks eligible for and using a production multiplier are not eligible for the performance-based credits described in § 86.1870–12(b).

* * * * *

(3) Calculate credits for advanced technology vehicles for a given model year, and separately for passenger automobiles and light trucks, using the following equation. No credits are earned if the result is a negative value.

Credits due to the multiplier = $((S_{adj} - E_{adj}) \times P_{adj} \times VLM \div 1{,}000{,}000) - C$

Where:

S_{adj} = adjusted CO_2 standard calculated according to the method described in § 86.1818–12(c) or (d) and rounded to the nearest whole number. For the purpose of this calculation, the actual production of qualifying vehicles under this section must be multiplied by the applicable production multiplier, and the result shall be rounded to the nearest whole number.

E_{adj} = adjusted production-weighted fleet average carbon-related exhaust emissions calculated according to the method described in § 600.510–12(j) and rounded to the nearest whole number. For the purpose of this calculation, the actual production of qualifying vehicles under this section must be multiplied by the applicable production multiplier, and the result shall be rounded to the nearest whole number.

P_{adj} = total adjusted production of passenger automobiles or light trucks, where the actual production of qualifying vehicles under this section must be multiplied by the applicable production multiplier and the result shall be rounded to the nearest whole number.

VLM = vehicle lifetime miles, which for passenger automobiles shall be 195,264 and for light trucks shall be 225,865; and

C = The credits calculated according to § 86.1865–12(k)(4), without use of multipliers, in whole megagrams.

■ 4. Section 86.1869–12 is amended by revising paragraphs (c)(1) through (c)(3) to read as follows:

§ 86.1869–12 CO_2 credits for off-cycle CO_2-reducing technologies.

* * * * *

(c) * * *

(1) Testing without the off-cycle technology installed and/or operating.

(i) Determine carbon-related exhaust emissions over the FTP, the HFET, the US06, the SC03, and the cold temperature FTP test procedures according to the test procedure provisions specified in 40 CFR part 600 subpart B and using the calculation procedures specified in § 600.113–12 of this chapter. Run each of these tests a

minimum of three times without the off-cycle technology installed and operating and average the per phase (bag) results for each test procedure.

(ii) Calculate the FTP and HFET carbon-related exhaust emissions from the FTP and HFET averaged per phase results.

(iii) Calculate the combined city/highway carbon-related exhaust emission value from the FTP and HFET values determined in paragraph (c)(1)(ii) of this section, where the FTP value is weighted 55% and the HFET value is weighted 45%. The resulting value is the 2-cycle unadjusted combined city/highway carbon-related exhaust emissions value for the vehicle without the off-cycle technology.

(iv) Calculate the 5-cycle weighted city/highway combined carbon-related exhaust emissions from the averaged per phase results, where the 5-cycle city value is weighted 55% and the 5-cycle highway value is weighted 45%. The resulting value is the 5-cycle adjusted combined city/highway carbon-related exhaust emission value for the vehicle without the off-cycle technology.

(2) Testing with the off-cycle technology installed and/or operating.

(i) Determine carbon-related exhaust emissions over the FTP, the HFET, the US06, the SC03, and the cold temperature FTP test procedures according to the test procedure provisions specified in 40 CFR part 600 subpart B and using the calculation procedures specified in § 600.113–12 of this chapter. Run each of these tests a minimum of three times with the off-cycle technology installed and operating and average the per phase (bag) results for each test procedure.

(ii) Calculate the FTP and HFET carbon-related exhaust emissions from the FTP and HFET averaged per phase results.

(iii) Calculate the combined city/highway carbon-related exhaust emission value from the FTP and HFET values determined in paragraph (c)(2)(ii) of this section, where the FTP value is weighted 55% and the HFET value is weighted 45%. The resulting value is the 2-cycle unadjusted combined city/highway carbon-related exhaust emissions value for the vehicle with the off-cycle technology.

(iv) Calculate the 5-cycle weighted city/highway combined carbon-related exhaust emissions from the averaged per phase results, where the 5-cycle city value is weighted 55% and the 5-cycle highway value is weighted 45%. The resulting value is the 5-cycle adjusted combined city/highway carbon-related exhaust emission value for the vehicle with the off-cycle technology.

(3) Calculate the off-cycle credit in grams per mile using the following formula, rounding the result to the nearest 0.1 grams/mile:

$$Credit = (A - B) - (C - D)$$

Where:

Credit = the off-cycle benefit of the technology or technologies being evaluated, subject to EPA approval

A = the 5-cycle adjusted combined city/highway carbon-related exhaust emission value for the vehicle without the off-cycle technology calculated in paragraph (c)(1)(iv) of this section;

B = 5-cycle adjusted combined city/highway carbon-related exhaust emission value for the vehicle with the off-cycle technology calculated in paragraph (c)(2)(iv) of this section;

C = 2-cycle unadjusted combined city/highway carbon-related exhaust emissions value for the vehicle without the off-cycle technology calculated in paragraph (c)(1)(iii) of this section; and

D = 2-cycle unadjusted combined city/highway carbon-related exhaust emissions value for the vehicle with the off-cycle technology calculated in paragraph (c)(2)(iii) of this section.

* * * * *

[FR Doc. 2018–21195 Filed 9–28–18; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 83, No. 190
Monday, October 1, 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

[Doc. No. AMS–FGIS–18–0057]

Designation for the Topeka, Kansas; Minot, North Dakota; Cincinnati, Ohio; Pocatello, Idaho; Evansville, Indiana; Salt Lake City, Utah; West Sacramento, California; Richmond, Virginia; and Savage, Minnesota Areas

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is announcing the designations of Kansas Grain Inspection Service, Inc. (Kansas); Minot Grain Inspection, Inc. (Minot); Tri-State Grain Inspection Service, Inc. (Tri-State); Idaho Grain Inspection Service, Inc. (Idaho); Ohio Valley Grain Inspection, Inc. (Ohio Valley); Utah Department of Agriculture and Food (Utah); California Agri Inspection Co., Ltd. (Cal-Agri); Virginia Department of Agriculture and Consumer Services (Virginia); and State Grain Inspection, Inc. (State Grain) to provide official services under the United States Grain Standards Act (USGSA), as amended. The realignment of offices within the U.S. Department of Agriculture authorized by the Secretary's Memorandum dated November 14, 2017, eliminates the Grain Inspection, Packers and Stockyards Administration (GIPSA) as a standalone agency. The grain inspection activities formerly part of GIPSA are now organized under AMS.

DATES: July 1, 2018.

ADDRESSES: Jacob Thein, Compliance Officer, USDA, AMS, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.

FOR FURTHER INFORMATION CONTACT: Jacob Thein, 816–866–2223, *Jacob.D.Thein@ams.usda.gov* or *FGISQACD@ams.usda.gov.*

Read Applications: All applications and comments are available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

SUPPLEMENTARY INFORMATION: In the May 25, 2018, **Federal Register** (83 FR 24273–24274), AMS requested applications for designation to provide official services in the geographic areas presently serviced by Kansas, Minot, Tri-State, Idaho, Ohio Valley, Utah, Cal-Agri, Virginia, and State Grain. Applications were due by June 25, 2018.

The current official agencies, Kansas, Minot, Tri-State, Idaho, Ohio Valley, Utah, Cal-Agri, Virginia, and State Grain, were the only applicants for designation to provide official services in these areas. As a result, AMS did not ask for additional comments.

AMS evaluated the designation criteria in section 7(f) of the USGSA (7 U.S.C. 79(f)) and determined that Kansas, Minot, Tri-State, Idaho, Ohio Valley, Utah, Cal-Agri, Virginia, and State Grain are qualified to provide official services in the geographic areas specified in the **Federal Register** on May 25, 2018. The designations to provide official services in the specified areas of Kansas, Minot, and Tri-State are effective July 1, 2018, to June 30, 2023. The designations to provide official services in the specified areas of Idaho and Ohio Valley are effective October 1, 2018 to September 30, 2023. The designations to provide official services in the specified areas of Cal-Agri and Virginia are effective January 1, 2019, to December 31, 2023. The designation to provide official services in the specified area of Utah is effective October 1, 2018, to September 30, 2021. The designation to provide official services in the specified area of State Grain is effective January 1, 2019, to December 31, 2021.

Interested persons may obtain official services by contacting this agency at the following telephone number:

Official agency	Headquarters location and telephone		Designation start	Designation end
Kansas	Topeka, KS	785–233–7063	7/1/2018	6/30/2023
Minot	Minot, ND	701–838–1734	7/1/2018	6/30/2023
Tri-State	Cincinnati, OH	513–251–6571	7/1/2018	6/30/2023
Idaho	Pocatello, ID	208–233–8303	10/1/2018	9/30/2023
Ohio Valley	Evansville, IN	812–423–9010	10/1/2018	9/30/2023
Utah	Salt Lake City, UT	801–392–2292	10/1/2018	9/30/2021
Cal-Agri	West Sacramento, CA	916–374–9700	1/1/2019	12/31/2023
Virginia	Richmond, VA	757–494–2455	1/1/2019	12/31/2023
State Grain	Savage, MN	952–808–8566	1/1/2019	12/31/2021

Section 7(f) of the USGSA authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79(f)).

Authority: 7 U.S.C. 71–87k.

Dated: September 26, 2018.

Greg Ibach,

Under Secretary, Marketing and Regulatory Programs.

[FR Doc. 2018–21265 Filed 9–28–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Office of the Chief Financial Officer

Notice of Request for Approval of a Renewal Information Collection

AGENCY: Office of the Chief Financial Officer.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the intention of the Office of the Chief Financial Officer to request the renewal of a currently approved information collection (OMB No. 0505–0027) for suspension and debarment and drug-free workplace certifications.

DATES: Comments on this notice must be received by November 30, 2018 to be assured of consideration.

ADDRESSES: Comments may be submitted by either/one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Postal Mail/Commercial Delivery:* Send to Director, Transparency and Accountability Reporting Division, Office of the Chief Financial Officer, Room 3027–S, Stop Code 9011, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250.

All comments received will be available for public inspection and posted without change, including any personal information, to *http://regulations.gov,* or during regular business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Martha E. Burton, Management Analyst, Transparency and Accountability Reporting Division, Office of the Chief Financial Officer, Room 3027–S, Stop Code 9011, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250; (202) 205–6182; *martha.burton@cfo.usda.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the intention of the USDA Office of the Chief Financial Officer to request the renewal of a currently approved information collection (OMB No. 0505–0027) for suspension and debarment and drug-free workplace certifications.

Title: Suspension and Debarment and Drug-Free Workplace Certifications.

OMB Number: 0505–0027.

Expiration Date of Current Approval: December 31, 2018.

Type of Request: Intent to extend a currently approved information collection for three years.

Abstract: The information will be collected by USDA Federal financial assistance agencies and staff offices as certifying information concerning applicant suitability in compliance with Federal Suspension and Debarment and Drug-Free Work Place regulations, as defined by 2 CFR parts 180, 417 and Public Law 100–690, Title V, Subtitle D: 41 U.S.C. 8101 *et seq.,* 2 CFR parts 182 and 421. Suspensions and debarments are discretionary or statutory administrative actions taken by Federal agencies to protect the government by excluding persons and entities who are not presently responsible from participating in Federal programs or activities. Federal agencies are also prohibited from awarding financial assistance unless conditions are met that speak to recipient awareness of the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance while conducting any activity with the use of Federal financial assistance. The five forms that USDA uses with its financial assistance applications to collect the data include: (1) *AD–1047*—Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions; (2) *AD–1048*—Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions; (3) *AD–1049*—Certification Regarding Drug Free Workplace Requirements (Grants) Alternative 1 (For Grantees Other Than Individuals; (4) *AD 1050*—Certification Regarding Drug Free Workplace Requirements (Grants) Alternative 2 (For Grantees Who Are Individuals); and (5) *AD–1052*—Certification Regarding Drug Free Workplace Requirements-State and State Agencies).

Estimate of Burden: Public reporting burden for this total collection of information is estimated to average 0.25 hours per response per individual form. This burden is assumed for all of the forms in the aggregate.

Type of Respondents: Individuals or private entities; businesses or other for profit; not-for profit; Federal, state, local or tribal governments; institutions of higher education or other research organizations; foreign organizations.

Estimated Number of Respondents: 38,885.

Estimated Number of Responses: 77,770.

Estimated Number of Responses per Respondent: 2.

Estimated Total Annual Burden on Respondents: 19,443.

Form	Number of respondents	Number of responses per respondent	Number of responses	Average time to prepare (hrs)	Total annual burden on respondents (hrs)
AD–1047	11,886	2	23,772	0.25	5,943
AD–1048	11,595	2	23,190	0.25	5,798
AD–1049	7,007	2	14,014	0.25	3,504
AD–1050	3,482	2	6,964	0.25	1,741
AD–1052	4,915	2	9,830	0.25	2,457
Total	38,885	2	77,770	0.25	19,443

Comments from interested parties are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) 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, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Signed:

Tyson P. Whitney,

Director, Transparency and Accountability Reporting Division.

[FR Doc. 2018–21240 Filed 9–28–18; 8:45 am]

BILLING CODE 3410–KS–P

DEPARTMENT OF AGRICULTURE

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Codex Intergovernmental Task Force on Antimicrobial Resistance (TFAMR)

AGENCY: U.S. Codex Office, Department of Agriculture.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S Codex Office is sponsoring a public meeting on November 8, 2018. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 6th Session of the Codex Intergovernmental Task Force on Antimicrobial Resistance (TFAMR) of the Codex Alimentarius Commission (Codex), in Busan, Republic of Korea on December 10–14, 2018. The U.S. Manager for Codex Alimentarius and the Under Secretary, Office of Trade and Foreign Agricultural Affairs, recognize the importance of providing interested parties the opportunity to obtain background information on the 6th Session of the TFAMR and to address items on the agenda.

DATES: The public meeting is scheduled for Thursday, November 8, 2018 from 2:00 p.m. to 4:00 p.m.

ADDRESSES: The public meeting will take place at the United States Department of Agriculture (USDA), Jamie L. Whitten Building, 1400 Independence Avenue SW, Room 107–A, Washington, DC 20250. Documents related to the 6th Session of the TFAMR will be accessible via the internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en.*

Donald A. Prater, U.S. Delegate to the 6th Session of the TFAMR, invites U.S. interested parties to submit their comments electronically to the following email address: *Donald.prater@fda.hhs.gov.*

Call-In-Number: If you wish to participate in the public meeting for the 6th Session of the TFAMR by conference call, please use the call-in-number: 1–888–844–9904. The participant code will be posted here: *http://www.usda.gov/codex.*

Registration: Attendees may register to attend the public meeting by emailing *Ken.Lowery@osec.usda.gov* by November 1, 2018. Early registration is encouraged because it will expedite entry into the building. The meeting will take place in a Federal building. Attendees should bring photo identification and plan for adequate time to pass through the security screening systems. Attendees who are not able to attend the meeting in person, but who wish to participate, may do so by phone, as discussed above.

For Further Information about the 6th Session of the TFAMR Contact: Donald A. Prater, DVM, Office of Foods and Veterinary Medicine, FDA, #10903, New Hampshire Avenue, Silver Spring, MD 20993. Phone: (301) 348–3007.

Email: Donald.prater@fda.hhs.gov.

For Further Information about the Public Meeting Contact: Kenneth Lowery, U.S. Codex Office, 1400 Independence Avenue SW, Room 4861, South Agriculture Building, Washington, DC 20250. Phone: (202) 690–4042, Fax: (202) 720–3157. Email: *Ken.Lowery@osec.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The TFAMR is responsible for:

(1) Reviewing and revising, as appropriate, the *Code of Practice to Minimize and Contain Antimicrobial Resistance* (CAC/RCP 61–2005) to address the entire food chain, in line with the mandate of Codex; and

(2) considering the development of *Guidance on Integrated Surveillance of Antimicrobial Resistance,* taking into account the guidance developed by the WHO Advisory Group on Integrated Surveillance of Antimicrobial Resistance (AGISAR) and relevant World Organisation for Animal Health (OIE) documents.

The objective of the Task Force is to develop science-based guidance on the management of foodborne antimicrobial resistance, taking full account of the WHO *Global Action Plan on Antimicrobial Resistance,* in particular Objectives 3 and 4, the work and standards of relevant international organizations, such as FAO, WHO, and OIE, and the One-Health approach, to ensure members have the necessary guidance to enable coherent management of antimicrobial resistance along the food chain. The Task Force is expected to complete its work within three (or a maximum of four) sessions.

The TFAMR is hosted by Korea. The United States attends TFAMR as a member country of Codex.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 6th Session of the TFAMR will be discussed during the public meeting:

- Matters referred by the Codex Alimentarius Commission and its subsidiary bodies
- Matters arising from FAO and WHO including the report of the Joint FAO/WHO Expert Meeting in collaboration with OIE on Antimicrobial Resistance: Role of the Environment, Crops and Biocides
- Matters arising from OIE and other relevant international organizations
- Proposed draft revision of the Code of Practice to Minimize and Contain Antimicrobial Resistance (CXC 61–2005)
  - Comments in reply to CXC 61–2005
- Proposed draft Guidelines on Integrated Surveillance of Antimicrobial Resistance
  - Comments in reply to proposed draft Guidelines
- Other business
- Date and Place of next session.

Public Meeting

At the November 8, 2018, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Donald A. Prater, U.S. Delegate for the 6th Session of the TFMAR (see **ADDRESSES**). Written comments should state that they relate to activities of the 6th Session of the TFAMR.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA Codex web page located at: *http://www.usda.gov/codex,* a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

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How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative. Send your completed complaint form or letter to USDA by mail, fax, or email.

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on September 27, 2018.

Mary Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2018–21326 Filed 9–28–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–149–2018]

Foreign-Trade Zone 267—Fargo, North Dakota; Application for Subzone; Digi-Key Corporation; Fargo, North Dakota

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Municipal Airport Authority of the City of Fargo, grantee of FTZ 267, requesting subzone status for the facility of Digi-Key Corporation (Digi-Key), located in Fargo, North Dakota. 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 26, 2018.

The proposed subzone (10 acres) is located at 4206 33rd Street and 4551 37th Street, Fargo, North Dakota. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ.

In accordance with the Board's regulations, Christopher Kemp of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the 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 Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Kemp at *Christopher.Kemp@trade.gov* or (202) 482–0862.

Dated: September 26, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–21324 Filed 9–28–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–59–2018]

Foreign-Trade Zone 122—Corpus Christi, Texas; Application for Subzone; Gulf Coast Growth Ventures LLC; San Patricio County, Texas

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Port of Corpus Christi Authority, grantee of FTZ 122, requesting subzone status for the facilities of Gulf Coast Growth Ventures LLC, located in San Patricio County, Texas. 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 FTZ Board (15 CFR part 400). It was formally docketed on September 25, 2018.

The proposed subzone would consist of the following sites in San Patricio County: *Site 1* (1,351 acres)—Main Site, 4589 FM 2986, Gregory; and, *Site 2* (9.2 acres)—Laydown Yard, located south of Voestalpine Texas LLC on Kay Bailey Hutchison Road, east of Northshore Country Club's eastern boundary and Berryman Properties, and northwest of the Voestalpine West Dock. A notification of proposed production activity has been submitted and will be published separately for public comment.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make 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 25, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–21323 Filed 9–28–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security Information Systems

Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on October 31 and November 1, 2018, 9:00 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

Wednesday, October 31

Open Session

1. Welcome and Introductions
2. Working Group Reports
3. Old Business

4. Industry presentation: Post-Quantum Cryptography
5. Industry presentation: Automotive Radar
6. Industry presentation: HPCs and APP
7. New Business

Thursday, November 1

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Joanna Lewis at *Joanna.Lewis@bis.doc.gov,* no later than October 24, 2018.

A limited number of seats will be available for the public session. Reservations are not accepted. If attending in person, forward your Name (to appear on badge), Title, Citizenship, Organization name, Organization address, Email, and Phone to Ms. Lewis. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that public presentation materials or comments be forwarded before the meeting to Ms. Lewis.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 4, 2018, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (l0)(d))), that the portion of the meeting concerning trade secrets and commercial or financial information deemed privileged or confidential as described in 5 U.S.C. 552b(c)(4) and the portion of the meeting concerning matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and l0(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Joanna Lewis at (202) 482–6440.

Joanna Lewis,

Committee Liaison Officer.

[FR Doc. 2018–21271 Filed 9–28–18; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on October 16, 2018, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Remarks from the Bureau of Industry and Security Management.
3. Industry Presentations.
4. New Business.

Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than October 9, 2018.

A limited number of seats will be available during the public session of the meeting.

Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 13, 2018 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d), that the portion of this meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information contact Yvette Springer on (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2018–21280 Filed 9–28–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Processing Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Processing Equipment Technical Advisory Committee (MPETAC) will meet on October 23, 2018, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

Agenda

Open Session

1. Opening remarks and introductions.
2. Presentation of papers and comments by the Public.
3. Discussions on results from last, and proposals from last Wassenaar meeting.
4. Report on proposed and recently issued changes to the Export Administration Regulations.
5. Other business.

Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Joanna Lewis at *Joanna.Lewis@bis.doc.gov,* no later than October 16, 2018.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members,

the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Lewis via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 13, 2018, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 10(d)), that the portion of the meeting dealing with matters the premature disclosure of which would be likely to frustrate significantly implementation of a proposed agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Joanna Lewis at (202) 482–6440.

Joanna Lewis,

Committee Liaison Officer.

[FR Doc. 2018–21262 Filed 9–28–18; 8:45 am]

BILLING CODE 3510–JT–P

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 October 2018,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in October for the following periods:

	Period of review
Antidumping Duty Proceedings	
Australia: Hot-Rolled Steel Flat Products, A–602–809	10/1/17–9/30/18
Brazil:	
Carbon and Certain Alloy Steel Wire Rod A–351–832	10/1/17–9/30/18

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when Commerce is closed.

	Period of review
Hot-Rolled Steel Flat Products A–351–845	10/1/17–9/30/18
Indonesia: Carbon and Certain Alloy Steel Wire Rod A–560–815	10/1/17–9/30/18
Italy: Pressure Sensitive Plastic Tape A–475–059	10/1/17–9/30/18
Japan: Hot-Rolled Steel Flat Products A–588–874	10/1/17–9/30/18
Mexico: Carbon and Certain Alloy Steel Wire Rod A–201–830	10/1/17–9/30/18
Moldova: Carbon and Certain Alloy Steel Wire Rod A–841–805	10/1/17–9/30/18
Republic of Korea: Hot-Rolled Steel Flat Products A–580–883	10/1/17–9/30/18
Taiwan: Steel Concrete Reinforcing Bar A–583–859	3/7/17–9/30/18
The Netherlands: Hot-Rolled Steel Flat Products A–421–813	10/1/17–9/30/18
The People's Republic of China:.	
Barium Carbonate A–570–880	10/1/17–9/30/18
Barium Chloride A–570–007	10/1/17–9/30/18
Boltless Steel Shelving Units Prepackaged For Sale A–570–018	10/1/17–9/30/18
Electrolytic Manganese Dioxide A–570–919	10/1/17–9/30/18
Helical Spring Lock Washers A–570–822	10/1/17–9/30/18
Polyvinyl Alcohol A–570–879	10/1/17–9/30/18
Steel Wire Garment Hangers A–570–918	10/1/17–9/30/18
Trinidad and Tobago: Carbon and Certain Alloy Steel Wire Rod A–274–804	10/1/17–9/30/18
Turkey: Hot-Rolled Steel Flat Products A–489–826	10/1/17–9/30/18
United Kingdom: Hot-Rolled Steel Flat Products A–412–825	10/1/17–9/30/18
Countervailing Duty Proceedings	
Brazil:	
Carbon and Certain Alloy Steel Wire Rod C–351–833	1/1/17–12/31/17
Hot-Rolled Steel Flat Products, C–351–846	1/1/17–12/31/17
Iran: Roasted In Shell Pistachios, C–507–601	1/1/17–12/31/17
Republic of Korea: Hot-Rolled Steel Flat Products, C–580–884	1/1/17–12/31/17
The People's Republican o China: Boltless Steel Shelving Units Prepackaged for Sale, C–570–019	1/1/17–12/31/17
Suspension Agreements	
Argentina: Lemon Juice A–357–818	10/1/17–9/30/18
Russia: Uranium, A–821–802	10/1/17–9/30/18

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 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

[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.

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 October 2018. If Commerce does not receive, by the last day of October 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: September 25, 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. 2018–21296 Filed 9–28–18; 8:45 am]

BILLING CODE 3510–DS–P

[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–583–848]

Certain Stilbenic Optical Brightening Agents From Taiwan: Final Results of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Teh Fong Ming International Co., Ltd. (TFM) has made sales of subject merchandise at less than normal value during the period of review (POR), May 1, 2016, through April 30, 2017.

DATES: Applicable October 1, 2018.

FOR FURTHER INFORMATION CONTACT: Michael Romani, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0198.

SUPPLEMENTARY INFORMATION:

Background

On June 11, 2018, Commerce published the *Preliminary Results* of the administrative review of the antidumping duty order on stilbenic optical brightening agents (OBAs from Taiwan.[1] The administrative review covers one producer/exporter of the subject merchandise, TFM. We gave interested parties an opportunity to comment on the *Preliminary Results* but received none. Hence, these final results are unchanged from the *Preliminary Results.* Commerce conducted this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The stilbenic OBAs covered by this order are all forms (whether free acid or salt) of compounds known as triazinylaminostilbenes (*i.e.,* all derivatives of 4,4'-bis [1,3,5- triazin-2-yl][2] amino-2,2'-stilbenedisulfonic acid), except for compounds listed in the following paragraph. The stilbenic OBAs covered by this order include final stilbenic OBA products, as well as intermediate products that are themselves triazinylaminostilbenes produced during the synthesis of stilbenic OBA products.

Excluded from this order are all forms of 4,4'-bis[4-anilino-6-morpholino-1,3,5-triazin-2-yl][3] amino-2,2'-stilbenedisulfonic acid, C40H40N12O8S2 (''Fluorescent Brightener 71''). This order covers the above-described compounds in any state (including but not limited to powder, slurry, or solution), of any concentrations of active stilbenic OBA ingredient, as well as any compositions regardless of additives (*i.e.,* mixtures or blends, whether of stilbenic OBAs with each other, or of stilbenic OBAs with additives that are not stilbenic OBAs), and in any type of packaging.

These stilbenic OBAs are classifiable under subheading 3204.20.8000 of the Harmonized Tariff Schedule of the United States (HTSUS), but they may also enter under subheadings 2933.69.6050, 2921.59.4000 and 2921.59.8090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Final Results of the Administrative Review

We determine that the following weighted-average dumping margin exists for the period of May 1, 2016, through April 30, 2017.

Producer/exporter	Weighted-average dumping margin (percent)
Teh Fong Ming International Co., Ltd	1.31

Assessment

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. We calculated an importer-specific assessment rate on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[4]

[1] *See Certain Stilbenic Optical Brightening Agents from Taiwan: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 26950 (June 11, 2018) (*Preliminary Results*).

[2] The brackets in this sentence are part of the chemical formula.

[3] *Id.*

[4] In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

For entries of subject merchandise during the POR produced by TFM for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company involved in the transaction. We intend to issue assessment instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of stilbenic OBAs from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for TFM will be 1.31 percent, the weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 6.19 percent, the all-others rate established in the investigation.[5]

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

[5] *See Certain Stilbenic Optical Brightening Agents from Taiwan: Final Determination of Sales at Less Than Fair Value,* 77 FR 17027 (March 23, 2012).

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

We are issuing and publishing these results of an administrative review in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: September 25, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–21325 Filed 9–28–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Glycine From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of the Antidumping Duty Administrative Review and Notice of Amended Final Results; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On September 7, 2018, the Court of International Trade (CIT or Court) sustained the final results of remand redetermination pertaining to the administrative review of the antidumping duty order on glycine from the People's Republic of China (China), covering the period of March 1, 2013, through February 28, 2014. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with Commerce's final results of the administrative review and that Commerce is amending the final results with respect to the dumping margin assigned to the China-wide entity.

DATES: Applicable September 17, 2018.

FOR FURTHER INFORMATION CONTACT: Edythe Artman or Brian Davis, 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) 482–3931 or (202) 482–7924, respectively.

SUPPLEMENTARY INFORMATION:

Background

In the underlying 2013/2014 administrative review, Commerce rescinded its review with respect to Evonik Rexim (Nanning) Pharmaceutical Co., Ltd., (Evonik), finding Evonik's sales of subject merchandise to be not *bona fide.*[1] Accordingly, Commerce determined that Evonik's entries during the period of review would be subject to the rate for the China-wide entity in effect at the time of entry, which at that point in time was 453.79 percent.[2] This rate was established as the China-wide rate in *Final Results 12–13.*[3] The rate of 453.79 percent was originally calculated in *Final Results 10–11* for respondent Baoding Mantong Fine Chemistry Co., Ltd. (Baoding Mantong).[4] Baoding Mantong challenged that rate in *Baoding Mantong Fine Chemistry Co., Ltd.* v. *United States,* Consol. Ct. No. 12–00362. In that separate proceeding, this Court twice remanded the calculation of the rate to Commerce, sustaining Commerce's second remand redetermination, which reduced Baoding Mantong's calculated margin to 0.00 percent for the *Final Results 10–11.*[5]

Because *Final Results 10–11* was under judicial review at the commencement of its action before the Court, Evonik challenged Commerce's application of the rate of 453.79 percent to the China-wide entity[6] in its action

[1] *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2013–2014,* 80 FR 62,027 (October 15, 2015) (*Final Results 13–14*) and accompanying Issues and Decision Memorandum (Issues and Decision Memorandum) at Comment 5.

[2] *See Final Results 13–14* at 62,028.

[3] *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 64,746, 64,748 (October 31, 2014) (*Final Results 12–13*).

[4] *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 77 FR 64,100, 64,101 (October 18, 2012) (*Final Results 10–11*).

[5] *See Baoding Mantong Fine Chemistry Co. Ltd.,* Slip. Op. 17–169, 279 F. Supp. 3d 1321 (Ct. Int'l Trade Dec. 20, 2017) (*Baoding Mantong*). In an earlier decision, *Baoding Mantong Fine Chemistry Co. Ltd.,* 41 CIT ___, 222 F. Supp. 3d. 1231 (Ct. Int'l Trade 2017), the Court sustained an initial revision by Commerce of Baoding Mantong's rate to 64.97 percent.

[6] *See* Issues and Decision Memorandum at Comment 6.

on *Final Results 13–14.* The Court severed and stayed that claim from Consol. Ct. No. 15–00296,[7] pending the disposition of the challenge in *Baoding Mantong.*

In light of the final judgment issued in *Baoding Mantong,* the Court granted Commerce's motion for a voluntary remand to reevaluate its application of the China-wide entity rate to Evonik in *Final Results 13–14.* In the Final Results of Redetermination, Commerce selected as the China-wide rate for the 2013/2014 review the China-wide rate stemming from the underlying less-than-fair-value investigation.[8] This rate, set at 155.89 percent, had been in effect prior to the China-wide rate being set at 453.79 percent in *Final Results 12–13.* On September 7, 2018, the Court sustained the Final Results of Redetermination.[9]

Timken Notice

In its decision in *Timken,*[10] as clarified by *Diamond Sawblades,*[11] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's September 7, 2018, final judgment sustaining the Final Results of Redetermination constitutes a final decision of the Court that is not in harmony with *Final Results 13–14.* This notice is published in fulfillment of the *Timken* publication requirements. Accordingly, Commerce will continue the suspension of liquidation of the subject merchandise pending a final and conclusive court decision.

Amended Final Results of Review

Because there is now a final court decision, Commerce is amending *Final Results 13–14* with respect to the China-wide rate previously assigned to the exporter. Based on the Final Results of Redetermination, as sustained by the CIT, the revised China-wide rate, for the period March 1, 2013, through February 28, 2014, is as follows:

Producer or exporter	Weighted-average dumping margin (percent)
China-wide Entity	155.89

In the event the Court's ruling is not appealed or, if appealed, upheld by a final and conclusive court decision, Commerce will instruct the U.S. Customs and Border Protection (CBP) to assess antidumping duties on unliquidated entries of subject merchandise with respect to Evonik.

Cash Deposit Requirements

As the China-wide entity's cash deposit rate has not been subject to subsequent administrative reviews, Commerce will issue revised cash deposit instructions to CBP adjusting the rate for the China-wide entity to 155.89 percent, effective September 17, 2018.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: September 25, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–21246 Filed 9–28–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Membership of the International Trade Administration Performance Review Board

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of membership on the International Trade Administration's Performance Review Board.

SUMMARY: The International Trade Administration (ITA), Department of Commerce (DOC), announces the appointment of those individuals who have been selected to serve as members of ITA's Performance Review Board. The Performance Review Board is responsible for (1) reviewing performance appraisals and ratings of Senior Executive Service (SES) members and (2) making recommendations to the appointing authority on other performance management issues, such as pay adjustments, bonuses and Presidential Rank Awards for SES. The appointment of these members to the Performance Review Board will be for a period of twenty-four (24) months.

DATES: The period of appointment for those individuals selected for ITA's Performance Review Board begins on October 1, 2018.

FOR FURTHER INFORMATION CONTACT: Joan Nagielski, U.S. Department of Commerce, Office of Human Resources Management, Department of Commerce Human Resources Operations Center, Office of Employment and Compensation, 14th and Constitution Avenue NW, Room 50013, Washington, DC 20230, at (202) 482–6342.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the International Trade Administration (ITA), Department of Commerce (DOC), announces the appointment of those individuals who have been selected to serve as members of the ITA Performance Review Board. The Performance Review Board is responsible for (1) reviewing performance appraisals and ratings of Senior Executive Service (SES) members and (2) making recommendations to the appointing authority on other Performance management issues, such as pay adjustments, bonuses and Presidential Rank Awards for SES. The Appointment of these members to the Performance Review Board will be for a period of twenty-four (24) months.

The name, position title, and type of appointment of each member of the Performance Review Board are set forth below:

1. Andre Mendes, Chief Information Officer, Career SES
2. Diane Farrell, Deputy Assistant Secretary for Asia, Career SES
3. James Sullivan, Deputy Assistant Secretary for Services, Noncareer SES
4. Carole Showers, Executive Director for Antidumping & Policy Negotiation, Career SES
5. Veronica LeGrande, HR Director, Enterprise Services, Career SES
6. Anne Driscoll, Deputy Assistant Secretary for Industry and Analysis, Career SES
7. Timothy Rosado, Chief Financial and Administrative Officer, Career SES
8. Praveen Dixit, Deputy Assistant Secretary for Trade Policy and Analysis, Career SES
9. Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, Career SES
10. Stephen Renna, Director, Advocacy Center, Noncareer SES
11. John Cooney, Chief of Staff, Noncareer SES
12. Kurt Bersani, Chief Financial Officer,

[7] *See* Consol. Ct. No. 15–296 ECF Docket No. 70, and Ct. No. 17–132, ECF Docket No. 1.

[8] *See* ''*Final Results of Redetermination Pursuant to Court Remand,*'' dated June 5, 2018 (Final Results of Redetermination). See also ''*Antidumping Duty Order: Glycine from the People's Republic of China,*'' 60 FR 16,116, (March 29, 1995).

[9] *See Pharm-Rx Chemical Corporation* v. *United States,* Court No. 17–00268, Slip Op. 18–113 (CIT September 7, 2018).

[10] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[11] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Enterprise Services, Career SES

Dated: September 26, 2018.

Joan M. Nagielski,

Human Resources Specialist, Office of Employment and Compensation, Department of Commerce Human Resources Operations Center, Office of Human Resources Management, Office of the Secretary, Department of Commerce.

[FR Doc. 2018–21268 Filed 9–28–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) and the International Trade Commission automatically initiate and conduct reviews to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for November 2018

Pursuant to section 751(c) of the Act, the following Sunset Review are scheduled for initiation in November 2018 and will appear in that month's *Notice of Initiation of Five-Year Sunset Reviews* (Sunset Review).

	Department contact
Antidumping duty proceedings	
Circular Welded Carbon Quality Steel Pipe from China (A–570–910) (2nd Review)	Matthew Renkey, (202) 482–2312.
Low Enriched Uranium from France (A–427–818) (3rd Review)	Jacqueline Arrowsmith, (202) 482–5255.
Countervailing duty proceedings	
Circular Welded Carbon Quality Steel Pipe from China (C–570–911) (2nd Review)	Joshua Poole, (202) 482–1293.

Suspended Investigations

No Sunset Review of suspended investigations is scheduled for initiation in November 2018.

Commerce's procedures for the conduct of Sunset Review are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year* (*Sunset) Review* provides further information regarding what is required of all parties to participate in Sunset Review.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Please note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: September 25, 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. 2018–21294 Filed 9–28–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Glycine From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of the Antidumping Duty Administrative Review and Notice of Amended Final Results; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On September 7, 2018, the Court of International Trade (CIT or Court) sustained the final results of remand redetermination pertaining to the administrative review of the antidumping duty order on glycine from the People's Republic of China (China), covering the period of March 1, 2015, through February 29, 2016. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with Commerce's final results of the administrative review and that Commerce is amending the final results with respect to the dumping margin assigned to the China-wide entity.

DATES: Applicable September 17, 2018.

FOR FURTHER INFORMATION CONTACT: Edythe Artman or Brian Davis, 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) 482–3931 or (202) 482–7924, respectively.

SUPPLEMENTARY INFORMATION:

Background

In the underlying 2015/2016 administrative review, Commerce selected Jizhou City Huayang Chemical Co., Ltd. (Huayang Chemical) as a mandatory respondent and issued an antidumping duty questionnaire to the company. Huayang Chemical did not respond to the questionnaire and, as a result, Commerce found it ineligible for a separate rate and that it would remain part of the China-wide entity, for which no review was requested.[1] At that time, the rate for the China-wide entity was 453.79 percent, as established in *Final*

[1] *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Rescission of Administrative Review, In Part; 2015–2016;* 82 FR 47,474 (October 12, 2017) (*Final Results 15–16*) and accompanying issues and decision memorandum at Comment 3.

Results 12–13.[2] The rate of 453.79 percent was originally calculated in *Final Results 10–11* for respondent Baoding Mantong Fine Chemistry Co., Ltd. (Baoding Mantong).[3] Baoding Mantong challenged that rate in *Baoding Mantong Fine Chemistry Co., Ltd.* v. *United States,* Consol. Ct. No. 12–00362. In that separate proceeding, this Court twice remanded the calculation of the rate to Commerce, sustaining Commerce's second remand redetermination, which reduced Baoding Mantong's calculated margin to 0.00 percent for the *Final Results 10–11*.[4]

During the 2015/2016 administrative review, Pharm-Rx Chemical Corporation (Pharm-Rx) challenged Commerce's application of the rate of 453.79 percent to the China-wide entity in *Final Results 15–16*.[5] However, Commerce declined to change the rate, as the litigation concerning *Final Results 10–11* had not yet resulted in a final judgment, and the China-wide entity was not under review for the 2015/2016 period.[6]

In light of the final judgment issued in *Baoding Mantong,* the Court granted Commerce's motion for a voluntary remand to reevaluate its application of the China-wide entity rate to Huayang Chemical in *Final Results 15–16*. In the Final Results of Redetermination, Commerce selected as the China-wide rate for the 2015/2016 review review the China-wide rate stemming from the underlying less-than-fair-value investigation.[7] This rate, set at 155.89 percent, had been in effect prior to the China-wide rate being set at 453.79 percent in *Final Results 12–13*. On September 7, 2018, the Court sustained the Final Results of Redetermination.[8]

[2] *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 64,746, 64,748 (October 31, 2014) (*Final Results 12–13*).

[3] *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 77 FR 64,100, 64,101 (October 18, 2012) (*Final Results 10–11*).

[4] *See Baoding Mantong Fine Chemistry Co., Ltd.,* Slip Op. 17–169, 279 F. Supp. 3d 1321 (Ct. Int'l Trade Dec. 20, 2017) (*Baoding Mantong*). In an earlier decision, *Baoding Mantong Fine Chemistry Co., Ltd.,* 41 CIT ___, 222 F. Supp. 3d 1231 (Ct. Int'l Trade 2017), the Court sustained an initial revision by Commerce of Baoding Mantong's rate to 64.97 percent.

[5] *See Final Results 15–16* at Comment 3.

[6] *Id.*

[7] *See* ''*Final Results of Redetermination Pursuant to Court Remand,*'' dated June 4, 2018 (Final Results of Redetermination). See also ''*Antidumping Duty Order: Glycine from the People's Republic of China,*'' 60 FR 16,116, (March 29, 1995).

[8] *See Pharm-Rx Chemical Corporation* v. *United States,* Court No. 17–00268, Slip Op. 18–113 (CIT September 7, 2018).

Timken Notice

In its decision in *Timken,*[9] as clarified by *Diamond Sawblades,*[10] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's September 7, 2018, final judgment sustaining the Final Results of Redetermination constitutes a final decision of the Court that is not in harmony with *Final Results 15–16.* This notice is published in fulfillment of the *Timken* publication requirements. Accordingly, Commerce will continue the suspension of liquidation of the subject merchandise pending a final and conclusive court decision.

Amended Final Results of Review

Because there is now a final court decision, Commerce is amending *Final Results 15–16* with respect to the China-wide rate previously assigned to the exporter. Based on the Final Results of Redetermination, as sustained by the CIT, the revised China-wide rate, for the period March 1, 2015, through February 28, 2016, is as follows:

Producer or exporter	Weighted-average dumping margin (percent)
China-wide Entity	155.89

In the event the Court's ruling is not appealed or, if appealed, upheld by a final and conclusive court decision, Commerce will instruct the U.S. Customs and Border Protection (CBP) to assess antidumping duties on unliquidated entries of subject merchandise with respect to Pharm-Rx.

Cash Deposit Requirements

As the China-wide entity's cash deposit rate has not been subject to subsequent administrative reviews, Commerce will issue revised cash deposit instructions to CBP adjusting the rate for the China-wide entity to 155.89 percent, effective September 17, 2018.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

[9] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[10] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Dated: September 25, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–21247 Filed 9–28–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG520

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings and partially closed meeting.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its 130th Scientific and Statistical Committee (SSC) meeting and its 174th Council meeting to take actions on fishery management issues in the Western Pacific Region. A portion of the 174th Council meeting will be closed to the public. The Council will also hold meetings of the following advisory groups and standing committees: Mariana Archipelago Advisory Panel (AP); Commonwealth of the Northern Mariana Islands (CNMI) Regional Ecosystem Advisory Committee (REAC); Pelagic and International Standing Committee (P&I SC); Fishery Data Collection and Research Committee (FDCRC); Executive and Budget Standing Committee (E&B SC); and Guam REAC.

DATES: The meetings will be held between October 15 and October 27, 2018. For specific times and agendas, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The 130th SSC will be held at the Naniloa Hotel DoubleTree by Hilton, 93 Banyan Dr, Hilo, HI 96720. The Mariana Archipelago AP and Guam REAC will be held at Hilton Guam Resort and Spa, 202 Hilton Road, Tumon Bay, Guam 96913, phone: (671) 646–1835. The CNMI REAC, P&I SC, FDCRC, and E&B SC will be held at the Saipan Fiesta Resort and Spa, P.O. Box 501029, Saipan, MP 96950, telephone: (670) 234–6412. The first two days of the 174th Council meeting and the CNMI Fishers Forum will be held at Saipan Fiesta Resort and Spa, P.O. Box 501029, Saipan, MP 96950, telephone: (670) 234–6412 and the last two days of

the Council meeting and the Guam Fishers Forum will be held at the Hilton Guam Resort and Spa, 202 Hilton Road, Tumon Bay, Guam 96913, telephone: (671) 646–1835.

FOR FURTHER INFORMATION: Contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The 130th SSC meeting will be held between 8:30 a.m. and 5 p.m. on October 15–17, 2018. The Mariana Archipelago AP will be held between 8:30 a.m. and 4 p.m. on October 20, 2018. The CNMI REAC and P&I SC will be held between 8:30 a.m. and 12 p.m. on October 22, 2018. The FDCRC will be held between 1 p.m. and 3 p.m. on October 22, 2018. The E&B SC will be held between 3 p.m. and 5 p.m. on October 22, 2018. The Guam REAC will be held between 1 p.m. and 4 p.m. on October 25, 2018. The first two days of the 174th Council Meeting will be held between 8:30 a.m. and 5 p.m. on October 23 and 24, 2018. The portion of the 174th Council meeting from 1 p.m. to 1:30 p.m. on Tuesday, October 23, 2018, will be closed to the public in accordance with section 302(i)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The CNMI Fishers Forum will be held between 6 p.m. and 9 p.m. on October 23, 2018. Public Comment on Non-Agenda Items will be held between 4 p.m. and 5 p.m. on October 24, 2018. The last two days of the 174th Council Meeting will be held between 8:30 a.m. to 5 p.m. on October 26 and 27, 2018. The Guam Fishers Forum will be held between 6 p.m. and 9 p.m. on October 26, 2018. All times listed are local island times. Agenda items noted as ''Final Action Items'' refer to actions that result in Council transmittal of a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the MSA. In addition to the agenda items listed here, the Council and its advisory bodies will hear recommendations from Council advisors. Opportunities to submit public comment will be provided throughout the agendas. The order in which agenda items are addressed may change and will be announced in advance at the Council meeting. The meetings will run as late as necessary to complete scheduled business. Background documents will be available from and written comments should be sent to Kitty M. Simonds, Executive Director; Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522–8220 or fax: (808) 522–8226.

Agenda for 130th SSC Meeting

Monday, October 15, 2018, 8:30 a.m. to 5 p.m.

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 129th SSC Meeting Recommendations
4. Report from the Pacific Islands Fisheries Science Center (PIFSC) Director
   - A. Pacific Islands Ecosystem Based Fishery Management Regional Implementation Plan
   - B. Large Marine Ecosystems Initiative
5. Insular Fisheries
   - A. Review of the Western Pacific Stock Assessment Review Terms of Reference for the Territory Bottomfish Benchmark Stock Assessment
   - B. Specification of Acceptable Biological Catches (ABC) for the Following Management Unit Species/Complexes (MUS) (Action Item)
     1. Hawaii Non-Deep 7 Bottomfish for Fishing Year 2019 to 2021
     2. Hawaii Kona Crab for Fishing Year 2019
     3. Hawaii Deep Water Shrimp and Precious Corals for Fishing Year 2019 to 2021
     4. Territory Bottomfish for Fishing Year 2019
   - C. Refinement of the Precious Coral Essential Fish Habitat (EFH)
   - D. Public Comment
   - E. SSC Discussion and Recommendations
6. Program Planning and Research
   - A. Discussion Paper on the Applicability of the National Standard 1 (NS1) Carry-Over Provisions to the Western Pacific Archipelagic Fisheries
   - B. Re-authorized Magnuson-Stevens Act (MSRA) Five Year Research Priority 2020–24
     1. Report on the MSRA Five Year Research Priority Workshop
     2. SSC Work Session to Refine the MSRA Research Priority
   - C. Public Comment
   - D. SSC Discussion and Recommendations

Tuesday, October 16, 2018, 8:30 a.m. to 5 p.m.

7. Pelagic Fisheries
   - A. American Samoa Longline Fishery Report
   - B. Hawaii Longline Report Fishery Report
   - C. Mandatory Electronic Reporting for the Hawaii Longline Fishery (Action Item)
   - D. Hawaii Shallow-Set Longline Fishery
     1. ESA Consultation for the Hawaii Shallow-set Longline Fishery
     a. Status of the ESA Consultation and Overview of the Draft Biological Opinion
     b. Loggerhead and Leatherback Turtle Population Vulnerability Assessments
     c. SSC Working Group Input on the Biological Opinion Analysis Plan
     2. Managing Loggerhead and Leatherback Sea Turtle Interactions in the Hawaii-based Shallow-set Longline Fishery (Action Item)
   - C. International Fisheries Meetings
     1. International Scientific Committee 2018
     2. 93rd Inter-American Tropical Tuna Commission (IATTC) meeting
     3. Western Central Pacific Fisheries Commission (WCPFC)
     a. Electronic Monitoring Working Group
     b. 14th Scientific Committee (SC)
     c. Northern Committee (NC)
     d. Technical Compliance Committee (TCC)
     e. Permanent Advisory Committee (PAC)
   - D. Public Comment
   - E. SSC Discussion and Recommendations
8. Protected Species
   - A. Factors Influencing Olive Ridley Turtle Interaction Patterns in the Hawaii Deep-set Longline Fishery
   - B. Report of the Seabird Bycatch Mitigation Workshop
   - C. Status of the False Killer Whale Take Reduction Team Recommendations
   - D. Updates on Endangered Species Act and Marine Mammal Protection Act Actions
   - E. Public Comment
   - F. SSC Discussion and Recommendations

Wednesday, October 17, 2018, 8:30 a.m. to 5 p.m.

9. Other Business
   - A. 131st SSC Meeting
10. Summary of SSC Recommendations to the Council

Agenda for the Mariana Archipelago Advisory Panel Joint Meeting

Saturday, October 20, 2018, 8:30 a.m. to 4 p.m.

1. ''Hafa Adai''—Welcome and Introductions
2. Guest Speaker: Advocating for Mariana Fisheries
3. Review of Recent AP Meeting Recommendations

4. Review of Council Action Items
   a. Specification for Bottomfish Annual Catch Limits for 2019
   b. Alternatives for Aquaculture Management
   c. Update on Marine Conservation Plans Projects
   d. Refining Precious Coral EFH
5. Marianas AP Community Issues
   a. Update on Mandatory Licensing and Reporting
   b. Update on Commercial Reporting System and Spearfishing Projects
   c. Guam Marine Resource Import Database
   d. Guam Ocean Fishery Management Council Update
6. Marianas Fishery Ecosystem Plans (FEP) AP Issues
   a. CNMI
   b. Guam
7. The AP and the Council's Five-Year Program Plan
8. Public Comments
9. Discussion and Recommendations
10. ''At the End of the Day''—Other Business

Agenda for the CNMI REAC Meeting

Monday, October 22, 2018, 8:30 a.m. to 12 p.m.

1. Welcome and Introductions
2. Review of 2017 REAC Meeting
3. Mandatory Permit and Reporting
4. Mariana Small-boat Economic Survey
5. Council Projects
   a. Improving the Commercial Reporting System
   b. Outcomes of the Noncommercial Spearfishing Project
6. Council 5-year Program Plan
   a. Drivers, Programs and Priorities
   b. Research Priorities
7. Aquaculture
8. Public Comment
9. Other Business
10. Discussion and Recommendations

Agenda for the Pelagics and International Standing Committee

Monday, October 22, 2018, 8:30 a.m. to 12 p.m.

1. Introduction and Opening of Committee Meeting
2. Hawaii and American Samoa Longline Fisheries Reports
3. Managing Sea Turtle Interactions in the Hawaii Shallow-set Longline Fishery (Action Item)
4. Mandatory Electronic Reporting for Hawaii Longline Fishery (Action Item)
5. 93rd IATTC meeting
6. WCPFC meetings
   a. Science Committee
   b. Northern Committee
   c. Technical and Compliance Committee
   d. US WCPFC PAC recommendations
   e. Council recommendations for WCPFC15
7. Advisory Groups Reports and Recommendations
   a. Advisory Panels
   b. Scientific & Statistical Committee
8. Other Issues
9. Public Comment
10. Committee Discussion and Action

Agenda for FDCRC Meeting

Monday, October 22, 2018, 1 p.m. to 3 p.m.

1. Welcome Remarks and Introductions
2. Update on previous FDCRC recommendations
3. Update on the reorganization of Western Pacific Fishery Information Network (WPacFIN) and implications to the Territories
4. Regulations for mandatory license and reporting
   A. Guam
   B. CNMI
5. Data collection improvement updates
   A. American Samoa Department of Marine and Wildlife Resources (DMWR)
   B. Guam Division of Aquatic and Wildlife Resources (DAWR)
   C. CNMI Department of Land and Natural Resources (DLNR)—Division Fish and Wildlife (DFW)
   D. Hawaii DLNR—Division Aquatic Resources (DAR)
   E. Guam Bureau of Statistics and Plans (BSP)
   F. Council
   G. NMFS–PIFSC
6. Report on FDCRC-Technical Committee
7. Public Comment
8. Discussions and Recommendations

Agenda for the Executive and Budget Standing Committee Meeting

Monday, October 22, 2018, 3 p.m. to 5 p.m.

1. Financial Report
2. Administrative Report
3. Funding Request
4. Status of Marine Conservation Plans
5. Council Family Changes
   A. Advisory Panel Selection
   B. Advisory Group Changes
6. Legislative Status of Fisheries
7. Meetings and Workshops
8. EFH Workshop on Non-Fishing Impacts
9. Membership Appointments to Election Committee
10. Other Issues
11. Public Comment
12. Discussion and Recommendations

Agenda for the Guam REAC Meeting

Thursday, October 25, 2018, 1 p.m. to 4 p.m.

1. Welcome and Introductions
2. Review of 2017 Guam REAC Meeting
3. Guam Marine Product Import Database
4. Umatac Community Management
5. Fishing Community Perceptions on Marine Preserve Siting Process
6. Mandatory Permit and Reporting
7. Mariana Small-boat Economic Survey
8. Council 5-year Program Plan
   a. Drivers, Programs and Priorities
   b. Research Priorities
9. Aquaculture
10. Public Comment
11. Other Business
12. Discussion and Recommendations

Agenda for 174th Council Meeting

Tuesday, October 23, 2018, 8:30 a.m. to 5 p.m. (1 p.m.–1:30 p.m. CLOSED Session)

1. Welcome and Introductions
2. Oath of Office
3. Approval of the 174th Agenda
4. Approval of the 173rd Meeting Minutes
5. Executive Director's Report
6. Agency Reports
   A. National Marine Fisheries Service
   1. Pacific Islands Regional Office
   2. Pacific Islands Fisheries Science Center
   a. Ecosystem Based Fishery Management Regional Implementation Plan
   b. Large Marine Ecosystem Initiative
   B. NOAA Office of General Counsel, Pacific Islands Section
   C. US State Department
   D. US Fish and Wildlife Service
   E. Enforcement
   1. US Coast Guard
   2. NOAA Office of Law Enforcement
   3. NOAA Office of General Counsel, Enforcement Section
   F. Public Comment
   G. Council Discussion and Action
7. Mariana Archipelago-CNMI
   A. Arongol Falú
   B. Legislative Report
   C. Enforcement Issues
   D. Community Activities and Issues
   E. Education and Outreach Initiatives
   F. Marine Conservation Plan Projects
   G. SPC Fisheries Development Adviser
   H. Specification of CNMI Bottomfish MUS Annual Catch Limits for Fishing Year 2019 (Final Action)
   I. Advisory Group Report and Recommendations
   1. Advisory Panel
   2. Regional Ecosystem Advisory Committee
   3. Scientific & Statistical Committee
   J. Public Hearing
   K. Council Discussion and Action
8. Protected Species
   A. Report of the Seabird Bycatch

Mitigation Workshop
B. Status of the False Killer Whale Take Reduction Team Recommendations
C. Updates on ESA and MMPA Act Actions
D. Advisory Group Report and Recommendations
1. Advisory Panel
2. Regional Ecosystem Advisory Committee
3. Scientific & Statistical Committee
E. Public Comment
F. Council Discussion and Action

Tuesday, October 23, 2018, 1 p.m. to 1:30 p.m.

Update on Litigation (Closed Session—pursuant to MSA § 302(i)(3))

Tuesday, October 23, 2018, 6 p.m. to 9 p.m.

Fishers Forum—One Shot, One Fish: CNMI Non-Commercial Spear Fishery

Wednesday, October 24, 2018, 8:30 a.m. to 5 p.m.

9. Pelagic & International Fisheries
A. Hawaii & American Samoa Longline Fisheries Reports
B. Hawaii Shallow-Set Longline Fishery
1. Status of the Hawaii Shallow-set Longline ESA Consultation
2. Managing Loggerhead and Leatherback Sea Turtle Interactions in the Hawaii-based Shallow-set Longline Fishery (Final Action)
C. Electronic Monitoring/Electronic Reporting in Hawaii Longline Fishery
D. Mandatory Electronic Reporting for Hawaii Longline Fishery (Initial Action)
E. International Fisheries Meetings
1. International Science Committee
2. 93rd IATTC
3. WCPFC
a. Electronic Monitoring Working Group
b. Scientific Committee
c. Northern Committee
d. Technical and Compliance Committee
e. US WCPFC Permanent Advisory Committee
4. North Pacific Fisheries Commission
F. Advisory Group Report and Recommendations
1. Advisory Panel
2. Regional Ecosystem Advisory Committee
3. Scientific & Statistical Committee
G. Standing Committee Recommendations
H. Public Hearing
I. Council Discussion and Action
10. American Samoa Archipelago
A. Motu Lipoti
B. Fono Report
C. Enforcement Issues
D. Community Activities and Issues
E. Education and Outreach Initiatives
F. Marine Conservation Plan Projects
G. Specification of American Samoa Bottomfish MUS Annual Catch Limits for Fishing Year 2019 (Final Action)
H. Advisory Group Report and Recommendations
1. Advisory Panel
2. Scientific & Statistical Committee
I. Public Hearing
J. Council Discussion and Action

Wednesday, October 24, 2018, 4 p.m. to 5 p.m.

Public Comment on Non-agenda Items

Friday, October 26, 2018, 8:30 a.m. to 5 p.m.

11. Mariana Archipelago-Guam
A. Isla Informe
B. Legislative Report
C. Enforcement Issues
D. Community Activities and Issues
E. Education and Outreach Initiatives
F. Marine Conservation Plan
G. Guam Marine Resource Import Database
H. Fishing Community Perceptions on Marine Preserve Siting Process
I. Guam Bottomfish MUS Specification of Annual Catch Limits for Fishing Year 2019 (Final Action)
J. Guam Ocean Fishery Management Council Update
K. Advisory Group Report and Recommendations
1. Advisory Panel
2. Regional Ecosystem Advisory Committee
3. Scientific & Statistical Committee
L. Public Hearing
M. Council Discussion and Action
12. Program Planning and Research
A. Update on Aquaculture Management Program
B. Refining Precious Coral Essential Fish Habitat (Initial Action)
C. Discussion Paper on the Applicability of the NS1 Carry-Over Provisions to the Western Pacific Fisheries
D. Terms of Reference for the Benchmark Territory Bottomfish Management Unit Species Stock Assessment Review
E. Regional, National and International Outreach & Education
F. Advisory Group Report and Recommendations
1. Advisory Panel
2. Regional Ecosystem Advisory Committee
3. Scientific & Statistical Committee
G. Public Hearing
H. Council Discussion and Action

Friday, October 26, 2018, 6 p.m. to 9 p.m.

Fishers Forum: One Shot, One Fish: Guam Non-Commercial Spear Fishery

Saturday, October 27, 2018, 8:30 a.m. to 5 p.m.

13. Hawaii Archipelago & Pacific Remote Island Areas
A. Moku Pepa
B. Legislative Report
C. Enforcement Issues
D. Report of Removal of Bottomfish Restricted Fishing Areas
E. Specification of Annual Catch Limits (Final Action)
1. Hawaii Precious Corals for Fishing Year 2019 to 2021
2. Hawaii Deep Water Shrimp for Fishing Year 2019 to 2021
3. Main Hawaiian Islands Non-deep 7 bottomfish for Fishing Year 2019 to 2021
4. Hawaii Kona crab for Fishing Year 2019
F. Education and Outreach Initiatives
G. Advisory Group Report and Recommendations
1. Advisory Panel
2. Scientific & Statistical Committee
H. Public Hearing
I. Council Discussion and Action
14. Administrative Matters
A. Council Member and Staff Annual Training on Standards of Conduct
B. Financial Reports
C. Administrative Reports
D. Funding Requests
E. Council Family Changes
1. Advisory Panel Selection
2. Advisory Group Changes
F. Meetings and Workshops
G. Standing Committee Recommendations
H. Public Comment
I. Council Discussion and Action
15. Election of Officers
16. Other Business

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during the 174th meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are accessible to people with disabilities. Requests for

sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: September 26, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–21302 Filed 9–28–18; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Limitations of Duty- and Quota-Free Imports of Apparel Articles Assembled in Beneficiary Sub-Saharan African Countries From Regional and Third-Country Fabric

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Publishing the new 12-month cap on duty- and quota-free benefits.

DATES: October 1, 2018.

FOR FURTHER INFORMATION CONTACT: Rebecca Geiger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3117.

SUPPLEMENTARY INFORMATION:

Authority: Title I, Section 112(b)(3) of the Trade and Development Act of 2000 (TDA 2000), Public Law (Pub. L.) 106–200, as amended by Division B, Title XXI, section 3108 of the Trade Act of 2002, Public Law 107–210; Section 7(b)(2) of the AGOA Acceleration Act of 2004, Public Law 108–274; Division D, Title VI, section 6002 of the Tax Relief and Health Care Act of 2006 (TRHCA 2006), Public Law 109–432, and section 1 of The African Growth and Opportunity Amendments (Pub. L. 112–163), August 10, 2012; Presidential Proclamation 7350 of October 2, 2000 (65 FR 59321); Presidential Proclamation 7626 of November 13, 2002 (67 FR 69459); and Title I, Section 103(b)(2) and (3) of the Trade Preferences Extension Act of 2015, Public Law 114–27, June 29, 2015.

Title I of TDA 2000 provides for duty- and quota-free treatment for certain textile and apparel articles imported from designated beneficiary sub-Saharan African countries. Section 112(b)(3) of TDA 2000 provides duty- and quota-free treatment for apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary sub-Saharan African countries from yarn originating in the United States or one or more beneficiary sub-Saharan African countries. This preferential treatment is also available for apparel articles assembled in one or more lesser-developed beneficiary sub-Saharan African countries, regardless of the country of origin of the fabric used to make such articles, subject to quantitative limitation. Public Law 114–27 extended this special rule for lesser-developed countries through September 30, 2025.

The AGOA Acceleration Act of 2004 provides that the quantitative limitation for the twelve-month period beginning October 1, 2018 will be an amount not to exceed 7 percent of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available. *See* Section 112(b)(3)(A)(ii)(I) of TDA 2000, as amended by Section 7(b)(2)(B) of the AGOA Acceleration Act of 2004. Of this overall amount, apparel imported under the special rule for lesser-developed countries is limited to an amount not to exceed 3.5 percent of all apparel articles imported into the United States in the preceding 12-month period. *See* Section 112(b)(3)(B)(ii)(II) of TDA 2000, as amended by Section 6002(a)(3) of TRHCA 2006. The Annex to Presidential Proclamation 7350 of October 2, 2000 directed CITA to publish the aggregate quantity of imports allowed during each 12-month period in the **Federal Register**. For the one-year period, beginning on October 1, 2018, and extending through September 30, 2019, the aggregate quantity of imports eligible for preferential treatment under these provisions is 2,048,357,135 square meters equivalent. Of this amount, 1,024,178,567 square meters equivalent is available to apparel articles imported under the special rule for lesser-developed countries. Apparel articles entered in excess of these quantities will be subject to otherwise applicable tariffs.

These quantities are calculated using the aggregate square meter equivalents of all apparel articles imported into the United States, derived from the set of Harmonized System lines listed in the Annex to the World Trade Organization Agreement on Textiles and Clothing (ATC), and the conversion factors for units of measure into square meter equivalents used by the United States in implementing the ATC.

Terry Labat,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 2018–21259 Filed 9–28–18; 8:45 am]

BILLING CODE P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0032]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, ''Generic Information Collection Plan for the Collection of Qualitative Feedback on the Service Delivery of the Bureau of Consumer Financial Protection.''

DATES: Written comments are encouraged and must be received on or before November 30, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2018–0032 in the subject line of the message.
- *Mail:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of

this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Bureau of Consumer Financial Protection, (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552, (202) 435–9575, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Generic Information Collection Plan for the Collection of Qualitative Feedback on the Service Delivery of the Bureau of Consumer Financial Protection.

OMB Control Number: 3170–0024.

Type of Review: Extension without change of a currently approved collection of information.

Affected Public: Individuals; Private sector; and State, Local, or Tribal governments.

Estimated Number of Annual Respondents: 5,000.

Estimated Total Annual Burden Hours: 2,000.

Abstract: This generic information collection plan provides for the collection of qualitative feedback from consumers, financial institutions, and stakeholders on a wide range of services the Bureau provides in an efficient, timely manner, in accordance with the Bureau's commitment to improving service delivery. By qualitative feedback, the Bureau means information that provides useful insights on, for example, comprehension, usability, perceptions, and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. The Bureau expects this feedback to include insights into consumer, financial institution, or stakeholder perceptions, experiences, and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the Bureau and consumers, financial institutions, and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. 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.

Dated: September 26, 2018.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2018–21301 Filed 9–28–18; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0033]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, ''Regulation F: Fair Debt Collection Practices Act, State Application for Exemption (12 CFR 1006.2).''

DATES: Written comments are encouraged and must be received on or before November 30, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2018–0033 in the subject line of the message.
- *Mail:* Comment intake, Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Bureau of Consumer Financial Protection, (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552, (202) 435–9575, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Regulation F: Fair Debt Collection Practices Act, State Application for Exemption (12 CFR 1006.2).

OMB Control Number: 3170–0056.

Type of Review: Extension without change of a currently approved collection.

Affected Public: State governments.

Estimated Number of Respondents: 1.

Estimated Total Annual Burden Hours: 2.

Abstract: Regulation F contains procedures and criteria whereby states may apply to the Bureau for an exemption of a class of debt collection practices within the applying state from the provisions of the Fair Debt Collection Practices Act as provided in section 817 of the Act, 15 U.S.C. 1692. The information collection request seeks OMB approval for the state application requirements as contained in 12 CFR 1006.2.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the

use of automated collection techniques or other forms of information technology. 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.

Dated: September 26, 2018.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2018–21300 Filed 9–28–18; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0027]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection, titled, ''Gramm-Leach-Bliley Act (Regulation P).''

DATES: Written comments are encouraged and must be received on or before November 30, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2018–0027 in the subject line of the message.
- *Mail:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552, (202) 435–9575, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Gramm-Leach-Bliley Act (Regulation P) 12 CFR 1016.

OMB Control Number: 3170–0010.

Type of Review: Renewal without change of an existing information collection.

Affected Public: Businesses and other for-profit entities.

Estimated Number of Respondents: 462,760.

Estimated Total Annual Burden Hours: 312,916.

Abstract: Section 502 of the Gramm-Leach-Bliley Act (GLBA) (Pub. L. 106–102) generally prohibits a financial institution from sharing nonpublic personal information about a consumer with nonaffiliated third parties unless the institution satisfies various disclosure requirements (including provision of initial privacy notices, annual notices, notices of revisions to the institution's privacy policy, and opt-out notices) and the consumer has not elected to opt out of the information sharing. The Bureau of Consumer Financial Protection promulgated Regulation P 12 CFR 1016 to implement the GLB Act's notice requirements and restrictions on a financial institution's ability to disclose nonpublic personal information about consumers to nonaffiliated third parties. The Bureau is not proposing any new or revised collections of information pursuant to this request.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. 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.

Dated: September 25, 2018.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2018–21267 Filed 9–28–18; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0004]

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 30, 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 Deputy Assistant Secretary of Defense, Military Community and Family Policy, ATTN: Casualty Affairs, 1500 Defense Pentagon, Washington, DC 20301–4000 or call (571) 372–0870.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Mortuary Affairs Forms; Statement of Disposition of Military Remains, DD Form 3045; Disposition of Remains Election Statement Initial Notification of Identified Partial Remains, DD Form 3046; Disposition of Remains Election Statement Notification of Subsequently Identified Partial Remains, DD Form 3047; Disposition of Organs Retained for Extended Examination, DD Form 3048; Advanced Restorative Art of Remains, DD Form 3049; Election for Air Transportation of Remains of Casualties Dying in a Theater of Combat Operations, DD Form 3050; OMB Control Number 0704–XXXX.

Needs and Uses: The information collection requirement is necessary to obtain the selection (as applicable) of the Person Authorized to Direct Disposition (PADD) or the Person Authorized to Effect Disposition (PAED) of the remains of the decedent. These forms were directed by the Secretary of Defense for transparency and standardization of the mortuary procedures as part of the Final Report of the Dover Port Mortuary Independent Review Subcommittee Implementation Plan and 180-day study. The applicable form(s) is included in the individual case file of the decedent.

Affected Public: Business or Other For-Profit; Individuals or Households.

Annual Burden Hours: 225.

Number of Respondents: 900.

Responses per Respondent: 1.

Annual Responses: 900.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

The respondents are the PADD or PAED of the decedent and the witness to that selection. The PADD or PAED document their election, sign the applicable form to formalize this process and document the election of the PADD or PAED as applicable. These forms become a part of the Official Individual Deceased Personnel File. If the PADD or PAED do not sign these forms, then the Department cannot provide mortuary and transportation services as requested by the PADD or PAED. Currently, there is a lack of standardization across the Military Services as each Service currently utilizes different forms for these elections and they do not all capture the same information even on similar forms. Standardizing the information collected is essential in maintaining the transparency and integrity of the mortuary affairs process.

Dated: September 26, 2018.

Shelly E. Finke,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–21274 Filed 9–28–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy (DoN) announces the availability of the inventions listed in this notice, assigned to the United States Government, as represented by the Secretary of the Navy, for domestic and foreign licensing by the Department of the Navy.

ADDRESSES: Requests for copies of the patents cited should be directed to Naval Surface Warfare Center, Crane Div, Code OOL, Bldg. 2, 300 Highway 361, Crane, IN 47522–5001.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Monsey, Naval Surface Warfare Center, Crane Div, Code OOL, Bldg 2, 300 Highway 361, Crane, IN 47522–5001, Email *Christopher.Monsey@navy.mil,* 812–854–2777.

SUPPLEMENTARY INFORMATION: The following patents are available for licensing: Patent No. 10,047,731 (Navy Case No. 200222): PLASMA PROPELLANT ABLATION/SUBLIMATION BASED SYSTEMS//Patent No. 10,054,383 (Navy Case No. 200417): RETRACTABLE SUPPRESSOR//Patent No. 10,054,414 (Navy Case No. 200465): EXPLOSIVE ASSEMBLY SYSTEMS INCLUDING A LINEAR SHAPED CHARGE END PRIME CAP APPARATUS AND RELATED METHODS//Patent No. 10,055,525 (Navy Case No. 102512): MULTI AGENT RADIO FREQUENCY PROPAGATION SIMULATOR//Patent No. 10,059,445 (Navy Case No. 200239): REMOTELY OPERATED VEHICLE (ROV) AND DATA COLLECTION PROTECTION SYSTEM//Patent No. 10,060,962 (Navy Case No. 103111): SYSTEM AND METHOD FOR TUNING TRANSFORMERS//Patent No. 10,061,880 (Navy Case No. 103076): MULTI AGENT RADIO FREQUENCY PROPAGATION SIMULATOR//Patent No. 10,062,554 (Navy Case No. 200390): METAMATERIAL PHOTOCATHODE FOR DETECTION AND IMAGING OF INFRARED RADIATION//Patent No. 10,063,025 (Navy Case No. 200412): CABLE CONNECTOR HAND TOOLS//Patent No. 10,067,655 (Navy Case No. 102556): VISUAL AND QUANTITATIVE FACTORS ANNALYSIS SYSTEMS FOR RELATING A HIERARCHY OF FACTORS INCLUDING ONE OR MORE RESOURCES, TASKS, AND COGNITIVE MODELS DISPLAYED IN A HIERARCHICAL GRAPHICAL INTERFACE ENABLING VISUAL AND QUANTITATIVE EVALUATION OF SUFFICIENCY OF SUCH FACTORS IN RELATION TO ONE OR MORE PROBLEM/SOLUTION SETS//Patent No. 10,070,532 (Navy Case No. 200229): PRINTED CIRCUIT BOARD FABRICATION PROCESSES AND ARCHITECTURE INCLUDING POINT–OF–USE DESIGN AND FABRICATION CAPACITY EMPLOYING ADDITIVE MANUFACTURING//Patent No. 10,080,531 (Navy Case No. 200268): TRAUMATIC INJURY SELF–TREATMENT AND MEDICAL INFORMATION APPARATUS AND RELATED METHODS//and Patent No. 10,082,657 (Navy Case No. 200428): DUAL MAGNIFICATION APPARATUS AND SYSTEM FOR EXAMINING A SINGLE OBJECTIVE IN A SCANNING OPTICAL MICROSCOPE USING TWO WAVELENGTHS OF LIGHT.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: September 26, 2018.

Meredith Steingold Werner,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2018–21297 Filed 9–28–18; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2018–HQ–0016]

Proposed Collection; Comment Request

AGENCY: The Office of the Secretary of the Navy, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Commander Navy Installation Command 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 30, 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 Commander Navy Installations Command, 716 Sicard Street SE, Suite 1000, Washington Navy Yard, Washington DC 20374–5140, or call the Family Readiness Lead at 202–433–3165.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Navy Ombudsman; OMB Control Number 0703–XXXX.

Needs and Uses: The information collection requirement is necessary to identify all Navy ombudsmen; provide them with program information; communicate during natural disasters and crisis; collect program contact numbers and workload data; and maintain records of program training received. Numbers provided from the collection help identify the issues and concern of the families, trends during deployment and identify training which may be beneficial to the command families.

Affected Public: Individuals or Households.

Annual Burden Hours: 2,250.

Number of Respondents: 4,500.

Responses per Respondent: 1.

Annual Responses: 4,500.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

Respondents are the spouses of active duty members of the command or selected reserves of the command. They may also be the parent or family member of a single service member or retired service members of the command that meet certain requirements. The information obtained from the worksheets assists CNIC in identifying resources and/or trainings to assist ombudsmen in supporting and maintaining family readiness, which enables commands to focus on mission readiness. Statistics provided from collection shows commanding officers the issues and concerns of command families, trends during deployment versus non-deployment periods, and training which may be beneficial to the command and families. The worksheet information shows Navy leadership the cost avoidance benefit to the Navy for having ombudsmen perform the types of services that they deliver.

Dated: September 26, 2018.

Shelly E. Finke,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–21273 Filed 9–28–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0100]

Agency Information Collection Activities; Comment Request; Case Service Report (RSA–911)

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), 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 30, 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–0100. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9088, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Melinda Giancola, 202–245–7312.

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: Case Service Report (RSA–911).

OMB Control Number: 1820–0508.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 78.

Total Estimated Number of Annual Burden Hours: 8,112.

Abstract: The RSA–911 is used to collect individual level data on Vocational Rehabilitation (VR) program participants on a quarterly basis. The data collected in this report are manadated by section 101(a)(10) and 607 of the Rehabilitation Act of 1973 (Act), as amended by title IV of the Workforce Innovation and Opportunity Act (WIOA) and section 116(d) of WIOA. In addition, RSA uses data reported through this data collection to support its other responsibilities under the Act. Section 14(a) of the Act calls for the evaluation of programs authorized under the Act, as well as an assessment of the programs' effectiveness in relation to cost. Many of these evaluation studies have utilized RSA–911 data. RSA also uses data captured through the RSA–911 during the conduct of both the annual review and periodic onsite monitoring of VR agencies required by section 107 of the Act to examine the effectiveness of program performance.

Other important management activities, such as the provision of technical assistance, program planning, and budget preparation and development, are greatly enhanced through the use of RSA–911 data. In addition, RSA uses RSA–911 data in the exchange of data under a data sharing agreement with the Social Security Administration as required by section 131 of the Act. Finally, the RSA–911 is considered to be one of the most robust databases in describing the demographics of the disabled population in the country and as such is used widely in researchers' disability-related analyses and reports.

The revisions to this instrument include the removal of duplicative data elements as well as those not specifically required by statute or used for statutorily required activities. RSA is proposing to remove 66 elements from the current collection. RSA proposed the addition of 15 elements, 7 of which are related to adding a new service to track VR participant participation in Apprenticeships. RSA is also adding several elements by request of the VR agencies: Date of Initial IPE, Date of IPE Extension, and Date all Pre-Employment Transition Services Were Discontinued. These changes yield a net decrease in 251,000 burden hours in data collection and 1,488 burden hours in data reporting nationally.

Dated: September 25, 2018.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–21225 Filed 9–28–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 18–137–LNG]

Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC; Application for Blanket Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Countries on a Short-Term Basis

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice (Notice) of receipt of an application (Application), filed on September 14, 2018, by Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC (collectively, Corpus Christi). Corpus Christi filed a supplement to the Application on September 24, 2018. The Application requests blanket authorization to export domestically produced liquefied natural gas (LNG) in an amount up to the equivalent of 767 billion cubic feet (Bcf) of natural gas on a cumulative basis over a two-year period commencing on the earlier of the date of first export or December 31, 2018. Corpus Christi seeks to export this LNG from the Corpus Christi Liquefaction Project (Liquefaction Project), which is currently under construction in Corpus Christi, Texas. Corpus Christi requests authorization to export the LNG to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy, including both countries with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries) and all other countries (non-FTA countries). Corpus Christi requests this authorization on its own behalf and as agent for other entities who hold title to the LNG at the time of export. Corpus Christi filed the Application under section 3 of the Natural Gas Act (NGA). Additional details can be found in Corpus Christi's Application, posted on the DOE/FE website at: *https://www.energy.gov/fe/cheniere-marketing-llc-and-corpus-christi-liquefaction-llc-18-137-lng-3.* Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, October 31, 2018.

ADDRESSES:

Electronic Filing by Email: fergas@hq.doe.gov.

Regular Mail: U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Benjamin Nussdorf or Larine Moore, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–7893 or (202) 586–9478

Cassandra Bernstein or Ronald (R.J.) Colwell, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9793 or (202) 586–8499

SUPPLEMENTARY INFORMATION: Corpus Christ requests a short-term blanket authorization to export LNG from its Liquefaction Project located in Corpus Christi, Texas, to both FTA and non-FTA countries. Corpus Christi commits that the short-term volumes to be exported under the requested authorization, when added to any

volumes exported under Corpus Christi's existing long-term export authorizations, will not exceed the maximum volumes approved under those DOE/FE authorizations in any annual (*i.e.,* consecutive 12-month) period.

DOE/FE Evaluation

This Notice applies only to the portion of the Application requesting authority to export LNG to non-FTA countries pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a). DOE/FE will review Corpus Christi's request for a FTA export authorization separately pursuant to section 3(c) of the NGA, 15 U.S.C. 717b(c).

In reviewing Corpus Christ's request for a non-FTA export authorization, DOE will consider any issues required by law or policy. DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. As part of this analysis, DOE will consider one or more of the following studies examining the cumulative impacts of exporting domestically produced LNG:

• *Effect of Increased Levels of Liquefied Natural Gas on U.S. Energy Markets,* conducted by the U.S. Energy Information Administration upon DOE's request (2014 EIA LNG Export Study); [1]

• *The Macroeconomic Impact of Increasing U.S. LNG Exports,* conducted jointly by the Center for Energy Studies at Rice University's Baker Institute for Public Policy and Oxford Economics, on behalf of DOE (2015 LNG Export Study); [2] and

• *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports,* conducted by NERA Economic Consulting on behalf of DOE (2018 LNG Export Study).[3]

Additionally, DOE will consider the following environmental documents:

• *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States,* 79 FR 48132 (Aug. 15, 2014); [4] and

• *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States,* 79 FR 32260 (June 4, 2014).[5]

Parties that may oppose this Application should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. Corpus Christi states that no changes to the Liquefaction Project will be required for the short-term exports requested in the Application. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested parties will be provided 30 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to *fergas@hq.doe.gov,* with FE Docket No. 18–137–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 18–137–LNG. PLEASE NOTE: If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation, Analysis, and Engagement docket room, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene, notices of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.*

Signed in Washington, DC, on September 24, 2018.

Amy Sweeney,

Director, Division of Natural Gas, Office of Fossil Energy.

[FR Doc. 2018–21269 Filed 9–28–18; 8:45 am]

BILLING CODE 6450–01–P

[1] The 2014 EIA LNG Export Study, published on Oct. 29, 2014, is available at: *https://www.eia.gov/analysis/requests/fe/.*

[2] The 2015 LNG Export Study, dated Oct. 29, 2015, is available at: *http://energy.gov/sites/prod/files/2015/12/f27/20151113_macro_impact_of_lng_exports_0.pdf.*

[3] The 2018 LNG Export Study, dated June 7, 2018, is available at: *https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf.* DOE is currently evaluating public comments received on this Study (83 FR 27314).

[4] The Addendum and related documents are available at: *http://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states.*

[5] The Life Cycle Greenhouse Gas Report is available at: *http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states.*

DEPARTMENT OF ENERGY

Adjustment of Indemnification Amount for Inflation

AGENCY: Office of the General Counsel, U.S. Department of Energy.

ACTION: Notice of adjusted indemnification amount.

SUMMARY: The Department of Energy (DOE) is announcing the adjusted amount of indemnification provided under subsection 170d. of the Atomic Energy Act of 1954 (AEA), commonly known as the Price-Anderson Act. Subsection 170t. of the AEA requires an inflation adjustment of the indemnification amount at least once during each 5-year period following July 1, 2003, in accordance with the aggregate percentage change in the Consumer Price Index (CPI) . This notice announces $13,703,464,000 as the third inflation-adjusted indemnification amount based on the aggregate percentage change in the CPI during the 5-year period from July 1, 2013 to July 1, 2018.

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

FOR FURTHER INFORMATION CONTACT: Heather Thacker, Attorney Advisor (GC–72), Office of the General Counsel, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585, (202) 586–6924.

SUPPLEMENTARY INFORMATION: The Price-Anderson Act (PAA), section 170 of the AEA (42 U.S.C. 2210), establishes a system of financial protection for persons who may be liable for a ''nuclear incident,'' as defined in section 11q. of the AEA (42 U.S.C. 2014q.). The Price-Anderson Act is administered by DOE with respect to the nuclear activities of contractors acting on DOE's behalf. Subsection 170d. provides that the Secretary of Energy shall enter into agreements of indemnification with any person who may conduct activities under a contract with DOE that involve the risk of public liability and that are not subject to the financial protection requirements of the Nuclear Regulatory Commission system. DOE's Price-Anderson Act indemnification contract provisions are codified in the Department of Energy Acquisition Regulation (DEAR), which sets forth a standard nuclear indemnification clause, the Nuclear Hazard Indemnity Clause at 48 CFR 952.250–70, that is incorporated into all DOE contracts and subcontracts in which the contractor is under risk of public liability for a nuclear incident or precautionary evacuation, as those terms are defined in the PAA.

Subsection 170t.(2) of the AEA requires that the Secretary adjust for inflation the amount of indemnification provided under an indemnification agreement pursuant to subsection 170d. at least once during each 5-year period following July 1, 2003, in accordance with the aggregate percentage change in the Consumer Price Index (CPI). The CPI is defined in subsection 170t.(3) to mean the CPI for all urban consumers published by the Secretary of Labor. DOE's initial adjustment increased the indemnification amount to $11.961 billion. 74 FR 52793 (October 14, 2009). The second inflation adjustment, for the period following July 1, 2013, increased the indemnification amount to $12,697,798,000. 78 FR 56868 (September 16, 2013).

This notice announces DOE's third periodic inflation adjustment for the 5-year period following July 1, 2018 based on the aggregate percentage change in the CPI between July 1, 2013 and July 1, 2018.

The CPI used to calculate the inflation adjustment for the period following July 1, 2013 was 233.504 (June 2013). The CPI used to calculate the inflation adjustment that is the subject of this Notice is 251.989 (June 2018). This difference represents an increase of approximately 7.92%. Application of this increase to the current DOE indemnification amount results in an inflation-adjusted indemnification amount rounded to the nearest thousand of $13,703,464,000.

The inflation adjustment under AEA, subsection 170t., applies only to a nuclear incident within the United States. There is no corresponding inflation adjustment for a nuclear incident outside the United States. Accordingly, the indemnification amount for a nuclear incident outside the United States continues to be $500 million.

This notice of adjusted indemnification amount is a ''rule'' as defined in the Administrative Procedure Act (APA) (5 U.S.C. 551(4)). However, the APA (5 U.S.C. 553(b)(B)) does not require an agency to seek comment on a proposed rule prior to publishing a final rule ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' In this instance, DOE has concluded that solicitation of public comment is unnecessary. Congress has required DOE to adjust the amount of indemnification provided under an agreement of indemnification pursuant to section 170d. to reflect inflation in the initial and each subsequent 5-year period following July 1, 2003. The statute provides no discretion regarding the substance of the adjustment. DOE is required only to perform a ministerial computation to determine the relevant amount. On the same basis, DOE finds good cause, pursuant to 5 U.S.C. 553(d)(3) to waive the requirement for a 30-day delay in the effective date for this rule. As such, this rule is effective October 1, 2018.

DOE has determined that this notice of adjusted indemnification amount is the type of action that does not individually or cumulatively have a significant impact on the human environment as set forth in DOE's regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, the rule is covered under the categorical exclusion in paragraph A6 of Appendix A to subpart D, 10 CFR part 1021, which applies to rulemakings that are strictly procedural. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. The Department has made its procedures and policies available on the Office of General Counsel's website: *http://energy.gov/gc/office-general-counsel.* Because DOE, in this final rule, is performing only a ministerial computation to determine the relevant indemnification amount as required by Congress, a general notice of proposed rulemaking is not required, and the analytical requirements of the Regulatory Flexibility Act do not apply to this rulemaking.

Signed in Washington, DC, on September 24, 2018.

Theodore J. Garrish,

General Counsel, Acting.

[FR Doc. 2018–21293 Filed 9–28–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

September 25, 2018.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–161–000.
Applicants: Voyager Wind II, LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act, *et al.* of Voyager Wind II, LLC.
Filed Date: 9/24/18.
Accession Number: 20180924–5151.
Comments Due: 5 p.m. ET 10/15/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–162–020; ER11–2044–025; ER13–1266–017 ER15–2211–014.
Applicants: Bishop Hill Energy II LLC, CalEnergy, LLC, MidAmerican Energy Company, MidAmerican Energy Services, LLC.
Description: Notice of Non-Material Change in Status of the Berkshire Hathaway Central Parties.
Filed Date: 9/24/18.
Accession Number: 20180924–5168.
Comments Due: 5 p.m. ET 10/15/18.
Docket Numbers: ER17–2074–003.
Applicants: Burney Forest Products, A Joint Venture.
Description: Notice of Non-Material Change of Status of Burney Forest Products, A Joint Venture.
Filed Date: 9/24/18.
Accession Number: 20180924–5174.
Comments Due: 5 p.m. ET 10/15/18.
Docket Numbers: ER18–2075–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2018–09–24_SA 3135 ELL–ELL GIA (J484) 2nd Sub GIA to be effective 7/13/2018.
Filed Date: 9/24/18.
Accession Number: 20180924–5123.
Comments Due: 5 p.m. ET 10/15/18.
Docket Numbers: ER18–2076–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2018–09–24_SA 3136 Entergy Texas, Inc-Entergy Texas, Inc GIA (J472) 2nd Sub to be effective 7/13/2018.
Filed Date: 9/24/18.
Accession Number: 20180924–5133.
Comments Due: 5 p.m. ET 10/15/18.
Docket Numbers: ER17–2219–002.
Applicants: System Energy Resources, Inc.
Description: Compliance filing: SERI Settlement Compliance Filing to be effective 10/1/2017.
Filed Date: 9/24/18.
Accession Number: 20180924–5135.
Comments Due: 5 p.m. ET 10/15/18.
Docket Numbers: ER18–2468–000.
Applicants: Southwestern Electric Power Company.
Description: § 205(d) Rate Filing: Rayburn Revised PSA to be effective 8/1/2018.
Filed Date: 9/24/18.
Accession Number: 20180924–5118.
Comments Due: 5 p.m. ET 10/15/18.
Docket Numbers: ER18–2469–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA SA No. 3333; Queue No. W3–003 to be effective 6/24/2014.
Filed Date: 9/24/18.
Accession Number: 20180924–5127.
Comments Due: 5 p.m. ET 10/15/18.
Docket Numbers: ER18–2470–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of ISA SA No. 4061; Queue No. X1–027A_AT12 to be effective 9/24/2018.
Filed Date: 9/24/18.
Accession Number: 20180924–5143.
Comments Due: 5 p.m. ET 10/15/18.
Docket Numbers: ER18–2471–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 2923; Queue No. W3–063 to be effective 10/15/2018.
Filed Date: 9/25/18.
Accession Number: 20180925–5000.
Comments Due: 5 p.m. ET 10/16/18.
Docket Numbers: ER18–2472–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 4597, Queue No. AB2–048 to be effective 10/4/2018.
Filed Date: 9/25/18.
Accession Number: 20180925–5001.
Comments Due: 5 p.m. ET 10/16/18.
Docket Numbers: ER18–2473–000.
Applicants: GridLiance West LLC.
Description: § 205(d) Rate Filing: GLW–WAPA IA to be effective 10/1/2018.
Filed Date: 9/25/18.
Accession Number: 20180925–5003.
Comments Due: 5 p.m. ET 10/16/18.

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 25, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–21310 Filed 9–28–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–2466–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Federal Way Powerhouse LLC

This is a supplemental notice in the above-referenced proceeding of Federal Way Powerhouse LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 15, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be

listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 25, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–21307 Filed 9–28–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–2465–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Potter Road Powerhouse LLC

This is a supplemental notice in the above-referenced proceeding of Potter Road Powerhouse LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 15, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 25, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–21312 Filed 9–28–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3442–028]

Notice of Intent To File License Application, Filing of Pre-Application Document, Approving Use of the Traditional Licensing Process; City of Nashua

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 3442–028.

c. *Date Filed:* July 26, 2018.

d. *Submitted By:* City of Nashua.

e. *Name of Project:* Mine Falls Hydroelectric Project.

f. *Location:* On the Nashua River, in Hillsborough County, New Hampshire. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Sarah Marchant, Director of Community Development Division, City of Nashua, 229 Main Street, P.O. Box 2019, Nashua, NH 03060; (603) 589–3075; email—*marchants@nashuanh.gov.*

i. *FERC Contact:* Khatoon Melick at (202) 502–8433; or email at *khatoon.melick@ferc.gov.*

j. City of Nashua filed its request to use the Traditional Licensing Process on July 26, 2018. City of Nashua provided public notice of its request on July 26, 2018. In a letter dated September 24, 2018, the Director of the Division of Hydropower Licensing approved City of Nashua's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the New Hampshire State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. City of Nashua filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

m. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (*http://www.ferc.gov*), using the eLibrary link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

n. The licensee states its unequivocal intent to submit an application for a new license for Project No. 3442. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at

least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by July 31, 2021.

o. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: September 24, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–21279 Filed 9–28–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–204–000]

Notice of Amended Complaint; Louisiana Public Service Commission v. System Energy Resources, Inc.; Entergy Services, Inc.

Take notice that on September 24, 2018, pursuant to Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and sections 206, 306, and 309 of the Federal Power Act, 16 U.S.C. 824e, 825e, and 825h, the Louisiana Public Service Commission (Complainant) filed an amended complaint (Amended Complaint) against System Energy Resources, Inc. and Entergy Services, Inc., (collectively, Respondents). The Amended Complaint provides additional facts alleging that System Energy Resources, Inc. does not qualify under the Commission's capital structure test for acceptance of its actual capital structure, as more fully explained in the Complaint.

The Complainant certifies that copies of the Complaint were served on contacts for the Respondents.

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 Respondents' answer and all interventions, or protests must be filed on or before the comment date. The Respondents' answer, motions to intervene, and protests must be served on the 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: 5:00 p.m. Eastern Time on October 15, 2018.

DATED: September 25, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–21278 Filed 9–28–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2520–076]

Notice of Availability of Final Environmental Assessment; Great Lakes Hydro America, LLC

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for license for the Mattaceunk Hydroelectric Project, located on the Penobscot River in Aroostook and Penobscot Counties, Maine, and has prepared a Final Environmental Assessment (FEA) for the project. The project does not occupy federal land.

The FEA contains Commission staff's analysis of the potential environmental effects of the project, and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the FEA is available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's website at *http://www.ferc.gov,* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For further information, contact Adam Peer at (202) 502–8449.

Dated: September 25, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–21277 Filed 9–28–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–205–000]

Notice of Petition for Declaratory Order; Sunrun, Inc.

Take notice that on September 24, 2018, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a), Sunrun, Inc. (Sunrun or Petitioner) filed a petition for declaratory order (petition) requesting waiver of qualifying facility (QF) certification filing requirements for residential solar photovoltaic systems, irrespective of whether such systems aggregate to over one megawatt (1 MW) within one mile, all as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion

to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on October 24, 2018.

Dated: September 25, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–21311 Filed 9–28–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF18–5–000]

Notice of Filing; Western Area Power Administration

Take notice that on September 19, 2018, Western Area Power Administration submitted tariff filing per: DSW_Intertie_WAPA181–20180918 to be effective 10/11/2018.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on October 19, 2018.

Dated: September 25, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–21308 Filed 9–28–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9984–76—Region 3]

Notice of Tentative Approval and Opportunity for Public Comment and Public Hearing for Public Water System Supervision Program Revision for Maryland

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of approval and solicitation of requests for public hearing.

SUMMARY: Notice is hereby given that the State of Maryland is revising its approved Public Water System Supervision Program. Maryland has adopted drinking water regulations for the Revised Total Coliform Rule. The U.S. Environmental Protection Agency (EPA) has determined that Maryland's Revised Total Coliform Rule meets all minimum federal requirements, and that it is no less stringent than the corresponding federal regulation. Therefore, EPA has tentatively decided to approve the State program revisions.

DATES: Comments or a public hearing must be submitted by October 31, 2018. This determination shall become final and effective on October 31, 2018, if no timely and appropriate request for a hearing is received, and the Regional Administrator does not elect to hold a hearing on his own motion, and if no comments are received which cause EPA to modify its tentative approval.

ADDRESSES: Comments or a request for a public hearing must be submitted to the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103–2029. All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

- Drinking Water Branch, Water Protection Division, U.S. Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, PA 19103–2029.
- Water Supply Program, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Kelly Moran, Drinking Water Branch (3WP21) at the Philadelphia address given above, via email at *moran.kelly@epa.gov,* or telephone (215) 814–2331 or fax (215) 814–2302.

SUPPLEMENTARY INFORMATION: All interested parties are invited to submit written comments on this determination and may request a hearing. All comments will be considered, and if necessary EPA will issue a response. Frivolous or insubstantial requests for a hearing will be denied by the Regional Administrator. If a substantial request for a public hearing is made by October 31, 2018, a public hearing will be held. A request for public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Dated: September 18, 2018.

Cosmo Servidio,

Regional Administrator.

[FR Doc. 2018–21330 Filed 9–28–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2018–0575; FRL–9984–82–OAR]

Alternative Methods for Calculating Off-Cycle Credits Under the Light-Duty Vehicle Greenhouse Gas Emissions Program: Application From Volkswagen Group of America, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is requesting comment on an application from Volkswagen Group of America, Inc. (''Volkswagen'') for off-cycle carbon dioxide (CO_2) credits under EPA's light-duty vehicle greenhouse gas emissions standards. ''Off-cycle'' emission reductions can be achieved by employing technologies that result in real-world benefits, but where that benefit is not adequately captured on the test procedures used by manufacturers to demonstrate compliance with emission standards. EPA's light-duty vehicle greenhouse gas program acknowledges these benefits by giving automobile manufacturers several options for generating ''off-cycle'' CO_2 credits. Under the regulations, a manufacturer may apply for CO_2 credits for off-cycle technologies that result in off-cycle benefits. In these cases, a manufacturer must provide EPA with a proposed methodology for determining the real-world off-cycle benefit. Volkswagen has submitted an application that describes methodologies for determining off-cycle credits from technologies described in their application. Pursuant to applicable regulations, EPA is making the Volkswagen's off-cycle credit calculation methodologies available for public comment.

DATES: Comments must be received on or before October 31, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2018–0575, to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. 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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Roberts French, Environmental Protection Specialist, Office of Transportation and Air Quality, Compliance Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105. Telephone: (734) 214–4380. Fax: (734) 214–4869. Email address: *french.roberts@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA's light-duty vehicle greenhouse gas (GHG) program provides three pathways by which a manufacturer may accrue off-cycle carbon dioxide (CO_2) credits for those technologies that achieve CO_2 reductions in the real world but where those reductions are not adequately captured on the test used to determine compliance with the CO_2 standards, and which are not otherwise reflected in the standards' stringency. The first pathway is a predetermined list of credit values for specific off-cycle technologies that may be used beginning in model year 2014.[1] This pathway allows manufacturers to use conservative credit values established by EPA for a wide range of technologies, with minimal data submittal or testing requirements, if the technologies meet EPA regulatory definitions. In cases where the off-cycle technology is not on the menu but additional laboratory testing can demonstrate emission benefits, a second pathway allows manufacturers to use a broader array of emission tests (known as ''5-cycle'' testing because the methodology uses five different testing procedures) to demonstrate and justify off-cycle CO_2 credits.[2] The additional emission tests allow emission benefits to be demonstrated over some elements of real-world driving not adequately captured by the GHG compliance tests, including high speeds, hard accelerations, and cold temperatures. These first two methodologies were completely defined through notice and comment rulemaking and therefore no additional process is necessary for manufacturers to use these methods. The third and last pathway allows manufacturers to seek EPA approval to use an alternative methodology for determining the off-cycle CO_2 credits.[3] This option is only available if the benefit of the technology cannot be adequately demonstrated using the 5-cycle methodology. Manufacturers may also use this option for model years prior to 2014 to demonstrate off-cycle CO_2 reductions for technologies that are on the predetermined list, or to demonstrate reductions that exceed those available via use of the predetermined list.

Under the regulations, a manufacturer seeking to demonstrate off-cycle credits with an alternative methodology (*i.e.,* under the third pathway described above) must describe a methodology that meets the following criteria:

- Use modeling, on-road testing, on-road data collection, or other approved analytical or engineering methods;
- Be robust, verifiable, and capable of demonstrating the real-world emissions benefit with strong statistical significance;
- Result in a demonstration of baseline and controlled emissions over a wide range of driving conditions and number of vehicles such that issues of data uncertainty are minimized;
- Result in data on a model type basis unless the manufacturer demonstrates that another basis is appropriate and adequate.

Further, the regulations specify the following requirements regarding an application for off-cycle CO_2 credits:

- A manufacturer requesting off-cycle credits must develop a methodology for demonstrating and determining the benefit of the off-cycle technology, and carry out any necessary testing and analysis required to support that methodology.
- A manufacturer requesting off-cycle credits must conduct testing and/or prepare engineering analyses that demonstrate the in-use durability of the technology for the full useful life of the vehicle.
- The application must contain a detailed description of the off-cycle technology and how it functions to reduce CO_2 emissions under conditions not represented on the compliance tests.

[1] See 40 CFR 86.1869–12(b).

[2] See 40 CFR 86.1869–12(c).

[3] See 40 CFR 86.1869–12(d).

• The application must contain a list of the vehicle model(s) which will be equipped with the technology.

• The application must contain a detailed description of the test vehicles selected and an engineering analysis that supports the selection of those vehicles for testing.

• The application must contain all testing and/or simulation data required under the regulations, plus any other data the manufacturer has considered in the analysis.

Finally, the alternative methodology must be approved by EPA prior to the manufacturer using it to generate credits. As part of the review process defined by regulation, the alternative methodology submitted to EPA for consideration must be made available for public comment.[4] EPA will consider public comments as part of its final decision to approve or deny the request for off-cycle credits.

II. Off-Cycle Credit Applications

Using the alternative methodology approach discussed above, Volkswagen Group of America (''Volkswagen'') is applying for credits for model years prior to 2014, and thus prior to when the list of default credits became available. Volkswagen has applied for off-cycle credits using the alternative demonstration methodology pathway for the following technologies: High efficiency exterior lighting, active aerodynamics, active transmission warmup, active engine warmup, and several thermal control technologies. EPA has already approved credits for these technologies for several other manufacturers, and Volkswagen's request is consistent with previously approved methodologies and credits. The application covers 2010–2011 model year vehicles. These technologies are described in the predetermined list of credits available in the 2014 and later model years. The methodologies described by Volkswagen are consistent with those used by EPA to establish the predetermined list of credits in the regulations, and would result in the same credit values as described in the regulations. The magnitude of these credits is determined by specification or calculations in the regulations based on vehicle-specific measurements (*e.g.,* the area of glass or the lighting locations using the specified technologies), but would be no higher than the following established regulatory values:

Technology	Off-cycle credit—cars (grams/mile)	Off-cycle credit—trucks (grams/mile)
High efficiency lighting	1.0	1.0
Active seat ventilation	1.0	1.3
Active aerodynamics ...	Based on measured reduction in the coefficient of drag.	
Active transmission warm-up	1.5	3.2
Active engine warm-up	1.5	3.2
Solar reflective glass/ glazing	2.9	3.9
Solar reflective paint ...	0.4	0.5

III. EPA Decision Process

EPA has reviewed the application for completeness and is now making the application available for public review and comment as required by the regulations. The off-cycle credit application submitted by the manufacturer (with confidential business information redacted) have been placed in the public docket (see **ADDRESSES** section above) and on EPA's website at *https://www.epa.gov/vehicle-and-engine-certification/compliance-information-light-duty-greenhouse-gas-ghg-standards.*

EPA is providing a 30-day comment period on the applications for off-cycle credits described in this notice, as specified by the regulations. The manufacturers may submit a written rebuttal of comments for EPA's consideration, or may revise an application in response to comments. After reviewing any public comments and any rebuttal of comments submitted by manufacturers, EPA will make a final decision regarding the credit requests. EPA will make its decision available to the public by placing a decision document (or multiple decision documents) in the docket and on EPA's website at the same manufacturer-specific pages shown above. While the broad methodologies used by these manufacturers could potentially be used for other vehicles and by other manufacturers, the vehicle specific data needed to demonstrate the off-cycle emissions reductions would likely be different. In such cases, a new application would be required, including an opportunity for public comment.

Dated: September 20, 2018.

Byron J. Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2018–21333 Filed 9–28–18; 8:45 am]

BILLING CODE 6560–50–P

[4] See 40 CFR 86.1869–12(d)(2).

ENVIRONMENTAL PROTECTION AGENCY

[[EPA–HQ–OECA–2013–0298; FRL–9984–74–OEI]

Proposed Information Collection Request; Comment Request; NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources (EPA ICR No. 2253.04, OMB Control No. 2060–0668) 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 October 31, 2018. 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 30, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OECA–2013–0298 online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@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: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@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. Burden is defined at 5 CFR 1320.03(b). 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 NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources (40 CFR part 63, subpart JJJJJJ) affects new and existing industrial, commercial, and institutional boilers that are located at or part of area sources of hazardous air pollutants (HAP). The standard contains six subcategories: existing boilers designed to burn biomass, coal, or liquid fuels and new boilers designed to burn biomass, coal, or liquid fuels. The information collection activities include initial and annual stack tests, fuel analyses, operating parameter monitoring, biennial tune-ups, one-time energy audits, one-time and periodic reports, and maintenance of records. Varying levels of requirements apply to each subcategory. The information collection activities will enable EPA to determine initial and continuous compliance with emission standards for regulated pollutants, and ensure that facilities conduct proper planning, operation, and unit maintenance. The provisions of Section 114(a)(1) of the Clean Air Act, 42 U.S. C Section 7414(a)(1) provide the broad authority for the reporting of compliance monitoring and enforcement information, along with Subpart Q-Reports in 40 CFR 51: Sections 51.324(a) and (b), and 51.327.

Respondents: Owners and operators of industrial, commercial, or institutional boilers.

Respondent's obligation to respond: Mandatory (40 CFR 63, Subpart JJJJJJ).

Estimated number of respondents: 96,985 (total).

Frequency of response: Initially, biennially, semiannually and annually.

Annual estimated burden: 1,656,984 hours.

Annual estimated cost: $280.4 million, includes $125.5 million annualized capital or operation and maintenance (O&M) costs.

Changes in Estimates: There is a projected increase in burden due to continued growth rates for certain subcategories of equipment subject to the standard.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–21261 Filed 9–28–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0365; FRL–9984–73–ORD]

Board of Scientific Counselors (BOSC) Air and Energy Subcommittee Meeting—November 2018

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, the U.S. Environmental Protection Agency, Office of Research and Development (ORD), gives notice of a meeting of the Board of Scientific Counselors (BOSC) Air and Energy Subcommittee.

DATES: The meeting will be held on Tuesday, November 13, 2018, from 8:00 a.m. to 5:00 p.m., and will continue on Wednesday, November 14, 2018, from 8:30 a.m. until 3:00 p.m. All times noted are Eastern Time. The meeting may adjourn early if all business is finished. Attendees should register by November 6, 2018. Requests for the draft agenda or for making oral presentations at the meeting will be accepted up to one business day before the meeting.

ADDRESSES: The meeting will be held at the EPA's RTP Main Campus Facility, 109 T.W. Alexander Drive, Research Triangle Park, North Carolina 27711. Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2015–0365, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email:* Send comments by electronic mail (email) to: *ORD.Docket@epa.gov,* Attention Docket ID No. EPA–HQ–ORD–2015–0365.
- *Fax:* Fax comments to: (202) 566–0224, Attention Docket ID No. EPA–HQ–ORD–2015–0365.
- *Mail:* Send comments by mail to: Board of Scientific Counselors (BOSC) Air and Energy Subcommittee Docket, Mail Code: 2822T, 1301 Constitution Ave. NW, Washington, DC, 20004, Attention Docket ID No. EPA–HQ–ORD–2015–0365.
- *Hand Delivery or Courier:* Deliver comments to: EPA Docket Center (EPA/DC), Room 3334, William Jefferson Clinton West Building, 1301 Constitution Ave. NW, Washington, DC, Attention Docket ID No. EPA–HQ–ORD–2015–0365. *Note:* This is not a mailing address. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2015–0365. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your

name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/dockets/.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Board of Scientific Counselors (BOSC) Air and Energy Subcommittee Docket, EPA/DC, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the ORD Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer via mail at: Tim Benner, Mail Code 8104R, Office of Science Policy, Office of Research and Development, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; via phone/voice mail at: (202) 564–6769; via fax at: (202) 565–2911; or via email at: *benner.tim@epa.gov.*

SUPPLEMENTARY INFORMATION:

General information: The meeting is open to the public. Any member of the public interested in receiving a draft agenda, attending the meeting, or making a presentation at the meeting may contact Tim Benner, the Designated Federal Officer, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. In general, each individual making an oral presentation will be limited to a total of three minutes. For security purposes, all attendees must provide their names to the Designated Federal Officer or register online at *https://epa-bosc-airenergy-subcommittee.eventbrite.com* by November 6, 2018, and must go through a metal detector, sign in with the security desk, and show REAL ID Act-compliant government-issued photo identification to enter the building. Attendees are encouraged to arrive at least 15 minutes prior to the start of the meeting to allow sufficient time for security screening. Proposed agenda items for the meeting include, but are not limited to, the following: Overview of materials provided to the subcommittee; Update on ORD's Air and Energy Research Program and the draft Strategic Research Action Plan; Review of charge questions; and Subcommittee discussion.

Information on services for individuals with disabilities: For information on access or services for individuals with disabilities, please contact Tim Benner at (202) 564–6769 or *benner.tim@epa.gov.* To request accommodation of a disability, please contact Tim Benner, preferably at least ten days prior to the meeting, to give the EPA as much time as possible to process your request.

Dated: September 21, 2018.

Fred S. Hauchman,

Director, Office of Science Policy.

[FR Doc. 2018–21332 Filed 9–28–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9984–60–ORD]

Human Studies Review Board; Notification of Public Meetings

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA), Office of the Science Advisor announces two separate public meetings of the Human Studies Review Board (HSRB) to advise the Agency on the ethical and scientific review of research involving human subjects.

DATES: A virtual public meeting will be held on Tuesday, October 23, 2018, from 1:00 p.m. to approximately 5:30 p.m. Eastern Time. A separate, subsequent teleconference meeting is planned for Thursday, December 13th, 2018, from 2 p.m. to approximately 3:30 p.m. Eastern Time for the HSRB to finalize its Report of the October 23, 2018 meeting and review other possible topics.

ADDRESSES: All of these meetings will be conducted entirely by telephone and on the internet using Adobe Connect. For detailed access information visit the HSRB website: *http://www2.epa.gov/osa/human-studies-review-board.*

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishes to receive further information should contact the HSRB Designated Federal Official (DFO), Thomas O'Farrell on telephone number (202) 564–8451; fax number: (202) 564–2070; email address: *ofarrell.thomas@epa.gov;* or mailing address: Environmental Protection Agency, Office of the Science Advisor, Mail code 8105R, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: *Meeting access.* These meetings will be open to the public. The full Agenda and meeting materials will be available at the HSRB website: *http://www2.epa.gov/osa/human-studies-review-board* . For questions on document availability, or if you do not have access to the internet, consult with the DFO, Thomas O'Farrell, listed under **FOR FURTHER INFORMATION CONTACT**.

Special accommodations. For information on access or services for individuals with disabilities, or to request accommodation of a disability, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

How may I participate in this meeting?

The HSRB encourages the public's input. You may participate in these meetings by following the instructions in this section.

1. *Oral comments.* To pre-register to make oral comments, please contact the DFO, Thomas O'Farrell, listed under **FOR FURTHER INFORMATION CONTACT**. Requests to present oral comments during the meeting will be accepted up to Noon Eastern Time on Tuesday, October 16, 2018, for the October 23, 2018 meeting and up to Noon Eastern Time on Thursday, December 6, 2018 for the December 13, 2018 meeting. To the extent that time permits, interested persons who have not pre-registered may be permitted by the HSRB Chair to present oral comments during either meeting at the designated time on the agenda. Oral comments before the HSRB are generally limited to five minutes per individual or organization. If additional time is available, further public comments may be possible.

2. *Written comments.* Submit your written comments prior to the meetings. For the Board to have the best opportunity to review and consider your comments as it deliberates, you should submit your comments via email or Fax by Noon Eastern Time on Tuesday, October 16, 2018, for the October 23, 2018 meeting and by Noon Eastern Time on Thursday, December 6, 2018 for the

December 13, 2018 meeting. If you submit comments after these dates, those comments will be provided to the HSRB members, but you should recognize that the HSRB members may not have adequate time to consider your comments prior to their discussion. You should submit your comments to the DFO, Thomas O'Farrell listed under **FOR FURTHER INFORMATION CONTACT**. There is no limit on the length of written comments for consideration by the HSRB.

Background

The HSRB is a Federal advisory committee operating in accordance with the Federal Advisory Committee Act 5 U.S.C. App. 2 section 9. The HSRB provides advice, information, and recommendations on issues related to scientific and ethical aspects of third-party human subjects research that are submitted to the Office of Pesticide Programs (OPP) to be used for regulatory purposes.

Topic for discussion. On October 23, 2018, the Human Studies Review Board will consider a protocol titled ''A Study for Measurement of Potential Dermal and Inhalation Exposure During Antimicrobial Applications Involving Immersion, Dip, and Soak'' submitted by the Antimicrobial Exposure Assessment Task Force.

The Agenda and meeting materials for this topic will be available in advance of the meeting at *http://www2.epa.gov/osa/human-studies-review-board.*

On December 13, 2018, the HSRB will review and finalize their draft Final Report from the October 23, 2018 meeting, in addition to other topics that may come before the Board. The HSRB may also discuss planning for future HSRB meetings. The agenda and the draft report will be available prior to the meeting at *http://www2.epa.gov/osa/human-studies-review-board.*

Meeting minutes and final reports. Minutes of these meetings, summarizing the matters discussed and recommendations made by the HSRB, will be released within 90 calendar days of the meeting. These minutes will be available at *http://www2.epa.gov/osa/human-studies-review-board.* In addition, information regarding the HSRB's Final Report, will be found at *http://www2.epa.gov/osa/human-studies-review-board* or from Thomas O'Farrell listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: September 19, 2018.

Jennifer Orme-Zavaleta,

EPA Science Advisor.

[FR Doc. 2018–21331 Filed 9–28–18; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

[Notice–MA–2018–09; Docket No. 2018–0002, Sequence No. 22]

Federal Travel Regulation: Calculating Actual Expense Reimbursement

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

ACTION: Notice of Federal Travel Regulation (FTR) Bulletin 18–09, calculating actual expense reimbursement.

SUMMARY: The FTR allows agencies to reimburse employees up to 300 percent of the applicable maximum per diem rate under various circumstances including, but not limited to, when lodging and/or meals are not available within the prescribed allowances for a given temporary duty location. The General Services Administration is notifying agencies that the FTR permits two methods of calculating actual expense reimbursement. The information outlined in FTR Bulletin 18–09 demonstrates how agencies may calculate actual expense reimbursement under each method while staying within the bounds of the current 300 percent actual expense ceiling. This Bulletin also provides clarity and promotes consistency across the Government. This Bulletin is located at *www.gsa.gov/ftr* under the ''FTR & Related Files'' tab.

DATES: *Applicable Date:* October 1, 2018.

FOR FURTHER INFORMATION CONTACT: For clarification of content, please contact Mr. Cy Greenidge, Program Analyst, Office of Government-wide Policy, Office of Asset and Transportation Management, at 202–219–2349, or by email at *travelpolicy@gsa.gov.* Please cite Notice of FTR Bulletin 18–09.

Dated: August 24, 2018.

Jessica Salmoiraghi,

Associate Administrator, Office of Government-wide Policy.

[FR Doc. 2018–21156 Filed 9–28–18; 8:45 am]

BILLING CODE 6820–14–P

OFFICE OF GOVERNMENT ETHICS

Agency Information Collection Activities; Submission for OMB Review; Proposed Collection; Comment Request for a Modified OGE Form 450 Executive Branch Confidential Financial Disclosure Report

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice of request for agency and public comments.

SUMMARY: After publication of this second round notice, the Office of Government Ethics (OGE) plans to submit a modified OGE Form 450 Executive Branch Confidential Financial Disclosure Report to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1995.

DATES: Written comments by the public and the agencies on this proposed modification are invited and must be received by October 31, 2018.

ADDRESSES: You may submit comments on this paperwork notice to the Office of Management and Budget, Attn: Desk Officer for OGE, via fax at 202–395–6974 or email at *OIRA_Submission@omb.eop.gov.* (Include reference to ''OGE Form 450 paperwork comment'' in the subject line of the message.)

FOR FURTHER INFORMATION CONTACT: Sara Nekou at the U.S. Office of Government Ethics; telephone: 202–482–9229; TTY: 800–877–8339; FAX: 202–482–9237; Email: *snekou@oge.gov.* An electronic copy of the OGE Form 450 is available in the Forms Library section of OGE's website at *http://www.oge.gov.* A paper copy may also be obtained, without charge, by contacting Ms. Nekou.

SUPPLEMENTARY INFORMATION:

Title: Executive Branch Confidential Financial Disclosure Report.

Agency Form Number: OGE Form 450.

OMB Control Number: 3209–0006.

Type of Information Collection: Revision of a currently approved collection.

Type of Review Request: Regular.

Respondents: Prospective Government employees, including special Government employees, whose positions are designated for confidential disclosure filing and whose agencies require that they file new entrant confidential disclosure reports prior to assuming Government responsibilities.

Estimated Annual Number of Respondents: 24,640.

Estimated Time per Response: 3 hours.

Estimated Total Annual Burden: 73,920 hours.

Abstract: The OGE Form 450 collects information from covered department and agency employees as required under OGE's executive branch wide regulatory provisions in subpart I of 5 CFR part 2634. The basis for the OGE reporting regulation is section 201(d) of Executive Order 12674 of April 12, 1989 (as modified by Executive Order 12731 of October 17, 1990) and section 107(a)

of the Ethics in Government Act, 5 U.S.C. app. sec. 107(a). OGE proposes several modifications to the form.

On October 5, 2016, OGE published a proposed rule for amending 5 CFR part 2634. *See* 81 FR 69204 (October 5, 2016). The final rule was published on July 18, 2018, and is effective on January 1, 2019. *See* 83 FR 33980 (July 18, 2018). The proposed modifications to the OGE Form 450 revise the instructions to reflect the changes to the financial disclosure regulation. Specifically, OGE proposes to change the reporting periods for each part completed by new entrants, change the income disclosure threshold to $1,000 of received income, eliminate the disclosure of diversified funds held within an employee benefit plan, clarify that the disclosure requirement for agreements and arrangements includes those with a current employer, eliminate the disclosure of continued participation in a defined contribution plan to which an employer is no longer making contributions, and combine gifts and travel reimbursement into a single category for purposes of applying the disclosure thresholds.

OGE is also proposing to update the Privacy Act statement in accordance with changes to the applicable system of records, update the examples provided on the last page of the form, and make other minor technical changes.

OGE published a first round notice of its intent to request paperwork clearance for a modified OGE Form 450 Executive Branch Confidential Financial Disclosure Report. *See* 83 FR 32123 (July 11, 2018). OGE received one response to that notice from a private citizen. The private citizen's response was unrelated to the notice and did not address the information collection.

Request for Comments: Agency and public comment is again invited specifically on the need for and practical utility of this information collection, the accuracy of OGE's burden estimate, the enhancement of quality, utility, and clarity of the information collected, and the minimization of burden (including the use of information technology). Comments received in response to this notice may be included with the OGE request for approval of the modified information collection. The comments will also become a matter of public record.

Approved: September 26, 2018.

Diana Veilleux,

Chief, Legal, External Affairs and Performance Branch, Office of Government Ethics.

[FR Doc. 2018–21275 Filed 9–28–18; 8:45 am]

BILLING CODE 6345–02–P

OFFICE OF GOVERNMENT ETHICS

Agency Information Collection Activities; Submission for OMB Review; Proposed Collection; Comment Request for a Modified OGE Form 278e Executive Branch Personnel Public Financial Disclosure Report

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice of request for agency and public comments.

SUMMARY: After publication of this second round notice, the Office of Government Ethics (OGE) intends to submit a modified OGE Form 278e Executive Branch Personnel Public Financial Disclosure Report to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1995.

DATES: Written comments by the public and the agencies on this proposed modification are invited and must be received by October 31, 2018.

ADDRESSES: You may submit comments on this paperwork notice to the Office of Management and Budget, Attn: Desk Officer for OGE, via fax at 202–395–6974 or email at *OIRA_Submission@omb.eop.gov*. (Include reference to ''OGE Form 278e paperwork comment'' in the subject line of the message).

FOR FURTHER INFORMATION CONTACT: Sara Nekou at the U.S. Office of Government Ethics; telephone: 202–482–9229; TTY: 800–877–8339; FAX: 202–482–9237; Email: *snekou@oge.gov*. An electronic copy of the OGE Form 278e is available in the Forms Library section of OGE's website at *http://www.oge.gov*. A paper copy may also be obtained, without charge, by contacting Ms. Nekou.

SUPPLEMENTARY INFORMATION:

Title: Executive Branch Personnel Public Financial Disclosure Report.

Form Number: OGE Form 278e.

OMB Control Number: 3209–0001.

Type of Information Collection: Revision of a currently approved collection.

Type of Review Request: Regular.

Respondents: Private citizen Presidential nominees to executive branch positions subject to Senate confirmation; other private citizens who are potential (incoming) Federal employees whose positions are designated for public disclosure filing; those who file termination reports from such positions after their Government service ends; and Presidential and Vice-Presidential candidates.

Estimated Annual Number of Respondents: 4,821.

Estimated Time per Response: 10 hours.

Estimated Total Annual Burden: 48,210 hours.

Abstract: The OGE Form 278 collects information from certain officers and high-level employees in the executive branch for conflicts of interest review and public disclosure.

The form is also completed by individuals who are nominated by the President for high-level executive branch positions requiring Senate confirmation and individuals entering into and departing from other public reporting positions in the executive branch. The financial information collected relates to: Assets and income; transactions; gifts, reimbursements and travel expenses; liabilities; agreements or arrangements; outside positions; and compensation over $5,000 paid by a source—all subject to various reporting thresholds and exclusions. The information is collected in accordance with section 102 of the Ethics in Government Act, 5 U.S.C. app. sec. 102, as amended by the Stop Trading on Congressional Knowledge Act of 2012 (Pub. L. 112–105) (STOCK Act) and OGE's implementing financial disclosure regulations at 5 CFR part 2634.

In 2013, OGE sought and received approval for the OGE Form 278e, an electronic version of the Form 278, implemented pursuant to the e-filing system mandated under section 11(b) of the STOCK Act. The OGE Form 278e collects the same information as the OGE Form 278. In 2014, OGE sought and received approval to incorporate the OGE Form 278e into its new *Integrity* e-filing application. *Integrity* has been in use since January 1, 2015, and OGE now requires filers to use a version of the OGE Form 278e rather than the old OGE Form 278. The version of the Form 278e that is produced by *Integrity* is a streamlined output report format that presents only the filer's inputs in given categories and does not report other categories not selected by the filer.

On October 5, 2016, OGE published a proposed rule for amending 5 CFR part 2634. *See* 81 FR 69204 (October 5, 2016). The final rule was published on July 18, 2018, and is effective on January 1, 2019. *See* 83 FR 33980 (July 18, 2018). The proposed modifications to the OGE Form 278e revise the

instructions to reflect the changes to the financial disclosure regulation. Specifically, OGE proposes to: Revise the reporting period for termination reports to include the entire preceding calendar year if a required annual report has not been filed; revise the income disclosure requirement to include only received income; revise the ''widely diversified'' criterion for purposes of determining whether a fund qualifies as an ''excepted investment fund;'' add a new feature (checkbox) for purposes of managing early termination report filing on the *Integrity* version of the Form 278e; clarify the Definition section of Part 2; clarify when a source of compensation need not be disclosed and the method for disclosing the existence of such sources; and eliminate the disclosure of transactions that occurred before the reporting individual became subject to the public financial disclosure requirements.

OGE is also proposing to update the Privacy Act statement in accordance with changes to the applicable system of records and to make certain minor formatting changes and corrections to the instructions and one of the data entry fields.

OGE published a first round notice of its intent to request paperwork clearance for a modified OGE Form 278e Executive Branch Personnel Public Financial Disclosure Report. *See* 83 FR 32122 (July 11, 2018). OGE received three responses to that notice. The first response was unrelated to the notice and did not address the information collection.

The second comment suggested eliminating the requirement to report diversified mutual funds. The financial disclosure requirements are dictated by the Ethics in Government Act (EIGA), 5 U.S.C. app. sec. 102, as amended. The commenter's suggested change could not be made without revisions to the EIGA. Accordingly, OGE declines to adopt this suggestion as a modification of the OGE Form 278e.

The third comment was from an individual identifying himself as a former nominee to a Presidentially-appointed, Senate-confirmed position. The commenter made several suggestions about how the government should address potential conflicts of interest identified through the financial disclosure review and certification process, as well as ways that the government could make that process more efficient. These matters are beyond the scope of the information collection and cannot be addressed through the modification of the OGE Form 278e. The commenter also made suggestions regarding the detail with which filers are required to report certain assets, suggesting that the form requires excessive reporting of ''low value'' data. As discussed above, the financial disclosure requirements are dictated by the EIGA. Therefore, OGE cannot make substantive changes to the financial disclosure reporting requirements through a modification of the OGE Form 278e.

Finally, the third commenter also stated that the government's estimate of the reporting burden vastly understates the actual burden for candidates with extensive or complicated financial holdings. In addressing this issue, the commenter noted that completing the form required ''at least 40 hours of work'' by him and his family. He also noted that the government's cumulative response time during the review and certification process was 114 days. As an initial matter, OGE notes that its estimate of the average reporting burden for the 278e is currently ten hours, not three as stated by the commenter. Moreover, the estimated burden properly does not include the time spent by the government in reviewing and responding to the filers' completed forms. OGE's estimated time per response is an average based on the estimated burden on *all* types of filers—those with complicated financial holdings and those with simpler financial holdings. While OGE recognizes that the burden for a filer with extensive or complicated financial holdings may be significantly more than ten hours, the estimated burden for the majority of filers is fewer than five hours. Accordingly, OGE declines to revise its estimated burden at this time.

Request for Comments: Agency and public comment is again invited specifically on the need for and practical utility of this information collection, the accuracy of OGE's burden estimate, the enhancement of quality, utility, and clarity of the information collected, and the minimization of burden (including the use of information technology). Comments received in response to this notice may be included with the OGE request for approval of the modified information collection. The comments will also become a matter of public record.

Approved: September 26, 2018.

Diana Veilleux,

Chief, Legal, External Affairs and Performance Branch, Office of Government Ethics.

[FR Doc. 2018–21270 Filed 9–28–18; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Antipsychotics for the Prevention and Treatment of Delirium: A Systematic Review

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for Supplemental Evidence and Data Submissions

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review of *Antipsychotics for the Prevention and Treatment of Delirium: A Systematic Review,* which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to published and unpublished pertinent scientific information will improve the quality of this review.

DATES: *Submission Deadline* on or before October 31, 2018.

ADDRESSES:

Email submissions: epc@ahrq.hhs.gov.

Print submissions:

Mailing Address: Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, ATTN: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E53A, Rockville, MD 20857.

Shipping Address (FedEx, UPS, etc.): Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, ATTN: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E77D, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jenae Benns, Telephone: 301–427–1496 or Email: *epc@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Centers (EPC) Program to complete a review of the evidence for *Antipsychotics for the Prevention and Treatment of Delirium: A Systematic Review.* AHRQ is conducting this systematic review pursuant to Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the

literature by requesting information from the public (*e.g.,* details of studies conducted). We are looking for studies that report on *Antipsychotics for the Prevention and Treatment of Delirium: A Systematic Review,* including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *https://effectivehealthcare.ahrq.gov/topics/antipsychotics/research-protocol.*

This is to notify the public that the EPC Program would find the following information on *Antipsychotics for the Prevention and Treatment of Delirium: A Systematic Review* helpful:

- A list of completed studies that your organization has sponsored for this indication. In the list, please *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*
- *For completed studies that do not have results on ClinicalTrials.gov,* please provide a summary, including the following elements: study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.
- *A list of ongoing studies that your organization has sponsored for this indication.* In the list, please provide the ClinicalTrials.gov trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute *ALL Phase II and above clinical trials* sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution will be very beneficial to the EPC Program. Materials submitted must be publicly available or able to be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program website and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *https://www.effectivehealthcare.ahrq.gov/email-updates.*

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions.

The Key Questions

I. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to prevent delirium?

A. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to prevent delirium in persons aged 65 years or older?

B. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to prevent delirium in persons with dementia?

C. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to prevent delirium in patients in an intensive care unit?

D. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to prevent delirium in patients in a post-acute care facility?

E. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to prevent delirium in patients in palliative or hospice care?

F. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to prevent delirium in patients in post-operative care?

II. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to treat delirium?

A. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to treat delirium in persons aged 65 years or older?

B. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to treat delirium in persons with dementia?

C. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to treat delirium in patients in an intensive care unit?

D. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to treat delirium in patients in a post-acute care facility?

E. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to treat delirium in patients in palliative or hospice care?

F. What are the benefits and harms for antipsychotics compared to each other, placebo, or non-drug approaches to treat delirium in patients in post-operative care?

PICOTS (Populations, Interventions, Comparators, Outcomes, Timing, Settings)

Population(s):

I. KQ 1: Hospitalized adults, adults in post-acute care, adults in palliative or hospice care, or adults in post-operative care

II. KQ 2: Hospitalized adults, adults in post-acute care, adults in palliative or hospice care, or adults in post-operative care who have been diagnosed with delirium using a validated instrument

Interventions:

I. Antipsychotic drugs, including
- A. Any first-generation agent (chlorpromazine, droperidol, fluphenazine, haloperidol, loxapine, molindone, perphenazine, pimozide, prochlorperazine, thiothixene, thioridazine, trifluoperazine)
- B. Any second-generation agent (aripiprazole, asenapine, brexpiprazole, cariprazine, clozapine, iloperidone, lurasidone, olanzapine, paliperidone, quetiapine, risperidone, ziprasidone)

II. We will only include studies where the effects of the antipsychotic drugs can be isolated.

Comparators

I. KQ 1: Non-drug approaches to preventing delirium, placebo, active control, usual care

II. KQ 2: Non-drug approaches to treating delirium, placebo, active control, usual care

Outcomes:

I. Intermediate outcomes
- A. Short-term delirium symptoms
- B. Delirium severity
- C. Delirium-free, coma-free days alive
- D. Duration of delirium
- E. Patient distress
- F. Use of rescue therapy
- G. Use of physical restraint

II. Final health or patient-centered outcomes
- A. Mortality
- B. Quality of life
- C. Cognitive and emotional functioning (includes functioning related to memory, communication, concentration, and understanding

instructions)
D. Long-term cognitive impairment (Change in cognition after delirium that has a long-term duration or is possibly permanent)
E. Institutionalization (living in an assisted living facility or nursing home)
F. Caregiver burden/strain
G. Falls
H. Memory of patient distress
III. Resource utilization
A. Re-admissions to hospital or ICU
B. Length of stay in ICU
C. Length of stay in hospital
D. Length of stay in skilled nursing facility
E. Sitter use
F. Hospice enrollment
IV. Adverse effects of intervention(s)
A. Sedation
B. Weight gain
C. Changes in appetite
D. Cardiac effects
E. Neurologic effects
F. Paradoxical reactions
G. Hypersensitivity reactions
H. Inappropriate continuation of antipsychotic medication
I. Swallowing difficulties
J. Aspiration pneumonia
III. Timing
A. Any duration of follow-up
IV. Settings
A. Hospital setting
B. Post-acute care setting
C. Palliative care setting

Francis D. Chesley, Jr.,

Deputy Director.

[FR Doc. 2018–21242 Filed 9–28–18; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2018–0093; NIOSH–320]

Self-Contained Breathing Apparatus Compressed Breathing Gas Containers; Request for Information

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Request for information.

SUMMARY: In October 2017, the Department of Transportation (DOT) issued a special permit to the Digital Wave Corporation, allowing the company to extend the service life of certain carbon-fiber reinforced aluminum-lined cylinders. Some stakeholders, including respirator and cylinder manufacturers, have expressed concern to the National Institute for Occupational Safety and Health (NIOSH), within the Centers for Disease Control and Prevention, about the safety of cylinders extended beyond the manufacturers' stated service life. NIOSH is seeking information about the potential effect of the special permit, as it may relate to the safety of self-contained breathing apparatus respirators approved by NIOSH for use in U.S. workplaces.

DATES: Comments must be received by November 30, 2018.

ADDRESSES:

Written comments: You may submit comments by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments to the docket.
- *Mail:* NIOSH Docket Office, Robert A. Taft Laboratories, MS–C34, 1090 Tusculum Avenue, Cincinnati, OH 45226.

Instructions: All submissions received must include the agency name (Centers for Disease Control and Prevention, HHS) and docket number (CDC–2018–0093; NIOSH–320) for this action. All relevant comments, including any personal information provided, will be posted without change to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Peterson, NIOSH National Personal Protective Technology Laboratory, 626 Cochrans Mill Road, Pittsburgh, PA 15236; 1–888–654–2294 (this is a toll-free number); *PPEconcerns@cdc.gov.*

SUPPLEMENTARY INFORMATION: The Department of Transportation approves certain carbon-fiber reinforced aluminum-lined cylinders (hereinafter ''DOT–CFFC''), which are commonly used to provide breathing air in the self-contained breathing apparatus (SCBA) respirators typically carried by firefighters and other industrial workers to protect them in atmospheres immediately dangerous to life and health. Currently, all DOT–CFFC approved cylinders that are a sub-component of NIOSH-approved SCBA have a service life of 15 years; DOT regulations require ''requalification'' every 5 years to ensure that each cylinder can hold its rated pressure for the duration of the 15-year service life.

In October 2017, the DOT Pipeline and Hazardous Materials Safety Administration issued special permit, DOT–SP 16320 (Third Revision), to Digital Wave Corporation of Centennial, CO.[1] Digital Wave Corporation manufactures ultrasonic examination cylinder testing equipment, modal acoustic emission testing equipment, and provides associated inspection services, including the requalification of carbon-fiber reinforced aluminum-lined cylinders. Pursuant to DOT–SP 16320, modal acoustic emission requalification testing allows DOT–CFFC cylinders to be authorized for use for 5 years after the original 15-year service life; cylinders could be requalified three times beyond the original 15-year service life, for a total service life of 30 years.

Modal acoustic emission testing is an advanced, non-destructive evaluation of carbon-fiber reinforced aluminum-lined cylinders that detects structural damage which can compromise burst pressure strength in a composite overwrapped pressure vessel. The modal acoustic emission waveforms can be used to identify damage such as fiber breakage and delamination. Some stakeholders have expressed concerns regarding potential cylinder failure when the service life is extended past the service life identified on the original special permit. Since DOT–SP 16320 was issued, more than 3,500 carbon-fiber reinforced aluminum-lined cylinders have been requalified beyond their original 15-year service life using the modal acoustic emission method.

NIOSH has published guidance advising SCBA users who may be concerned about using modal acoustic emission-requalified cylinders as part of their NIOSH-approved SCBA configuration to review the user instructions, supplemental informational inserts, safety precautions, and SCBA warranty information provided by the NIOSH approval holder.[2] The guidance further encourages approval holders to provide respiratory protection program administrators and SCBA users with current recommendations regarding the DOT–SP 16320 requalification method with regard to service life limitations or other relevant matters.

NIOSH seeks to better understand the use of modal acoustic emission testing to requalify DOT–CFFC cylinders beyond the original 15-year service life, as permitted by DOT–SP 16320, as well as the safety and health concerns of users in industrial settings, including the fire service and first responders.

[1] DOT Pipeline and Hazardous Materials Safety Administration, DOT–SP 16320, *https://www.phmsa.dot.gov/approvals-and-permits/hazmat/file-serve/offer/SP16320.pdf/offerserver/SP16320.*

[2] *https://www.cdc.gov/niosh/npptl/resources/pressrel/letters/respprotect/CA-2018-1006.html.*

Accordingly, NIOSH is seeking data and information from all interested stakeholders in response to the following questions:

1. Are users of DOT–CFFC cylinders that have been requalified for service life beyond 15 years, pursuant to the provisions of DOT–SP 16320, exposed to any elevated safety or health risk as a result of either the modal acoustic emission requalification testing itself or the service life extension? If so, identify the concern or concerns and provide substantive data, studies, references, and information to further characterize and/or quantify the concern.

2. Does the service-life extension offered by DOT–SP 16320 or the modal acoustic emission testing itself provide a benefit to either end users or institutional users (*e.g.,* fire departments)? If so, please provide any relevant data, studies, references, or other corroborating information.

3. What factors do respiratory protection program managers consider in determining whether to replace an expiring cylinder with a new replacement cylinder or requalify the expiring cylinder using modal acoustic emission testing?

4. In which industries and operations are modal acoustic emission-requalified cylinders currently being used?

John J. Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2018–21256 Filed 9–28–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10142, CMS–R–262, and CMS–179]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by November 30, 2018.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of the following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10142 Bid Pricing Tool (BPT) for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP)

CMS–R–262 Contract Year 2020 Plan Benefit Package (PBP) Software and Formulary Submission

CMS–179 Medicaid State Plan Base Plan Pages

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. The term ''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 requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Bid Pricing Tool (BPT) for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP); *Use:* The competitive bidding process defined by the ''The Medicare Prescription Drug, Improvement, and Modernization Act'' (MMA) applies to both the MA and Part D programs. It was first used for Contract Year 2006. It is an annual process that encompasses the release of the MA rate book in April, the bid's that plans submit to CMS in June, and the release of the Part D and RPPO benchmarks, which typically occurs in August.

CMS requires that Medicare Advantage Organizations (MAOs) and Prescription Drug Plans (PDPs) complete the BPT as part of the annual bidding process. During this process, organizations prepare their proposed actuarial bid pricing for the upcoming contract year and submit them to CMS for review and approval. The purpose of the BPT is to collect the actuarial pricing information for each plan. It is an Excel workbook with multiple worksheets and special functions through which bidders present to CMS their plan pricing information. Bidders enter information, such as plan experience, projected enrollment, and risk profile, and the BPT calculates the plan premiums and other values that

drive the bidding process. CMS maintains and updates each BPT file and releases new versions every April.

The BPT files may be downloaded from the Health Plan Management System website (or HPMS), which is a restricted-access website, so users must obtain approval from CMS before using it. From HPMS, the BPT files may be downloaded as part of the Plan Benefit Package (or PBP) software, or they may be downloaded as stand-alone blank files. These files are made available to users on the first Monday of April every year and an HPMS memo is released announcing the software availability. Plan sponsors are required to upload the completed BPTs to HPMS by the first Monday in June each year.

MAOs and PDPs use the Bid Pricing Tool (BPT) software to develop their actuarial pricing bid. The information provided in the BPT is the basis for the plan's enrollee premiums and CMS payments for each contract year. The tool collects data such as medical expense development (from claims data and/or manual rating), administrative expenses, profit levels, and projected plan enrollment information. By statute, completed BPTs are due to CMS by the first Monday of June each year. *Form Number:* CMS–10142 (OMB control number: 0938–0944); *Frequency:* Yearly; *Affected Public:* Private Sector, Business or other for-profits and Not- for-profit institution; *Number of Respondents:* 555; *Total Annual Responses:* 4,995; *Total Annual Hours:* 149,850. (For policy questions regarding this collection contact Rachel Shevland at 410–786–3026.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Contract Year 2020 Plan Benefit Package (PBP) Software and Formulary Submission; *Use:* CMS requires that MA and PDP organizations submit a completed Plan Benefit Package (PBP) and formulary as part of the annual bidding process. During this process, organizations prepare their proposed plan benefit packages for the upcoming contract year and submit them to CMS for review and approval. The plan benefit package submission consists of the Plan Benefit Package (PBP) software, formulary file, and supporting documentation, as necessary. MA and PDP organizations use the PBP software to describe their organization's plan benefit packages, including information on premiums, cost sharing, authorization rules, and supplemental benefits. They also generate a formulary to describe their list of drugs, including information on prior authorization, step therapy, tiering, and quantity limits.

Additionally, CMS uses the PBP and formulary data to review and approve the plan benefit packages proposed by each MA and PDP organization. This allows CMS to review the benefit packages in a consistent way across all submitted bids during with incredibly tight timeframes. This data is also used to populate data on Medicare Plan Finder, which allows beneficiaries to access and compare Medicare Advantage and Prescription Drug plans. *Form Number:* CMS–R–262 (OMB control number 0938–0763); *Frequency:* Yearly; *Affected Public:* Private Sector, Business or other for-profits and Not-for-profit institution; *Number of Respondents:* 570; *Total Annual Responses:* 6,760; *Total Annual Hours:* 65,354.50 (For policy questions regarding this collection contact Kristy Holtje at 410–786–2209.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid State Plan Base Plan Pages; *Use:* State Medicaid agencies complete the plan pages while we review the information to determine if the state has met all of the requirements of the provisions the states choose to implement. If the requirements are met, we will approve the amendments to the state's Medicaid plan giving the state the authority to implement the flexibilities. For a state to receive Medicaid Title XIX funding, there must be an approved Title XIX state plan. *Form Number:* CMS–179 (OMB control number 0938–0193); *Frequency:* Occasionally; *Affected Public:* State, Local, and Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 1,120; *Total Annual Hours:* 22,400. (For policy questions regarding this collection contact Annette Pearson at 410–786–6958.)

Dated: September 21, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–20995 Filed 9–28–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Proposed Projects:

Title: Federal Child Support Portal Registration.

OMB No.: 0970–0370.

Description: The federal Office of Child Support Enforcement (OCSE), Division of Federal Systems, maintains the Child Support Portal (Portal), through which authorized users may view, update, or upload information for child support purposes. To securely access the Portal as an authorized user, OCSE creates profiles within the Portal for employers, insurers, and multistate financial institutions (MSFIs) using information provided in the Employer Service Profile Form and the Debt Inquiry Insurer Profile Form (see OMB No: 0970–0196 for the MSFI Profile Form). State child support agencies manage and authenticate authorization for individual users via the state proxy server; therefore, a profile form is not required.

The federal Child Support Portal Registration information collection activities are authorized by 42 U.S.C. 653(m)(2), which requires the Secretary to establish and implement safeguards to restrict access to confidential information in the Federal Parent Locator Service to authorized persons, and to restrict use of such information to authorized purposes.

Respondents: Employers, Financial Institutions, Insurers, and Child Support Agencies.

Annual Burden Estimates:

Information collection instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Employer Services Profile	2,144	1	0.08	171.52
Debt Inquiry Insurer Profile	22	1	0.08	1.76
Portal Registration Screens	2,338	1	0.15	350.70

Estimated Total Annual Burden Hours (Rounded from 523.98): 524.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201. Attention 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.

Emily B. Jabbour,

ACF/OPRE Certifying Officer.

[FR Doc. 2018–21226 Filed 9–28–18; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Administration on Intellectual and Developmental Disabilities, President's Committee for People With Intellectual Disabilities

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

DATES: Thursday, November 8, 2018 from 9:00 a.m. to 4:30 p.m.; and Friday, November 9, 2018 from 9:00 a.m. to 4:30 p.m. These meetings will be open to the general public.

ADDRESSES: These meetings will be held at the U.S. Access Board, located at 1331 F Street NW, Suite 800, Washington, DC 20004. Individuals who would like to participate via conference call may do so by dialing toll-free #: 1–888–949–2790, when prompted enter pass code: 1989852. Individuals whose full participation in the meeting will require special accommodations (*e.g.,* sign language interpreting services, assistive listening devices, materials in alternative format such as large print or Braille) should notify Ms. Allison Cruz, Director, Office of Innovation, via email at *Allison.Cruz@acl.hhs.gov,* or via telephone at 202–795–7334, *no later than* Monday, October 19, 2018. The PCPID will attempt to accommodate requests made after this date, *but cannot guarantee the ability to grant requests received after the deadline.* All meeting sites are barrier free, consistent with the Americans with Disabilities Act (ADA) and the Federal Advisory Committee Act (FACA).

FOR FURTHER INFORMATION CONTACT: Ms. Allison Cruz, Director, Office of Innovation, 330 C Street SW, Switzer Building, Room 1114, Washington, DC 20201. Telephone: 202–795–7334. Fax: 202–795–7334. Email: *Allison.Cruz@acl.hhs.gov*

SUPPLEMENTARY INFORMATION: The PCPID acts in an advisory capacity to the President and the Secretary of Health and Human Services on a broad range of topics relating to programs, services and support for individuals with intellectual disabilities. The PCPID executive order stipulates that the Committee shall: (1) Provide such advice concerning intellectual disabilities as the President or the Secretary of Health and Human Services may request; and (2) provide advice to the President concerning the following for people with intellectual disabilities: (A) Expanding employment opportunities; (B) connecting people to services; (C) supporting families and caregivers; (D) strengthening the networks; and (E) protecting rights and preventing abuse.

Agenda: The Committee Members will discuss preparation of the PCPID 2019 Report to the President, including its content and format, and related data collection and analysis required to complete the writing of the Report.

Dated: September 24, 2018.

Mary Lazare,

Principal Deputy Administrator, Administration for Community Living.

[FR Doc. 2018–21319 Filed 9–28–18; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–3275]

Contents of a Complete Submission for Threshold Analyses and Human Factors Submissions to Drug and Biologic Applications; 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 ''Contents of a Complete Submission for Threshold Analyses and Human Factors Submissions to an IND, NDA, BLA, or ANDA.'' The draft guidance provides recommendations to industry and FDA staff regarding the content and submission procedures for use-related risk analyses, human factors validation study protocols and reports, threshold analyses, and comparative use human factors study protocols and reports.

DATES: Submit either electronic or written comments on the draft guidance by November 30, 2018 to ensure that the Agency considers your comments in this review.

ADDRESSES: 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–D–3275 for ''Contents of a Complete Submission for Threshold Analyses and Human Factors Submissions to an IND, NDA, BLA or ANDA.'' 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 to 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: Quynh Nhu Nguyen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 22, Rm. 4408, Silver Spring, MD 20993, 301–796–6273, email: *quynht.nguyen@fda.hhs.gov;* or 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.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Contents of Threshold Analyses and Human Factors Submissions to an IND, NDA, BLA, or ANDA.'' This document provides guidance to industry on the content and submission procedures for human factors (HF) submissions to promote efficient Agency review.

The Federal Food, Drug, and Cosmetic Act (FD&C Act) requires that drug products submitted for approval under section 505(b) be proven safe and demonstrate substantial evidence of effectiveness for the product's intended use (21 U.S.C. 355(b)). Under section 351 of the Public Health Service Act (42 U.S. 262), FDA licenses a biological product based on a demonstration that it is safe, pure, and potent, and that it is manufactured in a facility designed to ensure the product continues to be safe, pure, and potent. As part of evaluating drug and biologic products for safety and effectiveness, FDA will evaluate HF data submitted by sponsors in support of the product user interface when submission of such data is warranted. For products that sponsors intend to submit as an abbreviated new drug application (ANDA), the sponsor can rely on the Agency's previous finding that the listed drug is safe and effective so long as the sponsor can demonstrate certain findings. Certain products, including drug-device combination products, may warrant threshold analyses and additional data, such as data from comparative HF studies.

This draft guidance provides recommendations to industry and FDA staff regarding the content and submission procedures for use-related risk analyses, human factors validation study protocols and reports, threshold analyses, and comparative use HF study protocols and reports. This draft guidance applies to submissions for the following types of products:

• Human prescription drug products, including biologics, that are the subject of an investigational new drug application (IND), a new drug application (NDA), a biologics license application (BLA), or an abbreviated new drug application (ANDA), and supplements to these applications

• Human nonprescription drug products that are the subject of an IND, NDA, or ANDA

This draft guidance does not describe when threshold analyses or HF submissions are warranted for any particular application pathway, the processes or procedures associated with their review, or the methods used by the Agency for evaluation. Furthermore, this draft guidance does not describe the methods used to design, conduct, or analyze HF studies.

This draft guidance is being issued consistent with FDA's good guidance practices (21 CFR 10.115). The draft guidance, when finalized, will represent FDA's current thinking on ''Contents of a Complete Submission for Threshold Analyses and Human Factors Submissions to an IND, NDA, BLA or ANDA.'' 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.

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 21 CFR part 312 and Form FDA 1571 have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 314 have been approved under OMB control number 0910–0001. The collections of information in 21 CFR part 601 and Form FDA 356h have been approved under OMB control number 0910–0338.

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/Guidances/default.htm,* or *https://www.regulations.gov.*

Dated: September 25, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–21243 Filed 9–28–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3490]

Agency Information Collection Activities; Proposed Collection; Comment Request; Exempt Infant Formula Production: Current Good Manufacturing Practices, Quality Control Procedures, Conduct of Audits, and Records

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 provisions of the guidance entitled ''Guidance for Industry: Exempt Infant Formula Production: Current Good Manufacturing Practices (CGMPs), Quality Control Procedures, Conduct of Audits, and Records and Reports.''

DATES: Submit either electronic or written comments on the collection of information by November 30, 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 30, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. midnight Eastern Time at the end of November 30, 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–3490 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Exempt Infant Formula Production: Current Good Manufacturing Practices (CGMPs), Quality Control Procedures, Conduct of Audits, and Records.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or

provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, 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.

Exempt Infant Formula Production: Current Good Manufacturing Practices (CGMPs), Quality Control Procedures, Conduct of Audits, and Records

OMB Control Number 0910–0811—Extension

Section 412(h)(1) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 350a(h)(1)) exempts an infant formula that is represented and labeled for use by an infant with an inborn error of metabolism, low birth weight, or who otherwise has an unusual medical or dietary problem from the requirements of section 412(a), (b), and (c) of the FD&C Act. These formulas are customarily referred to as ''exempt infant formulas.'' Under part 106 (21 CFR part 106), we established requirements for quality factors for infant formulas and CGMPs, including quality control procedures. This collection of information will help prevent the manufacture of adulterated infant formula, ensure the safety of infant formula, and ensure that the nutrients in infant formula are present in a form that is bioavailable.

In the **Federal Register** of April 15, 2016 (81 FR 22174), we published a notice of availability for the guidance document entitled ''Guidance for Industry: Exempt Infant Formula Production: Current Good Manufacturing Practices (CGMPs), Quality Control Procedures, Conduct of Audits, and Records and Reports.'' The guidance describes our current thinking on the manufacturing of exempt infant formula in relation to the requirements in part 106 for CGMPs, quality control procedures, conduct of audits, and records and reports that apply to nonexempt infant formulas. Persons with access to the internet may obtain the guidance at *http://www.fda.gov/FoodGuidances.*

Our estimate of the burden of the recordkeeping recommendations includes the one-time burden of developing production and in-process control systems and the annual burdens of developing and maintaining production aggregate production and control records, records pertaining to the distribution of infant formula, and records pertaining to regularly scheduled audits. Included in the burden estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

The guidance recommended, to the extent practicable, that respondents include records required by part 106, subparts A, B, C, D, and F for non-exempt infant formulas. Because the records and reporting requirements related to part 106, subparts E and G are not generally applicable to exempt infant formula manufacturers, FDA is not recommending in the guidance that exempt infant formula manufacturers follow these requirements. As such, the records and reporting requirements in part 106, subparts E and G are not part of this information collection.

Description of Respondents: The respondent recordkeepers are manufacturers of exempt infant formula.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper	Total hours
First-Year Annual Burden					
Production and In-Process Control System 106.6(c)(5) and 106.100(e)(1) and (e)(3).	3	1	3	40	120
Controls to Prevent Adulteration due to Automatic (Mechanical or Electronic) Equipment 106.35(c) and 106.100(f)(5).	3	1	3	6,400	19,200
Total First Year Only Hourly Recordkeeping Burden.					19,320
Recurring Annual Burden					
Controls to Prevent Adulteration Caused by Facilities—Testing for Radiological Contaminants 106.20(f)(3).	4	1	4	1.5	6
Controls to Prevent Adulteration Caused by Facilities—Recordkeeping of Testing for Radiological Contaminants 106.20(f)(4) and 106.100(f)(1).	4	1	4	0.08 (5 minutes)	0.32
Controls to Prevent Adulteration Caused by Facilities—Testing for Bacteriological Contaminants 106.20(f)(3).	3	52	156	0.08 (5 minutes)	12.48

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]—Continued

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper	Total hours
Controls to Prevent Adulteration Caused by Facilities—Recordkeeping of Testing for Bacteriological Contaminants 106.20(f)(4) and 106.100(f)(1).	3	52	156	0.08 (5 minutes)	12.48
Controls to Prevent Adulteration by Equipment or Utensils 106.30(d)(1) and 106.100(f)(2).	3	52	156	0.21 (13 minutes) ..	32.76
Controls to Prevent Adulteration by Equipment or Utensils 106.30(e)(3)(iii) and 106.100(f)(3).	3	52	156	0.21 (13 minutes) ..	32.76
Controls to Prevent Adulteration by Equipment or Utensils 106.30(f)(2) and 106.100(f)(4).	3	52	156	0.19 (11 minutes) ..	29.64
Controls to Prevent Adulteration Due to Automatic (Mechanical or Electronic) Equipment 106.35(c) and 106.100(f)(5).	3	52	156	520	81,120
Controls to Prevent Adulteration Due to Automatic (Mechanical or Electronic) Equipment 106.35(c) and 106.100(f)(5).	3	2	6	640	3,840
Controls to Prevent Adulteration Caused by Ingredients, Containers, and Closures 106.40(g) and 106.100(f)(6).	3	52	156	0.17 (10 minutes) ..	26.52
Controls to Prevent Adulteration During Manufacturing 106.50 and 106.100(e).	3	52	156	0.23 (14 minutes) ..	35.88
Controls to Prevent Adulteration From Microorganisms 106.55(d), 106.100(e)(5)(ii), and 106.100(f)(7).	3	52	156	0.25 (15 minutes) ..	39
Controls to Prevent Adulteration During Packaging and Labeling of Infant Formula 106.60(c).	1	12	12	0.25 (15 minutes) ..	3
General Quality Control—Testing 106.91(b)(1), 106.91(b)(2) and 106.91(b)(3).	2	1	2	2	4
General Quality Control 106.91(b)(1), 106.91(d), and 106.100(e)(5)(i).	2	52	104	0.15 (9 minutes)	15.6
General Quality Control 106.91(b)(2) 106.91(d), and 106.100(e)(5)(i).	2	52	104	0.15 (9 minutes)	15.6
General Quality Control 106.91(b)(3) 106.91(d), and 106.100(e)(5)(i).	2	52	104	0.15 (9 minutes)	15.6
Audit Plans and Procedures 106.94—Ongoing Review and Updating of Audits.	3	1	3	8	24
Audit Plans and Procedures 106.94—Regular Audits	3	52	156	4	624
Total Recurring Recordkeeping Burden	.....	.....	.....	.....	85,889.64
Total Recordkeeping Burden	.....	.....	.....	.....	105,209.64

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection, we made a correction since the last OMB approval. While the one-time estimated recordkeeping burden remains as 19,320 hours, we increased the annual estimated recurring recordkeeping burden to 85,889.64 hours due to a calculation error (a 79,561.58 hour increase) for a total recordkeeping burden of 105,209.64 hours.

Dated: September 25, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–21207 Filed 9–28–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3353]

Agency Information Collection Activities; Proposed Collection; Comment Request; Antimicrobial Animal Drug Distribution Reports and Recordkeeping

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) 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 provisions of our reporting and recordkeeping requirements for antimicrobial animal drug sales and distribution.

DATES: Submit either electronic or written comments on the collection of information by November 30, 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 30, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 30, 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–3353 for ''Antimicrobial Animal Drug Distribution Reports and Recordkeeping.'' 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.

Antimicrobial Animal Drug Distribution Reports and Recordkeeping—21 CFR 514.87

OMB Control Number 0910–0659—Extension

Sponsors of approved or conditionally approved applications for new animal drugs containing an antimicrobial active ingredient are required by section 512 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360b) to submit to FDA an annual report on the amount of each such ingredient in the drug that is sold or distributed for use in food-producing animals. Sponsors are also required to maintain distribution records for their animal drug products, including separate information for each month of the calendar year, under section 512(l)(3) of the FD&C Act. These provisions were enacted to assist FDA in our continuing analysis of the interactions (including drug resistance), efficacy, and safety of antimicrobials approved for use in both humans and food-producing animals for the purpose of mitigating the public health risk associated with antimicrobial resistance.

Section 514.87 of our regulations (21 CFR 514.87) codifies the reporting requirements established in the FD&C Act. Sponsors submit antimicrobial animal drug sales and distribution reports to the Agency on Form FDA 3744. Each report must specify: (1) The amount of each antimicrobial active ingredient by container size, strength, and dosage form; (2) quantities distributed domestically and quantities

exported; and (3) a listing of the target animals, indications, and production classes that are specified on the approved label of the product. The report must cover the period of the preceding calendar year and include separate information for each month of the calendar year. Each report must also provide a species-specific estimate of the percentage of each product that was sold or distributed domestically in the reporting year for use in cattle, swine, chickens, or turkeys for such species that appear on the approved label.

Collection of information on the amount of animal antimicrobials being distributed, including species-specific information, is necessary to support our ongoing efforts to encourage the judicious use of antimicrobials in food-producing animals to help ensure the continued availability of safe and effective antimicrobials for animals and humans. We intend to use these data to supplement existing information, including data collected under the National Animal Health Monitoring System and the National Antimicrobial Resistance Monitoring System programs. Data from multiple sources are needed to provide a comprehensive and science-based picture of antimicrobial drug use and resistance in animal agriculture.

Description of Respondents: Animal drug manufacturers (sponsors).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	FDA Form	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
514.87(a) through (e)—Annual Reports for Sponsors With Active Applications—Paper Submission	3744	10	7.5	75	62	4,650
514.87(a) through (e)—Annual Reports for Sponsors With Active Applications—Electronic Submission	3744	10	7.5	75	52	3,900
514.87(a) through (e)—Annual Reports for Sponsors With Inactive Applications—Paper Submission	3744	4	26.5	106	2	212
514.87(a) through (e)—Annual Reports for Sponsors With Inactive Applications—Electronic Submission	3744	3	35	105	2	210
Total					8,972	

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our estimate of the average burden per response on our recent experience with the existing antimicrobial animal drug distribution reports program. We base our estimate of the number of affected respondents reported in tables 1 and 2 and the average number of responses per respondent in table 1 on a review of our records of sponsors with active and inactive applications. We estimate that 20 sponsors will have active applications and we assume that half of the respondents will report electronically, while the other half will report on paper. We estimate that 10 sponsors with active applications will spend 62 hours annually to assemble the necessary information, prepare, and submit an annual antimicrobial animal drug sales and distribution report on paper and 10 sponsors with active applications will spend 52 hours annually to assemble the necessary information, prepare, and electronically submit an annual antimicrobial animal drug sales and distribution report. We estimate that seven sponsors will have inactive applications and we assume that half of these respondents will report electronically, while the other half will report on paper. We estimate that sponsors with inactive applications will spend 2 hours to prepare their annual antimicrobial animal drug sales and distribution reports, whether electronically or on paper.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Recordkeeping required by section 512(l)(3) of the FD&C Act	27	1	27	2	54

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Animal drug manufacturers are already required to maintain distribution records for their animal drug products to comply with FDA's current good manufacturing regulations for periodic drug reports under § 514.80(b)(4)(i) (21 CFR 514.80(b)(4)(i)), approved under OMB control number 0910–0284. Section 512(l)(3) of the FD&C Act differs from § 514.80(b)(4)(i) in that it requires that records include separate information for each month of the calendar year. In addition, under 21 CFR 211.196 (approved under OMB control number 0910–0139), manufacturers currently are required to maintain distribution records that include dosage form and the date the drug is distributed. Based on these requirements, FDA believes that manufacturers already keep detailed records of the dates when antimicrobial drugs are distributed for marketing and recall purposes from which monthly reports can be prepared as part of usual and customary business practices. However, FDA estimates an additional

recordkeeping burden of 54 hours for further compliance with section 512(l)(3) of the FD&C Act, as detailed in table 2.

Based on a review of the information collection since our last request for OMB approval, which was submitted with a final rule, we have made no adjustments to our burden estimates as reported in tables 1 and 2, other than to remove the one-time burden of 787 hours, which represented the time needed to review the provisions of the final rule and develop a compliance plan in the first year of compliance.

Dated: September 25, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–21208 Filed 9–28–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–3292]

Master Protocols: Efficient Clinical Trial Design Strategies To Expedite Development of Oncology Drugs and Biologics; 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 ''Master Protocols: Efficient Clinical Trial Design Strategies to Expedite Development of Oncology Drugs and Biologics.'' This guidance provides advice to sponsors of drugs and biologics for cancer treatment regarding the design and conduct of clinical trials, other than first-in-human (FIH) trials, intended to simultaneously evaluate more than one investigational drug and/or more than one cancer type within the same overall trial structure (master protocols) in adult and pediatric cancers. In contrast to traditional trial designs, where a single drug is tested in a single disease population in one clinical trial, master protocols use a single infrastructure, trial design, and protocol to simultaneously evaluate multiple drugs and/or disease populations in multiple substudies, allowing for efficient and accelerated drug development.

DATES: Submit either electronic or written comments on the draft guidance by November 30, 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–3292 for Master Protocols: Efficient Clinical Trial Design Strategies to Expedite Development of Oncology Drugs and Biologics. 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: Lee Pai-Scherf, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire

Ave., Bldg. 22, Rm. 2314, Silver Spring, MD 20993–0002, 301–796–3400; or 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.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Master Protocols: Efficient Clinical Trial Design Strategies to Expedite Development of Oncology Drugs and Biologics.'' This guidance provides advice to sponsors of drugs and biologics for treatment of cancer regarding the design and conduct of clinical trials, other than FIH trials, intended to simultaneously evaluate more than one investigational drug and/or more than one cancer type within the same overall trial structure (master protocols) in adult and pediatric cancers.

There is increased interest in expediting late-stage drug development through developing trial designs that test multiple drugs and/or multiple cancer subpopulations in parallel under a single protocol, without a need to develop new protocols for every trial. The term *master protocol* is often used to describe the design of such trials, with variable terms such as *umbrella, basket,* or *platform* describing specific designs. Examples of trials using master protocols include the Lung-MAP trial (NCT02154490), the NCI–MATCH trial (EAY131, NCT02465060), and the Pediatric MATCH trial (APEC1621, NCT03155620). In contrast to traditional trial designs, where a single drug is tested in a single disease population in one clinical trial, master protocols use a single infrastructure, trial design, and protocol to simultaneously evaluate multiple drugs and/or disease populations in multiple substudies, allowing for efficient and accelerated drug development.

Because of the complexity of these trials evaluating multiple drugs and/or disease populations and the potential regulatory impact, it is important that such trials be well designed and well conducted to ensure patient safety and to obtain quality data that may support drug approval.

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 ''Master Protocols: Efficient Clinical Trial Design Strategies to Expedite Development of Oncology Drugs and Biologics.'' 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 (PRA) of 1995 (44 U.S.C. 3501–3520).

FDA has OMB approval under the PRA (control number 0910–0014) for the submission of investigational new drug applications (INDs), including protocols, protocol amendments, and information amendments, in 21 CFR part 312, subpart B. Sponsors may request comment and advice on an IND as well as request meetings with FDA under 21 CFR part 312, subpart C (OMB control number 0910–0014). Responsibilities of sponsors and investigators (21 CFR part 312, subpart D) is also covered under OMB control number 0910–0014.

In addition, the following collections of information that have been approved by OMB would cover other submissions discussed in the draft guidance:

- Collections of information referred to in the guidance for industry entitled ''Special Protocol Assessment'' (available at *https://www.fda.gov/ucm/groups/fdagov-public/@fdagov-drugs-gen/documents/document/ucm498793.pdf*) have been approved under OMB control number 0910–0470;
- Collections of information referred to in the guidance for industry entitled ''Establishment and Operation of Clinical Trial Data Monitoring Committees'' (available at *https://www.fda.gov/downloads/regulatoryinformation/guidances/ucm127073.pdf*) have been approved under OMB control number 0910–0581;
- Collections of information referred to in the guidance for industry entitled ''Oversight of Clinical Investigations—A Risk-Based Approach to Monitoring (available at *https://www.fda.gov/downloads/Drugs/Guidances/UCM269919.pdf*) has been approved under OMB control number 0910–0733;
- Collections of information referred to in the ICH guidance for industry entitled ''E6(R2) Good Clinical Practice: Integrated Addendum to E6(R1) (available at *https://www.fda.gov/ucm/groups/fdagov-public/@fdagov-drugs-gen/documents/document/ucm464506.pdf*) has been approved under OMB control number 0910–0843.
- Collections of information in 21 CFR parts 50 and 56 have been approved under OMB control number 0910–0755;
- Collections of information under 21 CFR 56.115 have been approved under OMB control number 0910–0130;
- Collections of information referred to in the guidance for industry entitled ''Expedited Programs for Serious Conditions—Drugs and Biologics,'' (available at *https://www.fda.gov/ucm/groups/fdagov-public/@fdagov-drugs-gen/documents/document/ucm358301.pdf*) including fast track designation, breakthrough therapy designation, accelerated approval, and priority review designation, have been approved under OMB control number 0910–0765.
- Collections of information referred to in the draft guidance for industry entitled ''Formal Meetings Between the FDA and Sponsors and Applicants for PDUFA Products'' (available at *https://www.fda.gov/ucm/groups/fdagov-public/@fdagov-drugs-gen/documents/document/ucm590547.pdf*) have been approved under OMB control number 0910–0429;
- Requirements on content and format of labeling for human prescription drug and biological products have been approved under OMB control number 0910–0572.
- The submission of new drug applications, including 21 CFR 314.50(d)(5) (clinical data section) and (d)(6) (statistical section), has been approved under OMB control number 0910–0001.

In accordance with the PRA, before publication of any final guidance document, FDA intends to solicit public comment and obtain OMB approval for any information collections recommended in this 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/GuidanceCompliance RegulatoryInformation/Guidances/default.htm,* or *https://www.regulations.gov.*

Dated: September 25, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–21313 Filed 9–28–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–3124]

Adaptive Designs for Clinical Trials of Drugs and Biologics; 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 ''Adaptive Designs for Clinical Trials of Drugs and Biologics.'' This document provides guidance to sponsors and applicants submitting investigational new drug applications (INDs), new drug applications (NDAs), biologics license applications (BLAs), or supplemental applications on the appropriate use of adaptive designs for clinical trials to provide evidence of the effectiveness and safety of a drug or biologic. The guidance describes the basic principles for designing, conducting, and reporting the results from an adaptive clinical trial. The draft guidance will replace the 2010 draft guidance for industry entitled ''Adaptive Design Clinical Trials for Drugs and Biologics.''

DATES: Submit either electronic or written comments on the draft guidance by November 30, 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–3124 for ''Adaptive Designs for Clinical Trials of Drugs and Biologics; Draft Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff office between 9 a.m. and 4 p.m., Monday through Friday.

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

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

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 to 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. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Scott Goldie, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 21, Rm. 3557, Silver Spring, MD 20993–0002, 301–794–2055; or 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.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Adaptive Designs for Clinical Trials of Drugs and Biologics.'' This document provides guidance to sponsors and applicants submitting INDs, NDAs, BLAs, or supplemental applications on the appropriate use of adaptive designs

for clinical trials to provide evidence of the effectiveness and safety of a drug or biologic. The guidance describes the basic principles for designing, conducting, and reporting the results from an adaptive clinical trial. The guidance also advises sponsors on the types of information FDA needs to evaluate the results from clinical trials with adaptive designs, including Bayesian adaptive designs and complex designs that rely on computer simulations for their design. This guidance meets FDA's performance commitment under PDUFA (Prescription Drug User Fee Act) VI to publish draft guidance on complex adaptive (including Bayesian adaptive) trial designs by the end of fiscal year 2018.

The primary focus of this guidance is on adaptive designs for clinical trials intended to support the effectiveness and safety of drugs or biologics. The concepts discussed are also useful for early phase or exploratory clinical trials as well as trials conducted to satisfy postmarketing commitments or requirements. The draft guidance will replace the 2010 draft guidance for industry entitled ''Adaptive Design Clinical Trials for Drugs and Biologics.''

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 ''Adaptive Designs for Clinical Trials of Drugs and Biologics.'' 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

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information that 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** for each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing this notice of the proposed collection of information set forth in this document.

With respect to the collection of information associated with this draft guidance, FDA invites comments on the following topics: (1) Whether the proposed information collected is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimated burden of the proposed information collected, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of information collected on the respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

The draft guidance discusses several collections of information that have been approved by OMB. For example, the draft guidance explains that sponsors who have questions about adaptive design elements in an early-phase exploratory trial should seek FDA feedback by either identifying specific questions in a submission containing the protocol or by requesting a meeting to discuss those questions. Discussion of the plans for an adaptive trial can be the basis for requesting a Type C meeting. Regulatory mechanisms for obtaining formal, substantive feedback from FDA on clinical trials may also include end-of-phase 2 meetings. The draft guidance also recommends that special protocol assessments (given the 45-day response timeline) are submitted for trials with complex adaptive designs only if there has been extensive previous discussion between FDA and the sponsor regarding the proposed trial and design. The draft guidance explains that in their submissions, the sponsors should pre-specify the details of the adaptive design and provide justification that the chances of erroneous conclusions will be adequately controlled, estimation of treatment effects will be sufficiently reliable, and trial integrity will be appropriately maintained. The draft guidance notes that the sponsor should advise FDA during the course of a trial of any proposed changes to the trial design (usually through protocol amendments), and that FDA may request that the sponsor submit minutes from open sessions of a monitoring committee during an ongoing trial.

FDA has OMB approval under the PRA for the submission of INDs, including protocol amendments and information amendments, in 21 CFR part 312, subpart B, and sponsors may request comment and advice on an IND as well as request meetings with FDA under subpart C (OMB control number 0910–0014). In addition, the following collections of information that have been approved by OMB would cover other submissions discussed in the draft guidance:

- Guidance for industry on formal meetings with sponsors and applicants for PDUFA products (OMB control number 0910–0429);
- Guidance for Industry on special protocol assessment (OMB control number 0910–0470);
- Guidance for industry on clinical trial data monitoring committees (OMB control number 0910–0581);
- Guidance for industry on oversight of clinical investigations (OMB control number 0910–0733);
- International Council for Harmonization guidance for industry ''E6(R2) Good Clinical Practice'' (OMB control number 0910–0843);
- Protection of Human Subjects: Informed Consent; Institutional Review Boards (21 CFR parts 50 and 56) (OMB control number 0910–0755);
- Institutional Review Boards (21 CFR 56.115) (OMB control number 0910–0130); and
- Requirements on Content and Format of Labeling for Human Prescription Drug and Biological Products (OMB control number 0910–0572).

In addition, the submission of NDAs, including 21 CFR 314.50(d)(5) (clinical data section) and (d)(6) (statistical section), has been approved under OMB control number 0910–0001. The submission of BLAs and their supplements has been approved under OMB control number 0910–0338.

The draft guidance also requests the submission of information that has not been approved by OMB under the PRA.

In section VIII.B, the draft guidance states that the documented plan for a clinical trial with a proposed adaptive design should include the information described below. The information could be included in the clinical trial protocol and/or in separate documents, such as a statistical analysis plan, a data monitoring committee (DMC) charter, or an adaptation committee charter. Although different types of information might be included in different documents, all important information described below should be submitted to FDA during the design stage so that FDA has sufficient time to provide feedback prior to initiation of the clinical trial:

- A rationale for the selected design;
- A detailed description of the monitoring and adaptation plan, including the anticipated number and

timing of interim analyses, the specific aspects of the design that may be modified, and the specific rule that will be used to make adaptation decisions;

- Information on the roles of the bodies responsible for implementing the adaptive design, such as the DMC and/or the dedicated adaptation committee;
- Pre-specification of the statistical methods that will be used to produce interim results and guide adaptation decisions, and to carry out hypothesis tests, estimate treatment effects, and estimate uncertainty in treatment effect estimates at the end of the trial;
- Evaluation and discussion of the design operating characteristics;
- When simulations are the primary or sole technique for evaluating trial operating characteristics, a detailed simulation report should be submitted, including:
  - An overall description of the trial design;
  - Example trials, in which a small number of hypothetical trials are described with different conclusions, such as a positive trial with the original sample size, a trial stopped for futility after the first interim look, a positive trial after increasing the sample size;
  - A description of the set of parameter configurations used for the simulation scenarios, including a justification of the adequacy of the choices;
  - Simulation results detailing the estimated Type I error probability and power under the various scenarios;
  - Simulation code that is readable and adequately commented and should include the random seeds used to generate the simulation results;
  - A summary providing overall conclusions.
- A comprehensive written data access plan defining how trial integrity will be maintained in the presence of the planned adaptations. This documentation should include the following information: (1) The personnel who will perform the interim analyses; (2) the personnel who will have access to interim results; (3) how that access will be controlled; (4) how adaptive decisions will be made; and (5) what type of information will be disseminated following adaptive decisions, and to whom it will be disseminated. The data access plan should describe what information, under what circumstances, is permitted to be passed to the sponsor or investigators. In addition, it is recommended that sponsors establish procedures to evaluate compliance with the data access plan and to document all interim meetings of the committee tasked with making adaptation decisions, *i.e.,* the DMC or other adaptation committee (*e.g.,* with written minutes describing what was reviewed, discussed, and decided).

In section VIII.C, the draft guidance states that a marketing application to FDA that relies on a trial with an adaptive design should include, in addition to the typical content of that marketing application, sufficient information and documentation to allow FDA to thoroughly review the results, including:

- All prospective plans, any relevant committee charters (*e.g.,* the DMC or adaptation committee charter), and any supporting documentation (*e.g.,* literature references, programming code, simulation report);
- Information on compliance with the planned adaptation rule and with the procedures outlined in the data access plan to maintain trial integrity;
- Records of deliberations and participants for any interim discussions by any committees involved in the adaptive process;
- Results of the interim analyses used for the adaptation decisions;
- Appropriate reporting of the adaptive design and trial results in the proposed package insert. For example, the trial summary should describe the adaptive design utilized. In addition, treatment effect estimates should appropriately take the design into account, or if naïve estimates such as unadjusted sample means are used, the extent of bias should be evaluated and estimates should be presented with appropriate cautions regarding their interpretation.

Based on our review of INDs, NDAs, BLAs, and supplemental applications for the use of adaptive designs for clinical trials to provide evidence of effectiveness and safety, we estimate that approximately 40 sponsors or applicants (''number of respondents'' in table 1, row 1) will prepare approximately 240 documented plans for clinical trials containing a proposed adaptive design and analysis plan and will submit this information to FDA in a clinical trial protocol and/or in separate documents such as a statistical analysis plan, a DMC charter, or an adaptation committee charter (''total annual responses'' in table 1, row 1), and that preparing and submitting this information will take approximately 50 hours per sponsor or applicant (''average burden per response'' in table 1, row 1).

In addition, we estimate that approximately 15 sponsors or applicants (''number of respondents'' in table 1, row 2) will prepare and submit to FDA approximately 20 marketing applications that rely on a trial with an adaptive design (''total annual responses'' in table 1, row 2), and that preparing and submitting this information will take approximately 50 hours per sponsor or applicant (''average burden per response'' in table 1, row 2).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Guidance on adaptive designs for clinical trials of drugs and biologics	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Clinical trial protocols and related submissions to FDA with an adaptive design and analysis plan should contain the information in section VIII.B	40	6	240	50	12,000
Marketing applications that rely on studies with an adaptive design should contain the information in section VIII.C	15	1.33	20	50	1,000
Total					13,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.regulations.gov, http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm,* or *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

Dated: September 25, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–21314 Filed 9–28–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: National Survey of Substance Abuse Treatment Services (N–SSATS) (OMB No. 0930–0106)—Revision

The Substance Abuse and Mental Health Services Administration (SAMHSA) is requesting a revision of the National Survey of Substance Abuse Treatment (N–SSATS) data collection (OMB No. 0930–0106), which expires on December 31, 2018. N–SSATS provides both national and state-level data on the numbers and types of patients treated and the characteristics of facilities providing substance abuse treatment services. It is conducted under the authority of Section 505 of the Public Health Service Act (42 U.S.C. 290aa-4) to meet the specific mandates for annual information about public and private substance abuse treatment providers and the clients they serve.

This request includes:

- Collection of N–SSATS, which is an annual survey of substance abuse treatment facilities; and
- Updating of the Inventory of Behavioral Health Services (I–BHS) which is the facility universe for the N–SSATS as well as the annual survey of mental health treatment facilities, the National Mental Health Services Survey (N–MHSS). The I–BHS includes all substance abuse treatment and mental health treatment facilities known to SAMHSA. (The N–MHSS data collection is covered under OMB No. 0930–0119.)

The information in I–BHS and N–SSATS is needed to assess the nature and extent of these resources, to identify gaps in services, and to provide a database for treatment referrals. Both I–BHS and N–SSATS are components of the Behavioral Health Services Information System (BHSIS).

The request for OMB approval will include a request to update the I–BHS facility listing on a continuous basis and to conduct the N–SSATS and the between cycle N–SSATS (N–SSATS BC) in 2019, 2020, and 2021. The N–SSATS BC is a procedure for collecting services data from newly identified facilities between main cycles of the survey and will be used to improve the listing of treatment facilities in the online Behavioral Health Treatment Services Locator.

Planned Changes

I–BHS: Only minor form changes corresponding with updated technology are planned.

N–SSATS: The N–SSATS with client counts will continue to be conducted in alternate years, as in the past, and the Treatment Locator will be updated monthly.

Version A (2019 and 2021)

The following items have been added compared to the 2017 N–SSATS: Add questions about: Where clients obtain their medications for opioid use disorder if they originate elsewhere; how facilities treat alcohol use disorder; where clients obtain their medications for alcohol use disorder if they originate elsewhere; whether the facility only treats alcohol use disorder; detoxification from opioids of abuse with lofexidine or clonidine; the percent of clients on MAT for opioid use disorder that receive maintenance services, detoxification, and relapse prevention; testing for metabolic syndrome; drug and alcohol oral fluid testing; professional interventionist/educational consultant; recovery coach; vocational training or educational support; Naloxone and overdose education; ''Outcome follow-up after discharge'' which was moved from another question; medications for HIV treatment; medications for Hepatitis C treatment; the medications lofexidine and clonidine; Hepatitis A and B vaccinations; Buprenorphine *(extended-release, injectable, for example, Sublocade®)*''; clients with co-occurring pain and substance use; Federally Qualified Health Centers (FQHC); Disulfiram, Naltrexone, or Acamprosate for alcohol use disorder for outpatient, inpatient, and residential. Also, response categories were added to select that services are not provided, and for medication services provided, an ''other'' category was added.

The following items have been deleted compared to the 2017 N–SSATS: Questions about religious affiliation, standard operating procedures, outpatient capacity, how (paper/electronic/both) a facility performs selected activities, and the item asking about Access To Recovery (ATR) client payments have been deleted.

The following additional changes have been made compared to the 2017 N–SSATS: Removed the asterisk from the question about primary focus of facilities, which means the information will no longer be published on the N–SSATS treatment locator; reorganized the question about services offered; moved the question on types of counseling to the question about services offered; changed the wording from Screening for Hepatitis B and C to Testing for Hepatitis B and C; changed ''Screening for mental health disorders'' to ''Screening for mental disorders''; changed the question about clinical/therapeutic approaches to a ''mark all that apply'' format; changed the wording from ''Computerized substance abuse treatment/telemedicine'' to ''Telemedicine/telehealth''; changed the question wording about the number of outpatient clients so it states, ''As of March 29, 2019, how many active clients were receiving each of the following outpatient substance abuse services at this facility?'' and changed the instructions to state ''An active client is a client who received treatment in March and is still enrolled in treatment on March 29, 2019.''; and changed the question about halfway houses so it states, ''Does this facility operate transitional housing, a halfway house, or a sober home for substance abuse clients at this location, that is, the location listed on the front cover?''

For the question about how facilities treat opioid use disorder, information was added about the question that states, ''For this question, MAT refers to any or all of these medications unless specified.'' Also, category 5 was reworded to say ''This facility administers naltrexone to treat opioid use disorder. Naltrexone use is authorized through any medical staff who have prescribing privileges.'' In addition, a category was added, ''This facility prescribes buprenorphine to treat opioid use disorder.

Buprenorphine use is authorized through a DATA 2000 waivered physician, physician assistant, or nurse practitioner.'' Finally, for the last option, the wording was changed to ''This facility is a *federally-certified* Opioid Treatment Program (OTP). (Most OTPs administer/dispense methadone; some only use buprenorphine.)''

Version B (2020)

All changes to the 2019 N–SSATS were made for the 2020 N–SSATS except: Add the question asking if a facility is part of an organization with multiple facilities or sites, and if applicable, the question asking information about the parent site; remove the question about the percent of clients on MAT for opioid use disorder that receive maintenance services, detoxification, and relapse prevention; All of Section B (Reporting Client Counts) has been deleted which includes: How the facility will complete client counts; number of facilities in client counts; names and addresses of additional facilities reported for; number of hospital inpatient client counts by category, by number under age 18, number receiving methadone, buprenorphine, or naltrexone, and number of dedicated beds; number of residential client counts by category, by number under age 18, and number receiving methadone, buprenorphine, or naltrexone, and number of dedicated beds; number of outpatient client counts by category, by number under age 18, and number receiving methadone, buprenorphine, or naltrexone; type of substance abuse problem, percent of co-occurring clients; and 12-month admissions; remove questions about how many hospital inpatients, residential clients, and outpatient clients received Disulfiram, Naltrexone, and Acamprosate for alcohol use disorder; and add several new electronic health record questions.

N–SSATS (Between Cycles—BC)

The same changes to the 2020 N–SSATS (Version B) are requested for the N–SSATS BC except the electronic health record questions will not be added.

ESTIMATED ANNUAL BURDEN FOR THE BHSIS ACTIVITIES IS SHOWN BELOW

Type of respondent and activity	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
States:					
I–BHS Online [1]	56	75	4,200	0.08	336
State Subtotal	56		4,200		336
Facilities:					
I–BHS application [2]	800	1	800	0.08	64
Augmentation screener	1,300	1	1,300	0.08	104
N–SSATS questionnaire	17,000	1	17,000	0.66	11,333
N–SSATS BC	1,000	1	1,000	0.58	580
Facility Subtotal	20,100		20,100		12,081
Total	20,156		24,300		12,417

[1] States use the I–BHS Online system to submit information on newly licensed/approved facilities and on changes in facility name, address, status, etc.

[2] New facilities complete and submit the online I–BHS application form in order to get listed on the Inventory.

Written comments and recommendations concerning the proposed information collection should be sent by October 31, 2018 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2018–21253 Filed 9–28–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Testing of Electronic Health Records Questions for the National Survey of Substance Abuse Treatment Services (N–SSATS) and the National Mental Health Services Survey (N–MHSS)—NEW

The Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Behavioral Health Statistics and Quality (CBHSQ), is requesting approval for conducting cognitive testing on the use of electronic health records (EHRs) by substance abuse and mental health treatment facilities in the United States. The final goal of this cognitive testing is to incorporate questions on electronic health records to SAMHSA's National Survey of Substance Abuse Treatment Services (N–SSATS) and the National Mental Health Services Survey (N–MHSS).

Currently, there is a lack of national level data that exists on behavioral health care providers' progress toward interoperability. The National Council

for Behavioral Health in 2011/2012 conducted a survey to determine health information technology (IT) readiness. This data focused only on the membership of the National Council for Behavioral Health and does not provide national baseline data on the four domains of interoperability that are outlined in the Interoperability Roadmap (finding, sending, receiving and integrating data into EHRs) for behavioral health care providers. Currently, these providers are not eligible to participate in interoperability driving efforts such as the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA) initiative. However, some behavioral health providers may be eligible in the future to participate in value-based payment initiatives such as the Merit-Based Incentive Payment System (MIPS). Measuring and reporting the state of interoperability will help to determine the type of support these providers need and their readiness to participate in delivery system reform efforts in the future.

Collaboration between the Office of the National Coordinator for Health Information Technology (ONC) and SAMHSA on this data collection effort will provide an efficient manner to track trends in health IT adoption, use, and interoperability among behavioral health care providers. In addition, this collaboration will contribute to the development of strategic efforts to leverage health IT in behavioral health care settings to provide cost effective, high quality and patient-centered care. Results from this testing will allow ONC and SAMHSA to work together to quantitatively assess health IT adoption and interoperability among behavioral health care providers using SAMHSA's current national surveys, the National Survey of Substance Abuse Treatment Services (N–SSATS) and the National Mental Health Services Survey (N–MHSS).

The information obtained from these efforts will be used to develop a new set of questions on the use and implementation of EHRs in behavioral health facilities for the N–SSATS and the N–MHSS surveys. Specifically, the information from the testing will be used to reduce respondent burden while simultaneously improving the quality of the data collected in these surveys.

Data from this testing will be collected mostly via telephone interviews, and few cases conducted with in-person interviews. Results of this test will not be disseminated or used to inform policy, program, or budget decisions. Findings will be shared between ONC and SAMHSA staff to decide how the tested questions will be incorporated in the surveys.

It is estimated that the total burden for this project is 40 hours, based on a maximum of 80 interviews with an average of 30 minutes per interview.

The request for OMB seeks approval to conduct this testing of EHR questions during the Fall of 2018 for possible implementation starting in 2020.

The total estimated burden for this study is 39.2 hours for the period from September through December 2018.

Survey	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
Interviews	80	1	80	.50	40

Written comments and recommendations concerning the proposed information collection should be sent by October 31, 2018 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2018–21252 Filed 9–28–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2018–0025; OMB No. 1660–0040]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Standard Flood Hazard Determination Form

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before October 31, 2018.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Susan Bernstein, Insurance Specialist, FIMA, Marketing and Outreach Branch, (202) 701–3595.

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on June 29, 2018 at 83 FR 30758 with a 60-day public comment period. No public comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection

abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Standard Flood Hazard Determination Form.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0040.

Form Titles and Numbers: FEMA Form 086–0–32, Standard Flood Hazard Determination Form.

Abstract: This form is used by regulated lending institutions, federal agency lenders, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Government National Mortgage Association. Federally regulated lending institutions complete this form when making, increasing, extending, renewing or purchasing each loan for the purpose of determining whether flood insurance is required and available. FEMA is responsible for maintaining the form and making it available.

Affected Public: Business and other For-Profit; and Individuals or Households.

Estimated Number of Respondents: 26,616,265.

Estimated Number of Responses: 26,616,265.

Estimated Total Annual Burden Hours: 8,783,367.

Estimated Total Annual Respondent Cost: $208,956,300.

Estimated Respondents' Operation and Maintenance Costs: 0.

Estimated Respondents' Capital and Start-Up Costs: 0.

Estimated Total Annual Cost to the Federal Government: 0.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

William H. Holzerland,

Sr. Director, Information Management Division, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2018–21322 Filed 9–28–18; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2018–0021; OMB No. 1660–0112]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; FEMA Preparedness Grants: Transit Security Grant Program (TSGP)

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before October 31, 2018.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Brian Copeland, Section Chief, FEMA, Grant Programs Directorate, 202–786–0810.

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on April 12, 2018 at 83 FR 15863 with a 60 day public comment period. No comments were received. Minor changes were made to the Estimated Total Annual Respondent Cost and Estimated Total Annual Cost to the Federal Government to accommodate updated wage rates. The updated costs are included below. The Transit Security Grant Program (TSGP) is a FEMA grant program that focuses on transportation infrastructure protection activities. The collection of information for TSGP is mandated by Section 1406, Title XIV of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135), which directs the Secretary to establish a program for making grants to eligible public transportation agencies for security improvements. Additionally, information is collected in accordance with Section 1406(c) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135(c)) which authorizes the Secretary to determine the requirements for grant recipients, including application requirements. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: FEMA Preparedness Grants: Transit Security Grant Program (TSGP).

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0112.

FEMA Forms: FEMA Form 089–4, TSGP Investment Justification; FEMA Form 089–4A, TSGP Investment Justification Background Document; FEMA Form 089–4B, TSGP Five-Year Security Capital and Operational Sustainment Plan.

Abstract: The TSGP is an important component of the Department's effort to enhance the security of the Nation's critical infrastructure. The program provides funds to owners and operators of transit systems to protect critical surface transportation infrastructure and the traveling public from acts of terrorism, major disasters, and other emergencies.

Affected Public: Business or other for-profit; State, local, or Tribal government.

Estimated Number of Respondents: 123.

Estimated Number of Responses: 492.

Estimated Total Annual Burden Hours: 5,781 hours.

Estimated Total Annual Respondent Cost: $289,223.43.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $849,475.20.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

William H. Holzerland,

Sr. Director, Information Management Division, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2018–21315 Filed 9–28–18; 8:45 am]

BILLING CODE 9110–46–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3388–EM; Docket ID FEMA–2018–0001]

Seminole Tribe of Florida; Amendment No. 4 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the Seminole Tribe of Florida (FEMA–3388–EM), dated September 8, 2017, and related determinations.

DATES: The change occurred on August 29, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Thomas J. McCool, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency.

This action terminates the appointment of Allan Jarvis as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–21238 Filed 9–28–18; 8:45 am]

BILLING CODE 9111–11–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4341–DR; Docket ID FEMA–2018–0001]

Seminole Tribe of Florida; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Seminole Tribe of Florida (FEMA–4341–DR), dated September 27, 2017, and related determinations.

DATES: The change occurred on August 29, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Thomas J. McCool, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Allan Jarvis as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–21239 Filed 9–28–18; 8:45 am]

BILLING CODE 9111–11–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2018–0014; OMB No. 1660–0073]

Agency Information Collection Activities: Proposed Collection; Comment Request; National Urban Search and Rescue Response System

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Correction notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Urban Search and Rescue Response System information collection. A notice for this collection was previously published as an extension, without change, of a currently approved collection. However, a change has since been made, and this collection is now being submitted to the Office of Management and Budget for review and

clearance as a revision of a currently approved collection. The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a revision of a currently approved information collection.

DATES: Comments must be submitted on or before November 30, 2018.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2018–0014. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW, 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Wanda Casey, Chief, Program Management Section, US&R Branch, FEMA, Response Directorate, Operations Division, at (202) 646–4013. You may contact the Information Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: Section 303 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5144, authorizes the President of the United States to form emergency support teams of Federal personnel to be deployed to an area affected by major disaster or emergency. Section 403(a)(3)(B) of the Stafford Act provides that the President may authorize Federal Agencies to perform work on public or private lands essential to save lives and protect property, including search and rescue and emergency medical care, and other essential needs. Section 327 of the Stafford Act further authorizes the National US&R Response System (''the System'') and outlines the Administrator's authorization to designate teams as well as outlines specific protections for System members.

The information collection activity is authorized under the OMB circular, 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.'' The collection contains information from the programmatic and administrative activities of the US&R Sponsoring Agencies relating to the readiness and response cooperative agreement awards. FEMA proposes to update FEMA Form 089–0–10 to remove all instances requesting ''name.''

Collection of Information

Title: National Urban Search and Rescue Response System.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0073.

FEMA Forms: FEMA Form 089–0–10, Urban Search Rescue Response System Narrative Statement Workbook; FEMA Form 089–0–11, Urban Search Rescue Response System Semi-Annual Performance Report; FEMA Form 089–0–12, Urban Search Rescue Response System Amendment Form; FEMA Form 089–0–14, Urban Search Rescue Response System Task Force Self-Evaluation Scoresheet; FEMA Form 089–0–15, Urban Search Rescue Response System Task Force Deployment Data; FEMA Form 089–0–26, Vehicle Support Unit Purchase/Replacement/Disposal Justification.

Abstract: The information collection activity is the collection of financial, program, and administrative information for US&R Sponsoring Agencies relating to readiness and response for Cooperative Agreement awards.

Affected Public: State, Local, or Tribal Government.

Estimated Number of Respondents: 154.

Estimated Number of Responses: 210.

Estimated Total Annual Burden Hours: 392.

Estimated Total Annual Respondent Cost: $20,654.48.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $121,403.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

William H. Holzerland,

Sr. Director, Information Management Division, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2018–21321 Filed 9–28–18; 8:45 am]

BILLING CODE 9110–54–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3402–EM; Docket ID FEMA–2018–0001]

Commonwealth of the Northern Mariana Islands; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the Commonwealth of the Northern Mariana Islands (FEMA–3402–EM), dated September 10, 2018, and related determinations.

DATES: This amendment was issued September 21, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective September 11, 2018.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant;

97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–21237 Filed 9–28–18; 8:45 am]

BILLING CODE 9111–11–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0051]

Office for Interoperability and Compatibility Seeks Nominations for the Project 25 Compliance Assessment Program (P25 CAP) Advisory Panel

AGENCY: Science and Technology Directorate, DHS.

ACTION: Notice.

SUMMARY: The Department of Homeland Security (DHS) is seeking nominations and expressions of interest for filling one open position on the Project 25 (P25) Compliance Assessment Program (CAP) Advisory Panel (AP). The P25 CAP AP holds quarterly meetings with the public on topics related to P25 CAP. The next meeting is scheduled for the October 2018 timeframe.

DATES: All responses must be received by October 31, 2018 at the address listed below.

ADDRESSES: Expressions of interest and nominations shall be submitted to *P25CAP@hq.dhs.gov.*

Instructions: All submissions received must include the words ''Department of Homeland Security'' and DHS–2018–0051.

FOR FURTHER INFORMATION CONTACT: Sridhar Kowdley, Program Manager, Office for Interoperability and Compatibility, Science and Technology Directorate, Department of Homeland Security, 202–254–8804, *Sridhar.Kowdley@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

P25 is a standards development process for the design, manufacture, and evaluation of interoperable digital two-way land mobile radio communications products created by and for public safety professionals. The goal of P25 is to specify formal standards for interfaces and features between the various components of a land mobile radio system commonly used by public safety agencies in portable handheld and mobile vehicle-mounted devices. The P25 standard enables interoperability among different suppliers' products.

P25 CAP was developed by DHS to test equipment designed to comply with P25 standards. P25 CAP ensures that communications equipment that is declared by the supplier to be P25-compliant, in fact, is tested against the standards with publicly published results. The program provides public safety agencies with evidence that the communications equipment they are purchasing is tested against and complies with the P25 standards for performance, conformance, and interoperability. The P25 CAP AP provides a resource by which DHS gains insight into the collective interest of organizations that procure P25-compliant equipment and a resource for DHS to continue to establish the policies of the P25 CAP, along with assisting the DHS Office for Interoperability and Compatibility (OIC) in the administration of the program.

P25 CAP is a voluntary program that provides a mechanism for the recognition of testing laboratories based on internationally accepted standards. It identifies competent P25 CAP testing laboratories for DHS-recognition through a robust assessment process and promotes the acceptance of compliant test results from these laboratories.

As a voluntary program, P25 CAP allows suppliers to publicly attest to their products' compliance with a selected group of requirements through Summary Test Report (STR) and Supplier's Declaration of Compliance (SDOC) documents based on the Detailed Test Report (DTR) from the DHS-recognized laboratory(ies) that performed the product testing. In turn, DHS makes these documents available to the first response community to inform their purchasing decisions via the *dhs.gov/science-and-technology/p25-cap* website.

Membership

The Science and Technology Directorate (S&T) of DHS formed the P25 CAP AP to provide S&T with the views of active local, state, tribal, territorial and Federal government officials who use or whose offices use portable handheld and mobile vehicle-mounted radios. Those government officials selected to participate in the P25 CAP AP are selected based on their experience with the management and procurement of land mobile radio systems or knowledge of conformity assessment programs and methods. The OIC selection process balances viewpoints required to effectively address P25 CAP issues under consideration. To fill one open position on the P25 CAP AP, OIC is particularly interested in receiving nominations and expressions of interest from individuals in the following categories:

- State, tribal, territorial, or local government agencies and organizations with expertise in communications issues and technologies.
- Federal government agencies with expertise in communications or homeland security matters.

While OIC can call for a meeting of the P25 CAP AP as it deems necessary and appropriate, for member commitment and planning purposes, it is anticipated that the P25 CAP AP will meet approximately 3–4 times annually in their role of providing guidance and support to the P25 CAP.

Those selected to serve on the P25 CAP AP will be required to sign a gratuitous services agreement and will not be paid or reimbursed for their participation; however, DHS S&T will, subject to the availability of funds, reimburse the travel expenses associated with the participation of non-Federal members in accordance with Federal Travel Regulations. OIC reserves the right to select primary and alternate members to the P25 CAP AP for terms appropriate for the accomplishment of the Board's mission. Members serve at the pleasure of the OIC Director.

Registered lobbyists pursuant to the Lobbying Disclosure Act of 1995 are not eligible for membership on the P25 CAP AP and will not be considered.

Roles and Responsibilities

The duties of the P25 CAP AP will include providing recommendations of its individual members to OIC regarding actions and steps OIC could take to promote the P25 CAP. The duties of the P25 CAP AP may include but are not limited to its members reviewing, commenting on, and advising on:

a. The laboratory component of the P25 CAP under established, documented laboratory recognition guidelines.

b. Proposed Compliance Assessment Bulletins (CABs).

c. Proposed updates to previously approved CABs, as Notices of Proposed CABs, to enable comment and input on the proposed CAB modifications.

d. OIC updates to existing test documents or establishing new test documents for new types of P25 equipment.

e. Best practices associated with improvement of the policies and procedures by which the P25 CAP operates.

f. Existing test documents including but not limited to SDOCs and STRs posted on the *dhs.gov/science-and-technology/p25-cap* website.

g. Proposed P25 user input for improving functionality through the standards-making process.

Nominations/Expressions of Interest Procedures and Deadline

Nominations and expressions of interest shall be received by OIC no later than October 31, 2018 at the address *P25CAP@hq.dhs.gov.* Nominations and expressions of interest received after this date shall not be considered. All submissions received must include the words ''Department of Homeland Security'' and DHS–2018–0051. Each nomination and expression of interest must provide the following information as part of the submission:

- A cover letter that highlights a history of proven leadership within the public safety community including, if applicable, a description of prior experience with law enforcement, fire response, emergency medical services, emergency communications, National Guard, or other first responder roles and how the use of communications in those roles qualifies the nominee to participate on the P25 CAP AP.
- Name, title, and organization of the nominee.
- A resume summarizing the nominee's contact information (including the mailing address, phone number, facsimile number, and email address), qualifications, and expertise to explain why the nominee should be appointed to the P25 CAP AP.
- The resume must demonstrate a minimum of ten years (10) years of experience directly using P25 systems in an operational environment in support of established public safety communications or from a system implementer/administrator perspective; a bachelor's or associate degree with an emphasis in communications and engineering may be substituted for three (3) years, a master's/professional certification for seven (7) years, and a Ph.D. for ten (10) years of the requirement.
- The resume must discuss the nominee's familiarity with the current P25 CAP, including documents that are integral to the process such as the SDOCs, STRs, and CABs referenced in this notice.
- A letter from the nominee's supervisor indicating the nominee's agency's support for the nominee to participate on the P25 CAP AP as a representative from their respective agency.
- Disclosure of Federal boards, commissions, committees, task forces, or work groups on which the nominee currently serves or has served within the past 12 months.
- A statement confirming that the nominee is not registered as a lobbyist pursuant to the Lobbying Disclosure Act of 1995.

Additional information can be found as follows: Project 25 Compliance Assessment Program and Compliance Assessment Bulletins. *https://www.dhs.gov/science-and-technology/bulletins.*

Dated: September 24, 2018.

William N. Bryan,

Senior Official Performing the Duties of Under Secretary for Science and Technology, Department of Homeland Security.

[FR Doc. 2018–21241 Filed 9–28–18; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6101–N–02]

Notice of Regulatory Waiver Requests Granted for the Second Quarter of Calendar Year 2018

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on April 1, 2018 and ending on June 30, 2018.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Ariel Pereira, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 7th Street SW, Room 10282, Washington, DC 20410–0500, telephone 202–708–1793 (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.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the second quarter of calendar year 2018.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request; and

e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from April

1, 2018 through June 30, 2018. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the second quarter of calendar year 2018) before the next report is published (the third quarter of calendar year 2018), HUD will include any additional waivers granted for the second quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: September 25, 2018.

J. Paul Compton Jr.,

General Counsel.

Appendix

Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development April 1, 2018 Through June 30, 2018

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

I. Regulatory Waivers Granted by the Office of Community Planning and Development
II. Regulatory Waivers Granted by the Office of Fair Housing and Equal Opportunity
III. Regulatory Waivers Granted by the Office of Housing
IV. Regulatory Waivers Granted by the Office of Public and Indian Housing

I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 576.403(b).

Project/Activity: HUD granted a limited waiver of 24 CFR 576.403(b) to the Commonwealth of Puerto Rico for emergency shelters unable to meet ESG Program habitability standards for illumination and electricity due to the aftereffects of Hurricane Maria. The waiver of 24 CFR 576.403(b)(8) is provided for 120 days beginning on the date of the waiver memorandum (April 27, 2018) for shelters in areas that still lack power provided that: (1) Were electricity to be available to the shelter, the shelter would meet the minimum illumination and electricity standards in 24 CFR 576.403(b)(8); and (2) to the extent electricity is unavailable, adequate natural or artificial illumination (including battery-powered illumination) is available to support the occupants' health and safety. Further, shelters may be required to provide electricity to people with disabilities as a reasonable accommodation under Section 504 and the Americans with Disabilities Act (ADA). See 24 CFR 8.11; 28 CFR 35.130(b)(7)(i).

Nature of Requirement: If ESG funds are used for shelter operations costs, the shelter must meet the minimum safety, sanitation, and privacy standards under 24 CFR 576.403(b); and must comply with Section 504's accessibility requirements in 24 CFR part 8. If ESG funds are used to convert a building into a shelter, rehabilitate a shelter, or otherwise renovate a shelter, the shelter must meet the minimum safety, sanitation, and privacy standards in 24 CFR 576.403(b); accessibility requirements in Section 504 and Title II of the ADA; as well as applicable state or local government safety and sanitation standards. The habitability standards generally consist of basic health and safety standards.

Granted by: Neal Rackleff, Assistant Secretary for Community Planning and Development.

Date Granted: April 27, 2018.

Reason Waived: During the aftermath of Hurricane Maria, the Commonwealth's electrical infrastructure is still in need of major repairs to restore power to many areas. As a result, shelter facilities affected by the disaster may not be equipped to meet ESG Program habitability standards for illumination and electricity but can otherwise provide a safe alternative to unsheltered or otherwise unsafe housing situations.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

• *Regulation:* 24 CFR 576.403(c).

Project/Activity: HUD granted a limited waiver of 24 CFR 576.403(c) to the Commonwealth of Puerto Rico for housing unable to meet ESG Program habitability standards for illumination and electricity due to the aftereffects of Hurricane Maria. The waiver of 24 CFR 576.403(c)(7) is provided for 120 days beginning on the date of the waiver memorandum (April 27, 2018) for ESG-assisted housing in areas that still lack power provided that: (1) Were electricity to be available to the housing, the housing would meet the minimum illumination and electricity standards in 24 CFR 576.403(c)(7); and (2) to the extent electricity is unavailable, adequate natural or artificial illumination (including battery-powered illumination) is available to support the occupants' health and safety. Further, housing may be required to have electricity as a reasonable accommodation for individuals with disabilities under Section 504 and the Americans with Disabilities Act (ADA). See 24 CFR 8.11; 28 CFR 35.130(b)(7)(i).

Nature of Requirement: If ESG funds are used to help a program participant remain or move into housing, the housing must meet the minimum habitability standards provided in 24 CFR 576.403(c); and must comply with Section 504's accessibility requirements in 24 CFR part 8. The habitability standards generally consist of basic health and safety standards.

Granted by: Neal Rackleff, Assistant Secretary for Community Planning and Development.

Date Granted: April 27, 2018.

Reason Waived: The Commonwealth's electrical infrastructure is still in need of major repairs to restore power to many areas. As a result, housing units affected by the disaster may not be equipped to meet ESG Program habitability standards for illumination and electricity but can otherwise provide a safe alternative to unsheltered or otherwise unsafe housing situations.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

• *Regulation:* 24 CFR 576.106(e).

Project/Activity: HUD granted a waiver of 24 CFR 576.106(e) to the Massachusetts Department of Housing and Community Development (DHCD). The waiver is provided to allow DHCD's subrecipient, the South Middlesex Opportunity Council (SMOC), to provide ESG-funded rapid re-housing (RRH) rental assistance in housing owned by SMOC under the conditions that: (1) SMOC executes a rental assistance agreement with each tenant, which supports the costs charged to the grant and establishes the terms of the rental assistance (including subsidy amount and period of assistance); (2) the waiver will only be used to allow SMOC to provide ESG tenant based rental assistance to program participants who choose to live in units SMOC owns; (3) SMOC will have a different department conduct unit inspections and rent reasonableness determinations; and (4) DHCD will conduct closer, more frequent monitoring of SMOC, including unit site visits and paying particular attention to SMOC's rent

reasonableness documentation and compatibility with the habitability standards in 24 CFR 576.403.

Nature of Requirement: Section 576.106(e) provides that the recipient or subrecipient may make rental assistance payments only to an owner with whom the recipient or subrecipient has entered into an agreement that sets forth the terms under which rental assistance will be provided. HUD implemented the rental assistance agreement requirement to ensure that a legal document establishes the type, amount, maximum time period, and other conditions of rental assistance to be paid with ESG funds. The rental assistance agreement requirement helps protect recipients and subrecipients by ensuring rental assistance payments are only made to owners who agree to be legally bound to the specific conditions imposed on those payments. But more importantly, the agreement protects the program participant by ensuring the subrecipient or recipient pays the subsidy on time and as specified in the agreement, and the owner applies those payments to the program participant's rent. Finally, the agreement provides a source document to support the costs charged to the grant and a record to show that rental assistance was administered in accordance with applicable requirements.

Granted by: Neal Rackleff, Assistant Secretary for Community Planning and Development.

Date Granted: May 10, 2018.

Reason Waived: According to DHCD, SMOC is the leading provider to low income and affordable housing in its area of operation. As a result, SMOC not only owns a significant number of rental housing available for ESG Program participants but also serves as the main provider of services in the region. Due to a critical lack of subrecipients in the area where SMOC-owned housing is located that could administer rental assistance in place of SMOC, the possibility of having two current ESG subrecipients administer rental assistance remotely, which would eliminate the need to waive the rental assistance agreement requirement, is too administratively burdensome for both DHCD and its subrecipients.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

II. Regulatory Waivers Granted by the Office of Fair Housing and Equal Opportunity

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR Sec 115.305.

Project/Activity: Fair Housing Assistance Program (FHAP), Washington, DC.

Nature of Requirement: FHEO is providing an Enforcement Fund under existing SEE fund authority set forth at 24 CFR Sec 115.305 for the purpose of providing financial assistance to FHAP agencies struggling with litigation costs. SEE funds are funds that HUD may provide to a FHAP agency to support enforcement activities of the FHAP agency's fair housing law. SEE funds are limited by regulation to 20 percent of an agency's total FHAP cooperative agreement for the previous contract year.

Granted by: Anne Maria Farías, Assistant Secretary for Fair Housing and Equal Opportunity.

Date Granted: May 4, 2018.

Reason Waived: Waiver of the 20 percent limitation on SEE funds for eligible FHAP agencies whose total cooperative agreement for fiscal year 2017 was less than $300,000. This allows more meaningful support for small and medium-sized agencies.

Contact: Joseph A. Pelletier, Director, Fair Housing Assistance Division, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street SW, Room 5206, Washington, DC 20410, telephone (202) 402–2126.

III. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 266.200(b)(2).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Program regulations for six (6) projects, Risk Sharing Initiative through Calendar Year 2019, Substantial Rehabilitation, District of Columbia Housing Finance Agency (DCHFA), Washington, DC, no project names listed.

Nature of Requirement: The Waiver of 24 CFR 266.200(b)(2), Substantial Rehabilitation. The Department will permit the revised definition of substantial rehabilitation (S/R) as described in the revised MAP Guide published on January 29, 2016, such that S/R is: Any scope of work that either: (a) Exceeds in aggregate cost a sum equal to the 'base per dwelling unit limit' times the applicable High Cost Factor, or (b) Replacement of two or more building systems. 'Replacement' is when the cost of replacement work exceeds 50 percent of the cost of replacing the entire system. The High Cost Factors for 2018 were recently published through a Housing Notice (HN) on May 23, 2018 and the revised statutory limits were published in the **Federal Register** on November 7, 2017. The 2018 base dwelling unit amount to determine substantial rehabilitation for FHA insured loan programs has been increased from $15,000 (changed from $6,500 per unit in the 2016 MAP guide) to $15,636. This amount will change annually based upon the change in the annual Consumer Price Index (CPI), along with the statutory limits or other inflation cost index published by HUD.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner, H.

Date Granted: June 21, 2018.

Reason Waived: Granted waivers of certain provisions of the Federal Financing Bank (FFB) Risk-Sharing Program regulations for six (6) projects utilizing the FFB Risk-Sharing Initiative through the end of Calendar Year 2019. Under this initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the Multifamily Risk Sharing Program.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

• *Regulation:* 24 CFR 266.200(b)(2).

Project/Activity: Federal Financing Bank (FFB) Risk-Sharing Program regulations for an additional 12 projects for a total of 29 projects utilizing the Federal Financing Bank (FFB) Risk-Sharing Initiative through the end of Calendar Year 2019, Substantial Rehabilitation, New Hampshire Housing Finance Authority (NHHFA), Bedford, New Hampshire, no project names listed.

Nature of Requirement: The Waiver of 24 CFR 266.200(b)(2), Substantial Rehabilitation. The Department will permit the revised definition of substantial rehabilitation (S/R) as described in the revised MAP Guide published on January 29, 2016, such that S/R is: Any scope of work that either: (a) Exceeds in aggregate cost a sum equal to the 'base per dwelling unit limit' times the applicable High Cost Factor, or (b) Replacement of two or more building systems. 'Replacement' is when the cost of replacement work exceeds 50 percent of the cost of replacing the entire system.

The High Cost Factors for 2018 were recently published through a Housing Notice (HN) on May 23, 2018 and the revised statutory limits were published in the **Federal Register** on November 7, 2017. The 2018 base dwelling unit amount to determine substantial rehabilitation for FHA insured loan programs has been increased from $15,000 (changed from $6,500 per unit in the 2016 MAP guide) to $15,636. This amount will change annually based upon the change in the annual Consumer Price Index (CPI), along with the statutory limits or other inflation cost index published by HUD.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: June 13, 2018.

Reason Granted: Under this initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program. When NHHFA has received Firm approval letters for the total of 26 projects utilizing the FFB Risk Sharing Initiative, absent revisions to the Part 266 regulations, NHHFA will need to submit a subsequent written request for these four regulations to be waived for a set number of additional projects.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

• *Regulation:* 24 CFR 266.200(b)(2).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Program regulations for forty (40), utilizing the FFB Risk Sharing Initiative, Substantial Rehabilitation, Wisconsin Housing and Economic

Development Authority (WHEDA), Madison, Wisconsin, no project names listed.

Nature of Requirement: The Waiver of 24 CFR 266.200(b)(2), Substantial Rehabilitation. The Department will permit the revised definition of substantial rehabilitation (S/R) as described in the revised MAP Guide published on January 29, 2016, such that S/R is: Any scope of work that either: (a) Exceeds in aggregate cost a sum equal to the 'base per dwelling unit limit' times the applicable High Cost Factor, or (b) Replacement of two or more building systems. 'Replacement' is when the cost of replacement work exceeds 50 percent of the cost of replacing the entire system.

The High Cost Factors for 2018 were recently published through a Housing Notice (HN) on May 23, 2018 and the revised statutory limits were published in the **Federal Register** on November 7, 2017. The 2018 base dwelling unit amount to determine substantial rehabilitation for FHA insured loan programs has been increased from $15,000 (changed from $6,500 per unit in the 2016 MAP guide) to $15,636. This amount will change annually based upon the change in the annual Consumer Price Index (CPI), along with the statutory limits or other inflation cost index published by HUD.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: June 21, 2018.

Reason Waived: Under this initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk-Sharing Program. When WHEDA has received Firm approval letters for 40 projects utilizing the FFB Risk Sharing Initiative, absent revisions to the Part 266 regulations, WHEDA will need to submit a subsequent written request for these four regulations to be waived for a set number of additional projects.

• *Regulation:* 24 CFR 266.200(c)(2).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Equity Take Outs. District of Columbia Housing Finance Agency (DCHFA), Washington, DC.

Nature of Requirements: The Waiver of 24 CFR 266.200(c)(2), Existing Projects ''Equity Take-outs''. The Department will permit the insured mortgage to exceed the sum of the total cost of acquisition, cost of financing, cost of repairs, and reasonable transaction costs, or ''equity take-outs'' in refinances of DCHFA-financed projects and those outside DCHFA's portfolio if the result is preservation with the following conditions:

1. Occupancy is no less than 93 percent for previous 12 months;

2. No defaults in the last 12 months of the HFA loan to be refinanced;

3. A 20-year affordable housing deed restriction placed on title that conforms to the Section 542(c) statutory definition;

4. A Property Capital Needs Assessment (PCNA) must be performed and funds escrowed for all necessary repairs, and reserves funded for future capital needs; and

5. For projects subsidized by Section 8 Housing Assistance Payment (HAP) contracts:

a. Owner agrees to renew HAP contract(s) for 20-year term, (subject to appropriations and statutory authorization, etc.), and

b. In accordance with regulations in 24 CFR 883.306(e), and Housing Notice 2012–14—Use of ''New Regulation'' Section 8 Housing Assistance Payments (HAP) Contracts Residual Receipts of Offset Project-Based Section 8 Housing Assistance Payments, if at any time DCHFA determines that a project's excess funds (surplus cash) after project operations, reserve requirements and permitted distributions are met, DCHFA must place the excess funds into a separate interest-bearing account. Upon renewal of a HAP Contract the excess funds can be used to reduce future HAP payments or other project operations/purposes. When the HAP Contract expires, is terminated, or any extensions are terminated, any unused funds remaining in the Residual Receipt Account at the time of the contract's termination must be returned to HUD.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: June 21, 2018.

Reason Waived: Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202)402–5693.

• *Regulation:* 24 CFR 266.200(c)(2).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Equity Take Outs. Wisconsin Housing and Economic Development Authority (WHEDA), Madison, Wisconsin.

Nature of Requirement: The Waiver of 24 CFR 266.200(c)(2), Existing Projects ''Equity Take-outs''. The Department will permit the insured mortgage to exceed the sum of the total cost of acquisition, cost of financing, cost of repairs, and reasonable transaction costs, or ''equity take-outs'' in refinances of WHEDA-financed projects and those outside WHEDA's portfolio if the result is preservation with the following conditions:

1. Occupancy is no less than 93 percent for previous 12 months;

2. No defaults in the last 12 months of the HFA loan to be refinanced;

3. A 20-year affordable housing deed restriction placed on title that conforms to the Section 542(c) statutory definition;

4. A Property Capital Needs Assessment (PCNA) must be performed and funds escrowed for all necessary repairs, and reserves funded for future capital needs; and

5. For projects subsidized by Section 8 Housing Assistance Payment (HAP) contracts:

a. Owner agrees to renew HAP contract(s) for 20-year term, (subject to appropriations and statutory authorization, etc.); and

b. In accordance with regulations in 24 CFR 883.306(e), and Housing Notice 2012–14—Use of ''New Regulation'' Section 8 Housing Assistance Payments (HAP) Contracts Residual Receipts of Offset Project-Based Section 8 Housing Assistance Payments, if at any time WHEDA determines that a project's excess funds (surplus cash) after project operations, reserve requirements and permitted distributions are met, WHEDA must place the excess funds into a separate interest-bearing account. Upon renewal of a HAP Contract the excess funds can be used to reduce future HAP payments or other project operations/purposes. When the HAP Contract expires, is terminated, or any extensions are terminated, any unused funds remaining in the Residual Receipt Account at the time of the contract's termination must be returned to HUD.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: June 21, 2018.

Reason Waived: Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

• *Regulation:* 24 CFR 266.200(c)(2).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Equity Take-Outs. New Hampshire Housing Finance Authority (NHHFA), Bedford, New Hampshire.

Nature of Requirement: The Waiver of 24 CFR 266.200(c)(2), Existing Projects ''Equity Take-outs''. The Department will permit the insured mortgage to exceed the sum of the total cost of acquisition, cost of financing, cost of repairs, and reasonable transaction costs, or ''equity take-outs'' in refinances of NHHFA-financed projects and those outside NHHFA's portfolio if the result is preservation with the following conditions:

1. Occupancy is no less than 93 percent for previous 12 months;

2. No defaults in the last 12 months of the HFA loan to be refinanced;

3. A 20-year affordable housing deed restriction placed on title that conforms to the Section 542(c) statutory definition;

4. A Property Capital Needs Assessment (PCNA) must be performed and funds escrowed for all necessary repairs, and reserves funded for future capital needs; and

5. For projects subsidized by Section 8 Housing Assistance Payment (HAP) contracts:

a. Owner agrees to renew HAP contract(s) for 20-year term, (subject to appropriations and statutory authorization, etc.), and

b. In accordance with regulations in 24 CFR 883.306(e), and Housing Notice 2012–14—Use of ''New Regulation'' Section 8 Housing Assistance Payments (HAP) Contracts Residual Receipts of Offset Project-Based Section 8 Housing Assistance Payments, if at any time NHHFA determines that a project's excess funds (surplus cash) after project operations, reserve requirements and permitted distributions are met, NHHFA must place the excess funds into a separate interest-bearing account. Upon renewal of a HAP Contract the excess funds can be used

to reduce future HAP payments or other project operations/purposes. When the HAP Contract expires, is terminated, or any extensions are terminated, any unused funds remaining in the Residual Receipt Account at the time of the contract's termination must be returned to HUD.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: June 13, 2018.

Reason Waived: Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

• *Regulation:* 24 CFR 266.200(d).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Underwriting of Projects with Section 8 HAP Contracts. District of Columbia Housing Finance Agency (DCHFA), Washington, DC.

Nature of Requirement: The Waivers of 24 CFR 266.200(d), Projects receiving Section 8 rental subsidies or other rental subsidies. For refinancing of Section 202 projects, and for Public Housing Authority (PHA) projects converting to Section 8 through the Rental Assistance Demonstration (RAD) Initiative, the Department will permit DCHFA to underwrite the financing using current or to be adjusted project-based Section 8 assisted rents, even though they exceed the market rates. This is consistent with HUD Housing Notice 04–21, ''Amendments to Notice 02–16: Underwriting Guidelines for Refinancing of Section 202, and Section 202/8 Direct Loan Repayments'', which grants authority only to those lenders refinancing with mortgage programs under the National Housing Act.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: June 21, 2018.

Reason Waived: Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

• *Regulation:* 24 CFR 266.200(d).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Underwriting of Projects with Section 8 HAP Contracts. Wisconsin Housing and Economic Development Authority, Madison, Wisconsin.

Nature of Requirement: The Waivers of 24 CFR 266.200(d), Projects receiving Section 8 rental subsidies or other rental subsidies. For refinancing of Section 202 projects, and for Public Housing Authority (PHA) projects converting to Section 8 through the Rental Assistance Demonstration (RAD) Initiative, the Department will permit WHEDA to underwrite the financing using current or to be adjusted project-based Section 8 assisted rents, even though they exceed the market rates. This is consistent with HUD Housing Notice 04–21, ''Amendments to Notice 02–16: Underwriting Guidelines for Refinancing of Section 202, and Section 202/8 Direct Loan Repayments'', which grants authority only to those lenders refinancing with mortgage programs under the National Housing Act.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: June 21, 2018.

Reason Waived: Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

• *Regulation:* 24 CFR 266.200(d).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Underwriting of Projects with Section 8 HAP Contracts. New Hampshire Housing Finance Authority, Bedford, New Hampshire.

Nature of Requirement: The Waivers of 24 CFR 266.200(d), Projects receiving Section 8 rental subsidies or other rental subsidies. For refinancing of Section 202 projects, and for Public Housing Authority (PHA) projects converting to Section 8 through the Rental Assistance Demonstration (RAD) Initiative, the Department will permit NHHFA to underwrite the financing using current or to be adjusted project-based Section 8 assisted rents, even though they exceed the market rates. This is consistent with HUD Housing Notice 04–21, ''Amendments to Notice 02–16: Underwriting Guidelines for Refinancing of Section 202, and Section 202/8 Direct Loan Repayments'', which grants authority only to those lenders refinancing with mortgage programs under the National Housing Act.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: June 13, 2018.

Reason Waived: Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

• *Regulation:* 24 CFR 266.620(e).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Termination of Mortgage Insurance. District of Columbia Housing Finance Agency, Washington, DC.

Nature of Requirement: The waiver of 24 CFR 266.620(e) Termination of Mortgage Insurance. As required by the Initiative, DCHFA agrees to indemnify HUD for all amount paid to FFB if ''the HFA or its successors commit fraud or make a material misrepresentation to the Commissioner with respect to information culminating in the Contract of Insurance on the mortgage, or while the Contract of Insurance is in existence''.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: June 21, 2018.

Reason Waived: Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

Regulation: 24 CFR 266.410(e).

Project/Activity: California Housing Finance Agency (CalHFA), Sacramento, California, no project name or number.

Nature of Requirement: The 24 CFR 266.410(e), which requires mortgages insured under the 542(c) Housing Finance Agency Risk-Sharing Program to be fully amortized over the term of the mortgage. The waiver would permit CalHFA to use balloon loans that would amortize over a period of up to 35 years, but terms as short as 17 years for 40 transactions, including new construction/rehabilitation or acquisition/refinancing.

Granted by: Dana T. Wade, General Deputy Assistant Secretary for Housing.

Date Granted: May 22, 2018.

Reason Waived: The waiver was granted to allow CalHFA's clients additional financing options to their customers and to align CALHFA business practices with industry standards. CalHFA had previously been granted a waiver to provide Risk Share insured financing for balloon loans. This waiver is effective through December 31, 2019. The regulatory waiver is subject to the following conditions:

1. This waiver expires on December 31, 2019 and is limited to a total of forty transactions.

2. CalHFA must elect to take 50 percent or more of the risk of loss on all transactions.

3. Loans made under this waiver may have amortization periods of up to 35 years, but terms as short as 17 years.

4. All other requirements of 24 CFR 266.410 remain applicable. The waiver is applicable only to loans made under CalHFA's Risk Sharing Agreement.

5. In accordance with 24 CFR 266.200(d), the mortgage may not exceed an amount supportable by the lower of the Section 8 or comparable unassisted rents.

6. Projects must comply with Davis-Bacon labor standards in accordance with 24 CFR 266.225.

7. CalHFA must comply with regulations stated in 24 CFR 266.210 for insured advances or insurance upon completion transactions.

8. An Affordable Housing Deed restriction for at least 20 years must be recorded.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of

Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

Regulation: 24 CFR 266.410(e).

Project/Activity: Colorado Housing Finance Agency (CHFA), Denver, Colorado, no project name or number.

Nature of Requirements: The 24 CFR 266.410(e), which requires mortgages insured under the 542(c) Housing Finance Agency Risk-Sharing Program to be fully amortized over the term of the mortgage. The waiver would permit CHFA to use balloon loans that would have a minimum term of 17 years and a maximum amortization period between 30–40 years for 9 transactions, including projects involving new construction/rehabilitation or acquisition/refinancing. This waiver would expire on July 31, 2019.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: June 21, 2018.

Reason Waived: The waiver was granted to allow CHFA the ability to offer balloon loans which have become a standard product in the affordable housing industry. Borrowers can obtain better interest rates and a shorter term that works well for a typical new construction or substantial rehabilitation LIHTC deal, because these borrowers can pay off or restructure their loans soon after the 15-year LIHTC compliance period as defined by the IRS code. For these reasons, some of CHFA's borrowers are utilizing other balloon financing options from Fannie Mae or Freddie Mac rather than utilize Risk Share.

The regulatory waiver is subject to the following conditions:

1. This waiver expires on July 31, 2019, and is limited to a total of nine transactions.

2. CHFA must elect to take 50 percent or more of the risk of loss on all transactions.

3. Loans made under this waiver may have amortization periods of up to 40 years, but terms as short as 17 years.

4. All other requirements of 24 CFR 266.410 remain applicable. The waiver is applicable only to loans made under CHFA's Risk Sharing Agreement.

5. In accordance with 24 CFR 266.200(d), the mortgage may not exceed an amount supportable by the lower of the Section 8 or comparable unassisted rents.

6. Projects must comply with Davis-Bacon labor standards in accordance with 24 CFR 266.225.

7. CHFA must comply with regulations stated in 24 CFR 266.210 for insured advances or insurance upon completion transactions.

8. An Affordable Housing Deed restriction for at least 20 years must be recorded.

9. The loans exceeding $50 million require a separate waiver request.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

• *Regulation:* 24 CFR 266.410(e).

Project/Activity: Maryland Department of Housing and Community Development (MDHCD), Lanham, Maryland, no project name or number.

Nature of Requirement: The 24 CFR 266.410(e) a waiver of 24 CFR 266.410(e), which requires mortgages insured under the 542(c) Housing Finance Agency Risk-Sharing Program to be fully amortized over the term of the mortgage. The waiver would permit MDHCD to use balloon loans that would have a minimum term of 17 years and a maximum amortization period of 40 years for 20 transactions, including projects involving new construction/rehabilitation or acquisition/refinancing.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: June 21, 2018.

Reason Waived: The waiver was granted to allow MDHCD the ability to offer balloon loans to respond to the desire of borrowers for a financing option that reflects the contemporary cycle of capitalizations prevalent in the marketplace where projects, especially those involving the Low-Income Tax Credits, are refinanced every 15 years or so. More frequent recapitalizations allow the State's stock of multifamily properties to remain in excellent condition which is essential for maintaining the strength of Maryland communities, quality housing for residents and the economic performance of these assets. This waiver would expire on December 31, 2019.

The regulatory waiver is subject to the following conditions:

1. This waiver expires on December 31, 2019 and is limited to a total of twenty (20) transactions.

2. MDHCD must elect to take 50 percent or more of the risk of loss on all transactions.

3. Loans made under this waiver may have amortization periods of up to 40 years, but terms as short as 17 years.

4. All other requirements of 24 CFR 266.410 remain applicable. The waiver is applicable only to loans made under MDHCD's Risk Sharing Agreement.

5. In accordance with 24 CFR 266.200(d), the mortgage may not exceed an amount supportable by the lower of the Section 8 or comparable unassisted rents.

6. Projects must comply with Davis-Bacon labor standards in accordance with 24 CFR 266.225.

7. MDHCD must comply with regulations stated in 24 CFR 266.210 for insured advances or insurance upon completion transactions.

8. An Affordable Housing Deed restriction for at least 20 years must be recorded.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

• *Regulation:* 24 CFR 266.410(e).

Project/Activity: Rhode Island Housing (RI Housing).

Nature of Requirement: The 24 CFR 266.410(e), which requires mortgages insured under the 542(c) Housing Finance Agency Risk Sharing Program to be fully amortized over the term of the mortgage. The waiver would permit RI Housing to use balloon loans (''Balloon Loans'') that would amortize over 35–40 years but mature within 17 to 25 years.

Granted by: Dana T. Wade, General Deputy Assistant Secretary for Housing.

Date Granted: April 12, 2018.

Reason Waived: The approval of this Waiver Extension Request will allow RI Housing to continue its competitiveness with other multifamily lenders for transactions that do not meet the requirements of the Federal Financing Bank Risk Share-Initiative Program. The transactions contemplated under this Waiver Extension Request will be preservation of projects, financed with tax-exempt bonds and 4 percent tax credits, and include a comprehensive rehabilitation plan. The approval of this Waiver Extension Request will allow RI Housing to sell its multifamily housing bonds for a shorter duration thereby lowering the bond yield resulting in lower interest rates for borrowers which helps to strengthen the financial and physical viability of these affordable housing transactions. This waiver approval is subject to the same conditions as the original November 23, 2016:

1. RI Housing must elect to take 50 percent or more of the risk of loss on all transactions.

2. The waiver is effective for a two-year period, retroactive to November 1, 2017, expiring on November 1, 2019.

3. All other requirements of 24 CFR 266.410 remain applicable.

4. In accordance with 24 CFR 266.200(d), the mortgage may not exceed an amount supportable by the lower of Section 8 or comparable unassisted market rents.

5. If applicable, projects must comply with Davis-Bacon labor standards in accordance with 24 CFR 266.225.

6. RI Housing must comply with regulations stated in 24 CFR 266.210 for insured advance or insurance upon completion transactions.

7. An Affordable Housing Deed restriction for 20 years must be recorded.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410–8000, telephone (202) 402–5693.

• *Regulation:* 24 CFR 266.620(e).

Project/Activity: Federal Financing Bank (FFB) Risk Sharing Initiative, Termination of Mortgage Insurance. Wisconsin Housing and Economic Development Authority (WHEDA).

Nature of Requirement: The Waiver of 24 CFR 266.620(e) Termination of Mortgage Insurance. As required by the Initiative, WHEDA agrees to indemnify HUD for all amount paid to FFB if ''the HFA or its successors commit fraud or make a material misrepresentation to the Commissioner with respect to information culminating in the Contract of Insurance on the mortgage, or while the Contract of Insurance is in existence''.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: June 21, 2018.

Reason Waived: Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of

Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

• *Regulation:* 24 CFR 266.620(e).

Project/Activity: Federal Financing Bank (FFB) Risk-Sharing Initiative, Termination of Mortgage Insurance. New Hampshire Housing Finance Authority (NHHFA).

Nature of Requirement: The Waiver of 24 CFR 266.620(e) Termination of Mortgage Insurance. As required by the Initiative, NHHFA agrees to indemnify HUD for all amount paid to FFB if ''the HFA or its successors commit fraud or make a material misrepresentation to the Commissioner with respect to information culminating in the Contract of Insurance on the mortgage, or while the Contract of Insurance is in existence''.

Granted by: Brian D. Montgomery, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: June 13, 2018.

Reason Waived: Under this Initiative, FFB provides capital to participating Housing Finance Agencies (HFAs) to make multifamily loans insured under the FHA Multifamily Risk Sharing Program.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

• *Regulation:* 24 CFR 266.638(b) and (d).

Project/Activity: Villa Additions, FHA Project Number, 064–98017, City of Slidell, Louisiana.

Nature of Requirement: The 24 CFR 266.638(b)and (d) for debenture maturities, and interest rate accruals beyond the dates outlined in HUD's letter dated December 23, 2014 and March 30, 2016. The debenture maturity extensions, and continued waiver of interest accruals on these debentures for the remaining development, Villa Additions.

Granted by: Dana T. Wade, General Deputy Assistant Secretary for Housing.

Date Granted: April 12, 2018.

Reason Waived: This is an extension of a previously granted waiver for the debenture accruals, and the Katrina related claims were related to an extraordinary natural disaster Good cause has been shown that it is in the best interest of the public, and the Department to grant the waivers of 24 CFR 266.638(b) and (d) to extend debenture maturities and continue the suspension of interest accruals. The waiver approval is subject to Louisiana Housing Corporation (LHC) submission of amended debentures that reflect the extension date. This waiver extension date is effective through August 15, 2018.

Contact: Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6130, Washington, DC 20410, telephone (202) 402–5693.

• *Regulation:* 24 CFR 891.805.

Project/Activity: Sunset Retirement Home East, FHA Project Number 074–EE014; Sunset Retirement Home North, FHA Project Number 074–EE009; and Sunset Retirement Home South, FHA Project Number 074–SH007, Spencer, Iowa. Sunset Retirement Home, Incorporated (Owner) seeks approval to waive an organizational structure that would allow for each of the three projects to be owned by a single-member profit motivated limited liability company.

Nature of Requirement: The regulation at 24 CFR 891.805, which governs For-Profit Partnerships and Mixed-Finance Development for Supportive Housing for the Elderly or Persons with Disabilities, states that ''*Mixed-finance Owner,* for the purpose of the mixed-finance development of housing under this part, means a single-asset, for-profit limited partnership of which a private nonprofit organization is the sole general partner.''

Granted by: Dana T. Wade, General Deputy Assistant Secretary for Housing.

Date Granted: May 14, 2018.

Reason Waived: The owner requested and was granted a waiver of the ''single-asset entity'' provision. A waiver allows the Department to permit a Section 202 Owner to be structured as a Limited Partnership, whose General Partner is a for-profit corporation who is wholly owned and controlled by a non-profit.

Contact: James Wyatt, Senior Account Executive, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6172, Washington, DC 20410, telephone (202) 402–2519.

IV. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 5.801(c) and 24 CFR 5.801(d)(1).

Project/Activity: Crawford County Housing Authority (KS161).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 3, 2018.

Reason Waived: The Crawford County Housing Authority (HA) requested to waive the reporting requirements for submitting its audited and unaudited financial information to extend the due date of its fiscal year end date of (FYE) June 30, 2017, to align with the FYE date of Southeast Kansas Community Action Program, Inc. (administering agency). The HA was directed to change the FYE date to December 31 for its HUD programs within the Public and Indian Housing Information Center (PIC). For next year and forward, the HAs electronic audited and unaudited submission date for inputting within the FASS on-line will be that of the administering agency of November 31st. This approved FASS extension only permits for filing FYE June 30, 2017, and the Department will not consider future waiver requests for this FYE timing differences.

Contact: Dee Ann R. Walker, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 5.801(c) and 24 CFR 5.801(d)(1).

Project/Activity: Municipality of San German (RQ030).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 3, 2018.

Reason Waived: The HA requested relief from compliance to extend the due date of its financial reporting requirements for the fiscal year end (FYE) of June 30, 2017. The HA is recovering from damages resulting from Hurricane Irma and is in Category C of the applicable Major Disaster Declaration for Hurricane Maria. The circumstances preventing the HA from submitting its FYE 2017 audited financial data by the due date was acceptable. Accordingly, the HA has until July 31, 2018, to submit its audited financial information to the Department. The approval of the Financial Assessment Subsystem (FASS) audited financial submission only permits the extension for filing. The HA is required to contact the HUDOIG Single Audit Coordinator at *HUDOIGSingleAuditCoordinator@hudoig.gov* for Single Audit extensions applicable to the Federal Audit Clearinghouse.

Contact: Dee Ann R. Walker, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 5.801(c) and 24 CFR 5.801(d)(1).

Project/Activity: Municipality of Guayama (RQ017).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 25, 2018.

Reason Waived: The HA requested relief from compliance to extend the due date of its financial reporting requirements for the fiscal year end (FYE) of June 30, 2017. The HA is recovering from damages resulting from Hurricane Irma and is in Category C of the applicable Major Disaster Declaration for Hurricane Maria. The circumstances preventing the HA from submitting its FYE

2017 audited financial data by the due date was acceptable. Accordingly, the HA has until July 31, 2018, to submit its audited financial information to the Department. The approval of the Financial Assessment Subsystem (FASS) audited financial submission only permits the extension for filing. The HA is required to contact the HUDOIG Single Audit Coordinator at *HUDOIGSingleAuditCoordinator@hudoig.gov* for Single Audit extensions applicable to the Federal Audit Clearinghouse.

Contact: Dee Ann R. Walker, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 5.801(c) and 24 CFR 5.801(d)(1).

Project/Activity: Municipality of Sabana Grande (RQ048).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 25, 2018.

Reason Waived: The HA requested relief from compliance to extend the due date of its financial reporting requirements for the fiscal year end (FYE) of June 30, 2017. The HA is recovering from damages resulting from Hurricane Irma and is in Category C of the applicable Major Disaster Declaration for Hurricane Maria. The circumstances preventing the HA from submitting its FYE 2017 by the due date was acceptable. Accordingly, the HA has until July 31, 2018, to submit its audited financial information to the Department. The approval of the Financial Assessment Subsystem (FASS) audited financial submission only permits the extension for filing. The HA is required to contact the HUDOIG Single Audit Coordinator at *HUDOIGSingleAuditCoordinator@hudoig.gov* for Single Audit extensions applicable to the Federal Audit Clearinghouse.

Contact: Dee Ann R. Walker, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 5.801(c) and 24 CFR 5.801(d)(1).

Project/Activity: Municipality of Salinas (RQ069).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 25, 2018.

Reason Waived: The HA requested relief from compliance to extend the due date of its financial reporting requirements for the fiscal year end (FYE) of June 30, 2017. The HA is recovering from damages resulting from Hurricane Irma and is in Category C of the applicable Major Disaster Declaration for Hurricane Maria. The circumstances preventing the HA from submitting its FYE 2017 audited financial data by the due date was acceptable. Accordingly, the HA has until July 31, 2018, to submit its audited financial information to the Department. The approval of the Financial Assessment Subsystem (FASS) audited financial submission only permits the extension for filing. The HA is required to contact the HUDOIG Single Audit Coordinator at *HUDOIGSingleAuditCoordinator@hudoig.gov* for Single Audit extensions applicable to the Federal Audit Clearinghouse.

Contact: Dee Ann R. Walker, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 5.801(c) and 24 CFR 5.801(d)(1).

Project/Activity: Municipality of Penuelas (RQ019).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 25, 2018.

Reason Waived: The HA requested relief from compliance to extend the due date of its financial reporting requirements for the fiscal year end (FYE) of June 30, 2017. The HA is recovering from damages resulting from Hurricane Irma and is in Category C of the applicable Major Disaster Declaration for Hurricane Maria. The circumstances preventing the HA from submitting its FYE 2017 audited financial data by the due date was acceptable. Accordingly, the HA has until July 31, 2018, to submit its audited financial information to the Department. The approval of the Financial Assessment Subsystem (FASS) audited financial submission only permits the extension for filing. The HA is required to contact the HUDOIG Single Audit Coordinator at *HUDOIGSingleAuditCoordinator@hudoig.gov* for Single Audit extensions applicable to the Federal Audit Clearinghouse.

Contact: Dee Ann R. Walker, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 5.801(c) and 24 CFR 5.801(d)(1).

Project/Activity: Commonwealth of Puerto Rico, Municipality of Loiza (RQ027).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 25, 2018.

Reason Waived: The HA requested relief from compliance to extend the due date of its financial reporting requirements for the fiscal year end (FYE) of June 30, 2017. The HA is recovering from damages resulting from Hurricane Irma and is in Category C of the applicable Major Disaster Declaration for Hurricane Maria. The circumstances preventing the HA from submitting its FYE 2017 audited financial data by the due date was acceptable. Accordingly, the HA has until July 31, 2018, to submit its audited financial information to the Department. The approval of the Financial Assessment Subsystem (FASS) audited financial submission only permits the extension for filing. The HA is required to contact the HUDOIG Single Audit Coordinator at *HUDOIGSingleAuditCoordinator@hudoig.gov* for Single Audit extensions applicable to the Federal Audit Clearinghouse.

Contact: Dee Ann R. Walker, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 5.801(c) and 24 CFR 5.801(d)(1).

Project/Activity: Municipality of Fajardo (RQ036).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 25, 2018.

Reason Waived: The HA requested relief from compliance to extend the due date of its financial reporting requirements for the fiscal year end (FYE) of June 30, 2017. The HA is recovering from damages resulting from Hurricane Irma and is in Category C of the applicable Major Disaster Declaration for Hurricane Maria. The circumstances preventing the HA from submitting its FYE 2017 audited financial data by the due date was acceptable. Accordingly, the HA has until July 31, 2018, to submit its audited financial information to the Department. The approval of the Financial Assessment Subsystem (FASS) audited financial

submission only permits the extension for filing. The HA is required to contact the HUDOIG Single Audit Coordinator at *HUDOIGSingleAuditCoordinator@hudoig.gov* for Single Audit extensions applicable to the Federal Audit Clearinghouse.

Contact: Dee Ann R. Walker, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 5.801(c) and 24 CFR 5.801(d)(1).

Project/Activity: Municipality of Isabela (RQ066).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 25, 2018.

Reason Waived: The HA requested relief from compliance to extend the due date of its financial reporting requirements for the fiscal year end (FYE) of June 30, 2017. The HA is recovering from damages resulting from Hurricane Irma and is in Category C of the applicable Major Disaster Declaration for Hurricane Maria. The circumstances preventing the HA from submitting its FYE 2017 audited financial data by the due date was acceptable. Accordingly, the HA has until July 31, 2018, to submit its audited financial information to the Department. The approval of the Financial Assessment Subsystem (FASS) audited financial submission only permits the extension for filing. The HA is required to contact the HUDOIG Single Audit Coordinator at *HUDOIGSingleAuditCoordinator@hudoig.gov* for Single Audit extensions applicable to the Federal Audit Clearinghouse.

Contact: Dee Ann R. Walker, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 5.801(c) and 24 CFR 5.801(d)(1).

Project/Activity: Municipality of Arroyo (RQ068).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 25, 2018.

Reason Waived: The HA requested relief from compliance to extend the due date of its financial reporting requirements for the fiscal year end (FYE) of June 30, 2017. The HA is recovering from damages resulting from Hurricane Irma and is in Category C of the applicable Major Disaster Declaration for Hurricane Maria. The circumstances preventing the HA from submitting its FYE 2017 audited financial data by the due date was acceptable. Accordingly, the HA has until July 31, 2018, to submit its audited financial information to the Department. The approval of the Financial Assessment Subsystem (FASS) audited financial submission only permits the extension for filing. The HA is required to contact the HUDOIG Single Audit Coordinator at *HUDOIGSingleAuditCoordinator@hudoig.gov* for Single Audit extensions applicable to the Federal Audit Clearinghouse.

Contact: Dee Ann R. Walker, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 5.801(c) and 24 CFR 5.801(d)(1).

Project/Activity: Municipality of Corozal (RQ023).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 30, 2018.

Reason Waived: The HA requested relief from compliance to extend the due date of its financial reporting requirements for the fiscal year end (FYE) of June 30, 2017. The HA is recovering from damages resulting from Hurricane Irma and is in Category C of the applicable Major Disaster Declaration for Hurricane Maria. The circumstances preventing the HA from submitting its FYE 2017 audited financial data by the due date was acceptable. Accordingly, the HA has until July 31, 2018, to submit its audited financial information to the Department. The approval of the Financial Assessment Subsystem (FASS) audited financial submission only permits for the extension for filing and is not applicable to the due date of Single Audit submissions to the Federal Audit Clearinghouse. The HA is required to contact the HUDOIG Single Audit Coordinator at *HUDOIGSingleAuditCoordinator@hudoig.gov* for Single Audit extensions applicable to the Federal Audit Clearinghouse.

Contact: Dee Ann R. Walker, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 5.801(c) and 24 CFR 5.801(d)(1).

Project/Activity: Municipality of Aguadilla (RQ012).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 2, 2018.

Reason Waived: The HA requested relief from compliance to extend the due date of its financial reporting requirements for the fiscal year end (FYE) of June 30, 2017. The HA is recovering from damages resulting from Hurricane Irma and is in Category C of the applicable Major Disaster Declaration for Hurricane Maria. The circumstances preventing the HA from submitting its FYE 2017 audited financial data by the due date was acceptable. Accordingly, the HA has until July 31, 2018, to submit its audited financial information to the Department. The approval of the Financial Assessment Subsystem (FASS) audited financial submission only permits for the extension for filing and is not applicable to the due date of Single Audit submissions to the Federal Audit Clearinghouse. The HA is required to contact the HUDOIG Single Audit Coordinator at *HUDOIGSingleAuditCoordinator@hudoig.gov* for Single Audit extensions applicable to the Federal Audit Clearinghouse.

Contact: Dee Ann R. Walker, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475–7908.

• *Regulation:* 24 CFR 982.161(a)(2).

Project/Activity: Salem Housing Authority in Salem, Oregon, requested a waiver of 24 CFR 982.161(a)(2) so that it could hire a person who presented a conflict of interest.

Nature of Requirement: The regulation 24 CFR 982.161(a)(2) states that neither the PHA nor any of its contractors, subcontractors or agency who formulate policy or who influence decisions with respect to the programs may enter into a contract or arrangement in connection with the voucher program.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 16, 2018.

Reason Waived: This waiver was approved because HUD determined that based on the structured oversight of the contractor, the PHA eliminated the conflict of interest.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.305(c)(4).

Project/Activity: Washington County Department of Housing Services requested a waiver of 24 CFR 982.305(c)(4) to allow the

PHA to execute a HAP contract after 60 days from the beginning of the lease term.

Nature of Requirement: The regulation at 24 CFR 982.305(c)(4) states that any HAP contract executed after the 60-day period is void and the PHA may not pay any housing assistance payments to the owner.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 23, 2018.

Reason Waived: The waiver was approved to prevent the financial hardship of requiring low-income families pay the full amount of their rent at no fault of their own.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.401(f)(2)(i).

Project/Activity: The Bloomington HRA in Bloomington, Minnesota, requested a waiver of 24 CFR 982.401(f)(2)(i) to allow the agency to approve eight units that did not include a window in the bedroom.

Nature of Requirement: This regulation requires that there must be at least one window in the living room and in each sleeping room.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 17, 2018.

Reason Waived: This waiver was approved to prevent the loss of affordable housing in an area with low vacancy rates. Additionally, the units meet all state and local housing codes including the International Building Code recently adopted by the City of Bloomington.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.503(b)(1)(i).

Project/Activity: The Colorado Springs Housing Authority in Colorado Springs, Colorado, requested a waiver from HUD to delay the implementation of Small Area Fair Market Rents (SAFMR).

Nature of Requirement: The regulation 24 CFR 982.503(b)(1)(i) requires a PHA to revise its payment standards within the basic range of the SAFMR within 3 months following the effective date of the publication of the FMRs.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 9, 2018.

Reason Waived: This waiver was approved to allow the agency additional administrative time to effectively implement SAFMRs in their jurisdiction.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.503(b)(1)(i).

Project/Activity: The San Antonio Housing Authority in San Antonio, Texas, requested a waiver from HUD to delay the implementation of Small Area Fair Market Rents (SAFMR) from April 1, 2018, until July 1, 2018.

Nature of Requirement: The regulation 24 CFR 982.503(b)(1)(i) requires a PHA to revise its payment standards within the basic range of the SAFMR within 3 months following the effective date of the publication of the FMRs.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 9, 2018.

Reason Waived: This MTW PHA is in the process of implementing alternative payment standards policies as authorized under their MTW agreement. The waiver was approved to avoid the unnecessary administrative burden and confusion of implementing the SAFMR based payment standards only a short time prior to the effective date of their alternative payment standard policies.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.503(b)(1)(i).

Project/Activity: The Deerfield Beach Housing Authority in Deerfield Beach, Florida, requested a waiver from HUD to delay the implementation of Small Area Fair Market Rents (SAFMR).

Nature of Requirement: The regulation 24 CFR 982.503(b)(1)(i) requires a PHA to revise its payment standards within the basic range of the SAFMR within 3 months following the effective date of the publication of the FMRs.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 19, 2018.

Reason Waived: This waiver was approved to allow the PHA additional time to coordinate its payment standards and landlord outreach strategies with other PHAs operating in the same metropolitan areas.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.503(b)(1)(i).

Project/Activity: Housing Authority of the City of Fort Lauderdale in Fort Lauderdale, Florida, requested a waiver from HUD to delay the implementation of Small Area Fair Market Rents (SAFMR).

Nature of Requirement: The regulation 24 CFR 982.503(b)(1)(i) requires a PHA to revise its payment standards within the basic range of the SAFMR within 3 months following the effective date of the publication of the FMRs.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 25, 2018.

Reason Waived: This waiver was approved to allow the PHA additional time to coordinate implementation of the SAFMRs with neighboring PHAs operating in the same metropolitan area.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.503(b)(1)(i).

Project/Activity: Dania Beach Housing Authority in Dania Beach, Florida, requested a waiver from HUD to delay the implementation of Small Area Fair Market Rents (SAFMR).

Nature of Requirement: The regulation 24 CFR 982.503(b)(1)(i) requires a PHA to revise its payment standards within the basic range of the SAFMR within 3 months following the effective date of the publication of the FMRs.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 26, 2018.

Reason Waived: This waiver was approved to allow the PHA additional time to coordinate implementation of the SAFMRs with neighboring PHAs operating in the same metropolitan area.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.503(b)(1)(i).

Project/Activity: The Broward County Housing Authority in Lauderdale Lakes, Florida, requested a waiver from HUD to delay the implementation of Small Area Fair Market Rents (SAFMR).

Nature of Requirement: The regulation 24 CFR 982.503(b)(1)(i) requires a PHA to revise its payment standards within the basic range of the SAFMR within 3 months following the effective date of the publication of the FMRs.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 1, 2018.

Reason Waived: This waiver was approved to allow the PHA additional time to coordinate implementation of the SAFMRs with neighboring PHAs operating in the same metropolitan area.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.503(b)(1)(i).

Project/Activity: The Fairfax County Department of Housing and Community

Development in Fairfax, Virginia, requested a waiver from HUD to delay the implementation of Small Area Fair Market Rents (SAFMR).

Nature of Requirement: The regulation 24 CFR 982.503(b)(i) requires a PHA to revise its payment standards within the basic range of the SAFMR within 3 months following the effective date of the publication of the FMRs.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 2, 2018.

Reason Waived: This MTW PHA is in the process of implementing alternative payment standards policies as authorized under their MTW agreement. The waiver was approved to avoid the unnecessary administrative burden and confusion of implementing the SAFMR based payment standards only a short time prior to the effective date of their alternative payment standard policies.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.503(b)(1)(i).

Project/Activity: Loudon County Department of Family Services in Leesburg, Virginia, requested a waiver from HUD to delay the implementation of Small Area Fair Market Rents (SAFMR).

Nature of Requirement: The regulation 24 CFR 982.503(b)(1)(i) requires a PHA to revise its payment standards within the basic range of the SAFMR within 3 months following the effective date of the publication of the FMRs.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 7, 2018.

Reason Waived: This waiver was approved to allow the agency additional administrative time to effectively implement SAFMRs in their jurisdiction.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.503(b)(1)(i).

Project/Activity: Manatee County Housing Authority, Bradenton, Florida, requested a waiver from HUD to delay the implementation of Small Area Fair Market Rents (SAFMR).

Nature of Requirement: The regulation 24 CFR 982.503(b)(1)(i) requires a PHA to revise its payment standards within the basic range of the SAFMR within 3 months following the effective date of the publication of the FMRs.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 7, 2018.

Reason Waived: This waiver was approved to allow the agency additional administrative time to effectively implement SAFMRs in their jurisdiction.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.503(b)(1)(i).

Project/Activity: Housing Authority of the City of Pittsburgh in Pittsburgh, Pennsylvania, requested a waiver from HUD to delay the implementation of Small Area Fair Market Rents (SAFMR).

Nature of Requirement: The regulation 24 CFR 982.503(b)(1)(i) requires a PHA to revise its payment standards within the basic range of the SAFMR within 3 months following the effective date of the publication of the FMRs.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 7, 2018.

Reason Waived: This MTW PHA is in the process of implementing alternative payment standards policies as authorized under their MTW agreement. The waiver was approved to avoid the unnecessary administrative burden and confusion of implementing the SAFMR based payment standards only a short time prior to the effective date of their alternative payment standard policies.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.503(b)(1)(i).

Project/Activity: Housing Authority of Bexar County in San Antonio Texas, requested a waiver from HUD to delay the implementation of Small Area Fair Market Rents (SAFMR).

Nature of Requirement: The regulation 24 CFR 982.503(b)(1)(i) requires a PHA to revise its payment standards within the basic range of the SAFMR within 3 months following the effective date of the publication of the FMRs.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 11, 2018.

Reason Waived: This waiver was approved to allow for additional time to coordinate payment standard policies with the San Antonio Housing Authority which operates in the same metropolitan area. The agencies are working together to develop payment standards that will not result in significant numbers of portability moves between the agencies. Additionally, the agencies are coordinating training and resident outreach to minimize potential confusion for families and landlords.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.503(b)(1)(i).

Project/Activity: Monroe Housing Authority in Monroe, North Carolina, requested a waiver from HUD to delay the implementation of Small Area Fair Market Rents (SAFMR).

Nature of Requirement: The regulation 24 CFR 982.503(b)(1)(i) requires a PHA to revise its payment standards within the basic range of the SAFMR within 3 months following the effective date of the publication of the FMRs.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 11, 2018.

Reason Waived: This waiver was approved to allow the agency additional time to work with the SAFMR technical assistance provider to establish payment standards. The agency was determined by HUD to have a shortfall in housing assistance payments in 2017 but has recently cured the lack of funds. To ensure they do not become a shortfall agency in 2018 because of the potential increases in payment standards as a result of SAFMRs, HUD approved the waiver request.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: The Marion County Housing Authority in Salem, Oregon requested a waiver of the regulation above because it was unable to submit its Section 8 Management Assessment Program (SEMAP) certification on time.

Nature of Requirement: The regulation, 24 CFR 985.101(a), requires that a SEMAP certification be submitted within 60 calendar days after the end of the PHA's fiscal year.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 19, 2018.

Reason Waived: Due to circumstances beyond the PHA's control, they were unable to submit their SEMAP certification on time. This waiver was approved to avoid the unnecessary administrative and financial burden on both the PHA and the HUD field office to complete the work required of a troubled housing agency when the agency is not actually a troubled performer.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: The City of Baton Rouge Public Housing Agency in Baton Rouge, Louisiana, requested a waiver of the regulation above because it was unable to submit its Section 8 Management Assessment Program (SEMAP) certification on time.

Nature of Requirement: The regulation, 24 CFR 985.101(a), requires that a SEMAP certification be submitted within 60 calendar days after the end of the PHA's fiscal year.

Granted by: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 21, 2018.

Reason Waived: Due to circumstances beyond the PHA's control, they were unable to submit their SEMAP certification on time. This waiver was approved to avoid the unnecessary administrative and financial burden on both the PHA and the HUD field office to complete the work required of a troubled housing agency when the agency is not actually a troubled performer.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

[FR Doc. 2018–21260 Filed 9–28–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2017–0079; FF09A30000–189–FXIA16710900000]

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Eighteenth Regular Meeting: Taxa Being Considered for Amendments to the CITES Appendices and Proposed Resolutions, Decisions, and Agenda Items Being Considered; Observer Information

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The United States, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), may propose amendments to the CITES Appendices for consideration at meetings of the Conference of the Parties. The eighteenth regular meeting of the Conference of the Parties to CITES (CoP18) is scheduled to be held in Colombo, Sri Lanka, May 23 to June 3, 2019. With this notice, we describe proposed amendments to the CITES Appendices (species proposals) as well as proposed resolutions, decisions, and agenda items that the United States might submit for consideration at CoP18; invite your comments and information on these proposals; and provide information on how U.S. nongovernmental organizations can attend CoP18 as observers.

DATES:

Meeting: The meeting is scheduled to be held in Colombo, Sri Lanka, May 23 to June 3, 2019.

Submitting Information and Comments: We will consider written information and comments we receive by November 30, 2018.

Requesting Approval to Attend CoP18 as an Observer: We must receive your request no later than February 15, 2019 (see **ADDRESSES**).

ADDRESSES: *Obtaining Documents:* Access the extended version of this notice, as well as comments and materials we receive in response to this notice, via either of the following methods:

- *Internet: http://www.regulations.gov.* Search for Docket No. FWS–HQ–IA–2017–0079.
- *Hard copies:* View documents by appointment between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at the U.S. Fish and Wildlife Service, Divisions of Management and Scientific Authorities, 5275 Leesburg Pike, Falls Church, VA 22041–3803. To make an appointment, call 703–358–2095 or 703–358–1708.

Submitting Information and Comments: You may submit comments pertaining to species proposals for consideration and to proposed resolutions, decisions, and agenda items for discussion at CoP18 by one of the following methods:

- *Internet: http://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2017–0079.
- *Hard copy:* Submit by U.S. mail or hand-delivery to Public Comments Processing; Attn: Docket No. FWS–HQ–IA–2017–0079; U.S. Fish and Wildlife Service; MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803. Internet: *http://www.regulations.gov.* Search for Docket No. FWS–HQ–IA–2017–0079.

We will not consider comments sent by email or fax, or to an address not listed in **ADDRESSES**. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us. If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information—will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on *http://www.regulations.gov.*

Requesting Approval to Attend CoP18 as an Observer: Send your request via U.S. mail to the Division of Management Authority, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: IA, Falls Church, VA 22041; or via email to *managementauthority@fws.gov.*

FOR FURTHER INFORMATION CONTACT: For information pertaining to species proposals, contact Rosemarie Gnam, Chief, Division of Scientific Authority, at 703–358–1708 (phone); 703–358–2276 (fax); or *scientificauthority@fws.gov* (email).

For information pertaining to resolutions, decisions, and agenda items, contact Laura Noguchi, Branch Chief, Division of Management Authority, at 703–358–2028 (phone); 703–358–2298 (fax); or *managementauthority@fws.gov* (email).

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: The United States (or we), as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, or the Convention), may propose amendments to the CITES Appendices for consideration at meetings of the Conference of the Parties. The eighteenth regular meeting of the Conference of the Parties to CITES (CoP18) is scheduled to be held in Colombo, Sri Lanka, May 23 to June 3, 2019. With this notice, we describe proposed amendments to the CITES Appendices (species proposals) as well as proposed resolutions, decisions, and agenda items that the United States might submit for consideration at CoP18; invite your comments and information on these proposals; and provide information on how U.S. nongovernmental organizations can attend CoP18 as observers.

Background

CITES is an international treaty designed to control and regulate international trade in certain animal and plant species that are affected by trade and are now, or potentially may become, threatened with extinction. These species are included in the Appendices to CITES, which are available on the CITES Secretariat's website at *https://www.cites.org.* Currently there are 183 Parties to CITES—182 countries, including the United States, and one regional economic integration organization, the European Union. The Convention calls for regular biennial meetings of the Conference of the Parties, unless the Conference decides otherwise. At these meetings, the Parties review the implementation of CITES, make provisions enabling the CITES Secretariat in Switzerland to carry out

its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I and II, as well as resolutions, decisions, and agenda items for consideration by all the Parties. Our regulations governing this public process are found in 50 CFR 23.87.

This is our third notice in a series of **Federal Register** notices that, together with an announced public meeting (time and place to be announced), provide you with an opportunity to participate in the development of the U.S. submissions and negotiating positions for the eighteenth regular meeting of the Conference of the Parties to CITES (CoP18), which is scheduled to be held in Colombo, Sri Lanka, May 23 to June 3, 2019. We published our first CoP18-related **Federal Register** notice on January 23, 2018 (83 FR 3179); this notice requested information and recommendations on animal and plant species proposals for the United States to consider submitting for consideration at CoP18. On March 12, 2018 (83 FR 10736), we published our second notice, in which we requested information and recommendations on proposed resolutions, decisions, and agenda items for the United States to consider submitting for consideration at CoP18, and provided preliminary information on how to request approved observer status for nongovernmental organizations that wish to attend the meeting. Comments received on those two notices may be viewed at *http://www.regulations.gov* in Docket No. FWS–HQ–IA–2017–0079.

Recommendations for Species Proposals for the United States To Consider Submitting for CoP18

In response to our January 2018 notice, we received 17 recommendations from 3 individuals and the following 14 organizations for possible proposals involving over 200 taxa (6 mammals, 23 birds, 78 reptiles, 41+ sharks/rays, 5 bony fish, 64+ invertebrates, and 32 plants): The American Herbal Products Association (AHPA); Ginseng Board of Wisconsin; Center for Biological Diversity (CBD); Robin des Bois; Humane Society International (HSI); Pew Charitable Trusts; Species Survival Network (SSN); Wildlife Conservation Society (WCS); International Wood Products Association; League of American Orchestras; The Ornithological Council; Sustainable Fisheries Association, Inc. (SFA); Safari Club International (SCI); and Safari Club International Foundation (SCI Foundation). Additionally, the United States may submit one plant species proposal currently under periodic review by the Plants Committee and one animal species proposal that previously underwent periodic review by the Animals Committee.

We have undertaken initial evaluations of the available trade and biological information on many of these taxa. Based on the information available, we made provisional evaluations of whether to proceed with the development of proposals for species to be included in, removed from, or transferred between the CITES Appendices. We made these evaluations by considering the best information available on the species; the presence, absence, and effectiveness of other mechanisms that may preclude the need for species' inclusion in the CITES Appendices (*e.g.,* range country actions or other international agreements); and availability of resources. We have also considered the following factors, as per the U.S. approach for CoP18 discussed in our January 23, 2018, **Federal Register** notice:

(1) Does the proposed action address a serious wildlife or plant trade issue that the United States is experiencing as a range country for species in trade?

(2) Does the proposed action address a serious wildlife or plant trade issue for species not native to the United States?

(3) Does the proposed action provide additional conservation benefit for a species already covered by another international agreement?

Based on our initial evaluations, we have assigned each taxon to one of three categories, which reflects the likelihood of our submitting a proposal. In sections A, B, and C below, we have listed the current status of each species proposal recommended by the public, as well as species proposals we have been developing on our own. Please note that we have only provided here a list of taxa and the proposed action. We have posted an extended version of this notice on our website, at *http://www.fws.gov/international/publications-and-media/federal-register-notices.html,* with text describing in more detail certain proposed action and explaining the rationale for the tentative U.S. position on these possible proposals. Copies of the extended version of the notice are also available from the Division of Scientific Authority at the above address or at *http://www.regulations.gov* at Docket No. FWS–HQ–IA–2017–0079.

We welcome your comments, especially if you are able to provide any additional biological or trade information on these species.

A. What species proposals will the United States likely submit for consideration at CoP18?

None.

B. On what species proposals is the United States still undecided, pending additional information and consultations?

The United States is still undecided on whether to submit CoP18 proposals for the following taxa. In most cases, we have not completed our consultations with relevant range countries. In other cases, we expect meetings to occur in the immediate future, at which participants will generate important recommendations, trade analyses, or biological information on the taxon in question that may be useful to our final decision-making. In addition one of the taxa in this section is undergoing review through the periodic review of the CITES Appendices by the Plants Committee (PC), in accordance with Resolution Conf. 14.8 (Rev. CoP17), and one has undergone periodic review by the Animals Committee (AC) at AC25. This is a regular process under CITES to evaluate whether listings of taxa in CITES Appendices I and II continue to be appropriate, based on current biological and trade information. These taxa are at various stages in the periodic review process. This process includes an initial assessment that is put before the appropriate Committee (Plants or Animals) for discussion, which may result in an AC or PC recommendation that a taxon be uplisted (transferred from Appendix II to Appendix I); that a taxon be downlisted (transferred from Appendix I to Appendix II, or deleted from Appendix II); or that no change be made to the listing.

Plants

1. Saw-toothed lewisia (*Lewisia serrata*)—Potential amendment to Appendix II-listing.

2. Frankincense (*Boswellia* spp.)—Inclusion in Appendix II.

3. Ginseng (*Panax quinquefolius*)—Amend current annotation to exclude sliced ginseng roots from CITES control.

Invertebrates

4. Ornamental/parachute spider/tarantula species (*Poecilotheria* spp.)—Inclusion in Appendix II.

5. Two families of sea cucumbers (Holothuridae and Stichopodidae)—Inclusion in Appendix II.

6. *Sea cucumbers found in U.S. native waters:* Pepino de mar (*Actinopyga agassizii*), deepwater redfish (*A.*

echinites), stonefish (*A. lecanora*), surf redfish (*A. mauritiana*), blackfish (*A. miliaris*), giant California sea cucumber (*Apostichopus californicus*), warty sea cucumber (*A. parvimensis*), furry sea cucumber (*Astichopus multifidus*), leopard fish (*Bohadschia argus*), brown sandfish (*B. vitiensis*), orange-footed sea cucumber (*Cucumaria frondosa*), teripang (*Holothuria arenicola*), lollyfish (*H. atra*), Zanga fleur (*H. cinerascens*), snakefish (*H. coluber*), Pinkfish (*H. edulis*), red snakefish (*H. flavomaculata*), Floridian (*Holothuria floridana*), Labuyo (*H. fuscocinerea*), white teatfish (*H. fuscogilva*), elephant trunkfish (*H. fuscopunctata*), tigertail (*H. hilla*), spotted sea cucumber (*H. impatiens*), golden sandfish (*H. lessoni*), white threadfish (*H. leucospilota*), Pepino de mar (*H. mexicana*), Bantunan (*H. pardalis*), no common name (*H. pervicax*), tubular (*H. tubulosa*), black teatfish (*H. whitmaei*), four-sided sea cucumber (*Isostichopus badionotus*), blackspotted sea cucumber (*Pearsonothuria graeffei*), greenfish (*Stichopus chloronotus*), curryfish (*S. herrmanni*), Selenka's sea cucumber (*S. horrens*), prickly redfish (*Thelenota ananas*), amber fish (*T. anax*), and lemonfish (*T. rubralineata*)—Inclusion in Appendix II.

7. *Sea cucumbers not found in U.S. native waters:* Deepwater blackfish (*Actinopyga palauensis*), burying blackfish (*A. spinea*), Japanese sea cucumber (*Apostichopus japonicus*), brown-spotted sandfish (*Bohadschia marmorata*), Falalyjaka (*B. subrubra*), Japanese cucumaria (*Cucumaria japonica*), black teatfish (*Holothuria nobilis*), sandfish (*H. scabra*), brown sea cucumber (*Isostichopus fuscus*), Selenka's sea cucumber (*Stichopus monotuberculatus*), and Selenka's sea cucumber (*S. naso*)—Inclusion in Appendix II.

Fishes

8. All guitarfish (31 species of guitarfish are found worldwide; 3 of these species are found in U.S. waters and are categorized as undecided)—Inclusion in Appendix II.

9. Lined seahorse (*Hippocampus erectus*)—Transfer from Appendix II to Appendix I.

10. Dwarf seahorse (*Hippocampus zosterae*)—Transfer from Appendix II to Appendix I.

11. Slender seahorse (*Hippocampus reidi*)—Transfer from Appendix II to Appendix I.

Reptiles

12. Tokay gecko (*Gekko gecko*)—Inclusion in Appendix II.

13. Blue-spotted tree monitor (*Varanus macraei*)—Transfer from Appendix II to Appendix I.

14. Pancake tortoise (*Malacochersus tornieri*)—Transfer from Appendix II to Appendix I.

Birds

15. Straw-headed bulbul (*Pycnonotus zeylanicus*)—Transfer from Appendix II to Appendix I.

16. *Neotropical tanager species:* Golden tanager (*Tangara arthus*), opal-crowned tanager (*Tangara callophrys*), burnished-buff tanager (*Tangara cayana*), paradise tanager (*Tangara chilensis*), golden-eared tanager (*Tangara chrysotis*), blue-necked tanager (*Tangara cyanicollis*), blue-browed tanager (*Tangara cyanotis*), bay-headed tanager (*Tangara gyrola*), silver-throated tanager (*Tangara icterocephala*), golden-hooded tanager (*Tangara larvata*), turquoise tanager (*Tangara mexicana*), beryl-spangled tanager (*Tangara nigroviridis*), flame-faced tanager (*Tangara parzudakii*), spotted tanager (*Tangara punctata*), green-and-gold tanager (*Tangara schrankii*), opal-rumped tanager (*Tangara velia*), and saffron-crowned tanager (*Tangara xanthocephala*)—Inclusion in Appendix II.

17. Attwater's prairie chicken (*Tympanuchus cupido attwateri*)—Remove from Appendix II.

Mammals

18. Saiga antelope (*Saiga tatarica*)—Transfer from Appendix II to Appendix I.

19. Markhor (*Capra falconeri*)—Transfer from Appendix I to Appendix II.

C. For which species is the United States not likely to submit proposals for consideration at CoP18, unless we receive significant additional information?

The United States does not intend to submit proposals for the following taxa unless we receive significant additional information indicating that a proposal is warranted.

Plants

1. *Dalbergia* and other wood products (especially for musical instruments)—Revision of Annotation #15.

Invertebrates

2. Wallace's giant bee (*Megachile pluto,* synonym *Chalicodoma pluto*)—Inclusion in Appendix I.

Fishes

3. Atlantic spiny dogfish (*Squalus acanthias*)—Inclusion in Appendix I or Appendix II (as recommended by the commenter—we are unlikely to submit a proposal).

4. All sharks and rays in international trade—Inclusion in Appendix II.

5. Shortfin mako shark (*Isurus paucus*)—Inclusion in Appendix II.

6. All wedgefish—Inclusion in Appendix II.

7. All guitarfish (31 species of guitarfish are found worldwide; 28 of these species are not found in U.S. waters and are categorized as not likely to be submitted)—Inclusion in Appendix II.

8. American eel (*Anguilla rostrata*)—Inclusion in Appendix II.

9. Tiger-tail seahorse (*Hippocampus comes*)—Transfer from Appendix II to Appendix I.

Reptiles

10. Shaw's Sea Snake (*Hydrophis curtus*)—Inclusion in Appendix II.

11. *Eurasian viper species:* Cyclades blunt-nosed viper (*Macrovipera schweizeri*), mountain viper (*Montivipera albizona*), Anatolian meadow viper (*Vipera anatolica*), snub-nosed viper (*Vipera latastei*), Caucasus viper (*Vipera kaznakovi*), Black Sea viper (*Vipera pontica*), nose-horned viper (*Vipera ammodytes*), Orlov's viper (*Vipera orlovi*), magnificent viper (*Vipera magnifica*), asp viper (*Vipera aspis*), Darevsky's viper (*Vipera darevskii*), and Caucasus subalpine viper (*Vipera dinniki*)—Inclusion in Appendix II or Appendix I.

12. *South African puff adder species:* Albany adder (*Bitis albanica*), southern adder (*Bitis armata*), many-horned adder (*Bitis cornuta*), plain mountain adder (*Bitis inornata*), red adder (*Bitis rubida*), and Namaqua dwarf adder (*Bitis schneideri*)—Inclusion in Appendix II.

13. American rattlesnake species (*Crotalus* spp.)—Inclusion in Appendix II.

14. *Neotropical wood turtle species:* Painted wood turtle (*Rhinoclemmys pulcherrima*) and spot-legged wood turtle (*R. punctularia*)—Inclusion in Appendix II.

15. North American map turtles (*Graptemys* spp.): Barbour's map turtle (*G. barbouri*), Cagle's map turtle (*G. caglei*), Escambia map turtle (*G. ernsti*), yellow-blotched map turtle (*G. flavimaculata*), northern map turtle (*G. geographica*), Pascagoula map turtle (*G. gibbonsi*), black-knobbed map turtle (*G. nigrinoda*), ringed map turtle (*G. oculifera*), Ouachita map turtle (*G. ouachitensis*), Pearl River map turtle (*G. pearlensis*), false map turtle (*G. pseudogeographica*), Alabama map turtle (*G. pulchra*), and Texas map turtle

(*G. versa*)—Transfer from Appendix III to Appendix II.

16. Alligator snapping turtle (*Macrochelys temminckii*)—Transfer from Appendix III to Appendix II.

Birds

17. *Four Indo-Pacific bird species:* Loria's bird-of-paradise (*Cnemophilus loriae*), crested bird-of-paradise (*C. macgregorii*), yellow-breasted bird-of-paradise (*Loboparadisea sericea*), and Macgregor's bird-of-paradise (*Macgregoria pulchra*)—Removal from Appendix II.

18. Andean flamingo (*Phoenicoparrus andinus*)—Transfer from Appendix II to Appendix I.

Mammals

19. Hippopotamus (*Hippopotamus amphibius*)—Transfer from Appendix II to Appendix I.

20. Narwhal (*Monodon monoceros*)—Transfer from Appendix II to Appendix I.

21. Walrus (*Odobenus rosmarus*)—Transfer from Appendix III to Appendix I; or Transfer Pacific walrus subspecies (*O. r. divergens*) from Appendix III to Appendix I and Transfer Atlantic (*O. r. rosmarus*) and Laptev (*O. r. laptevi*) walrus subspecies from Appendix III to Appendix II.

22. Polar bear (*Ursus maritimus*)—Transfer from Appendix II to Appendix I.

Recommendations for Resolutions, Decisions, and Agenda Items for the United States To Consider Submitting for CoP18

In our **Federal Register** notice published on March 12, 2018 (83 FR 10736), we requested information and recommendations on potential resolutions, decisions, and agenda items for the United States to submit for consideration at CoP18. We received information and recommendations from the following organizations: American Federation of Musicians of the United States and Canada; American Federation of Violin and Bow Makers; Animal Welfare Clinic at Michigan State University College of Law; Animal Welfare Institute; Center for Biological Diversity; C.F. Martin & Co., Inc.; Chamber Music America; Fender Musical Instruments Corporation; Forest Based Solutions; Ginseng Board of Wisconsin; Humane Society International; International Association of Violin and Bow Makers; International Wood Products Association; League of American Orchestras; National Association of Music Merchants; Natural Resources Defense Council; OPERA America; Organization of Professional Aviculturists; Performing Arts Alliance; Paul Reed Smith Guitars; Species Survival Network; Taylor Guitars; Theatre Communications Group; The Recording Academy; WildCat Conservation Legal Aid Society; Wildlife Conservation Society; and World Animal Protection. We also received comments from one individual. In addition, we received comments from Center for Biological Diversity and Organization of Professional Aviculturists related to proposals to amend the CITES Appendices and from 16 of the above commenters related to expanding the number of designated U.S. ports for CITES exports. These comments were outside the scope of this action.

We considered all of the recommendations of the above individual and organizations, as well as the factors described in the U.S. approach for CoP18 discussed in our January 23, 2018, **Federal Register** notice, when compiling a list of resolutions, decisions, and agenda items that the United States is likely to submit for consideration by the Parties at CoP18. We also compiled lists of resolutions, decisions, and agenda items for consideration at CoP18 that the United States either is currently undecided about submitting, is not considering submitting at this time, or plans to address in other ways. In compiling these lists, we also considered potential submissions that we identified internally. The United States may consider submitting documents for some of the issues for which it is currently undecided or not considering submitting at this time, depending on the outcome of discussions of these issues in the CITES Standing Committee, additional consultations with range country governments and subject matter experts, or comments we receive during the public comment period for this notice.

Please note that, under A, B, and C below, we have listed those resolutions, decisions, and agenda items that the United States is likely to submit, currently undecided about submitting, or currently planning not to submit. We have posted a supplementary document on our website at *http://www.fws.gov/international/CITES/CoP18/index.html* and at *http://www.regulations.gov,* with text describing in more detail each of these issues and explaining the rationale for the tentative U.S. position on each issue. Copies of the supplementary document are also available from the Division of Management Authority at the address in **ADDRESSES**.

We welcome your comments and information regarding the resolutions, decisions, and agenda items that the United States is likely to submit, currently undecided about submitting, or currently planning not to submit.

A. What resolutions, decisions, and agenda items is the United States likely to submit for consideration at CoP18?

Strategy for CITES capacity-building efforts: The United States is considering submission of a document calling on the CITES parties to develop a framework for CITES capacity building that facilitates Party and donor coordination, transparency, and accountability across an array of needs and investments. This may include suggestion of a framework and a method to identify and track outstanding needs as well as recommendations for measuring progress toward shared goals to start the discussion.

Elephant conservation: The United States is considering submission of a document that will address the conservation of Asian and African elephants either through a new resolution or decisions or amendment of existing resolutions or decisions.

B. On what resolutions, decisions, and agenda items is the United States still undecided, pending additional information and consultations?

1. Pangolin and Appendix-I specimens acquired prior to Appendix-I uplisting: Recommendation that the United States continue its work to combat trafficking of pangolins by ensuring that stockpiles of scales and live animals are not traded on the basis of fraudulent CITES exceptions or unsupported legal theories.

2. *Elephant:* Recommendation that the United States support efforts to reduce the illegal and legal ivory trade to put an end to the ongoing poaching of elephants and to ensure that adequate safeguards are in place to protect wild elephants; recommendation that if the United States submits a document on the issue of appropriate and acceptable destinations that it first consult with range states and relevant experts and take into account the view of the majority of the African elephant range states that wild elephants should only be destined to *in situ* conservation projects.

3. *National ivory action plans (NIAPs):* Recommendation that the United States present options for further strengthening progress with Parties' implementation of their NIAPs processes—possibly through submission of draft text amending Resolution Conf. 10.10 (Rev. CoP17), on *Trade in elephant specimens.*

4. *Grey parrot:* Recommendation that the United States propose that the considerations given to the evaluation of applications to register facilities that breed African grey parrot (*Psittacus erithacus*) for commercial purposes in Decision 17.258 be extended until the 20th meeting of the Conference of the Parties (CoP20).

5. *Eel:* Recommendation that the United States submit a draft resolution on conservation of *Anguilla* species.

6. *CITES National Legislation Project:* Recommendation that the United States submit or co-sponsor and develop a draft resolution to amend Resolution Conf. 8.4 (Rev. CoP15), *National laws for implementation of the Convention,* to provide clear guidelines as to the criteria for inclusion in Categories 1, 2, and 3 (including coverage of all CITES taxa, including marine species). Recommendation that the United States submit a document on this issue, or otherwise to ensure that it is on the agenda of the CoP; further, recommendation that the United States raise this issue at the July 2018 meeting of the Food and Agriculture Organization of the United Nations (FAO) Committee on Fisheries, as it will not meet again prior to CoP18.

7. Appendix-I specimens acquired prior to Appendix-I uplisting and Resolution Conf. 13.6 (Rev. CoP16), *Implementation of Article VII, paragraph 2, concerning* ''*pre-Convention*'' *specimens,* interpretation issues: Recommendation that the United States submit a document clarifying this issue, and reject the Secretariat's views in SC69 Doc. 57. Recommendation that the United States ensure that the document to be prepared by the Secretariat is balanced and legally accurate; that the United States not rely only on the potential document from the Secretariat, but to also submit its own document on the issue for consideration by CoP18, and also ensure that the issue is discussed as a standalone agenda item so that the issue obtains the full discussion and understanding of the CITES Parties.

8. *Marine ornamental fishes:* Recommendation that the United States consider submitting an agenda item for discussion at CoP18 on trade in marine ornamental fishes.

9. *International travel with musical instruments:* Recommendation that the United States seek outcomes at CoP18 that will advance CITES policies related to international travel with musical instruments containing protected species material. Recommendation that since the United States initiated the creation of the Musical Instrument Certificate, it should lead an effort towards improvements in this area by proactively submitting a proposal to fully implement a ''personal effects'' exemption for those instruments containing protected species that are carried in personal accompanying baggage. Recommendation that the United States advance consideration of permit exemptions for musical instruments transported by cargo under a carnet.

10. *Trade and commerce in wood species:* Recommendation that any revision to Annotation #15, and annotations more broadly, account for and prevent potential unintended consequences for trade, allow appropriate timeframes for implementation, and can be supported through harmonized interpretations across CITES Parties.

C. What resolutions, decisions, and agenda items is the United States not likely to submit for consideration at CoP18, unless we receive significant additional information?

1. *Totoaba and vaquita:* Recommendation that the United States propose and champion the imposition of sanctions against Mexico pursuant to Article VIII of CITES and CITES Resolution Conf. 11.3 (Rev. CoP17), on *Compliance and enforcement,* and Resolution Conf. 14.3, on *CITES compliance procedures,* since, according to the commenters, the vaquita porpoise (*Phocoena sinus*) is on the brink of extinction and the ongoing failure of the government of Mexico to enact and enforce rules and policies to fully protect the vaquita and its habitat and to address the blatant illegal fishing for totoaba (*Totoaba macdonaldi*). Recommendation that the United States propose that CITES recommend that all Parties cease all wildlife trade with Mexico until it creates a management strategy and plan concerning totoaba and vaquita that meets or exceeds the standards presented by the commenters.

2. *Trade in biosynthetic plant and wildlife material:* Recommendation that the United States, given the U.S. significant investments in demand reduction and enforcement, to continue its work with regard to biosynthetic products of or made from CITES-listed species.

3. *Sharks and rays:* Recommendation that the United States ensure that the outcomes of the shark working groups and deliberations of the Standing and Animals Committees are on the agenda of CoP18, as a separate agenda item. The Standing Committee has agreed to discuss several issues, including the following, which the commenter recommends that the United States ensure are highlighted in CoP discussions: Chain of custody issues, marking and traceability issues, the making of legal acquisition findings, catch documentation and product certification schemes, and the role of Regional Fisheries Management Organizations. Recommendation that the United States ensure a discussion at the CoP on capacity building needs in the issuance of non-detriment findings for sharks and rays on the CITES Appendices.

4. *Elephants—domestic ivory markets:* Recommendation that the United States report on implementation of Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens,* with a particular focus on the successful enforcement of new laws on domestic ivory trade, work with other Parties to close their ivory markets as a matter of urgency, and ensure that the issue is discussed at CoP18. According to the commenter, paragraph 3 of Resolution Conf. 10.10 (Rev. CoP17) can be misconstrued to mean that some Parties with open domestic ivory markets are not obligated to take further action to close their markets if they believe they are not contributing significantly to illegal trade and the commenter believes that all such markets contribute to poaching of elephants and illegal ivory trade, facilitate laundering, foster demand for ivory, and undermine the conservation efforts of elephant range States. Therefore, recommendation that the United States work with other Parties to amend paragraph 3 accordingly.

5. *Leopard quotas:* Recommendation that the United States track the information being provided on existing leopard quotas. Based upon this information and other available information, recommendation that the United States ensure that reasonable quotas are set that are not detrimental to the survival of the species. Recommendation that the United States submit a document for consideration at CoP18 that recommends that there be full scientific justification for leopard quotas approved by the CITES Conference of the Parties in Resolution Conf. 10.14 (Rev. CoP16), *Quotas for leopard hunting trophies and skins for personal use.* This document should propose a new procedure for establishment and review of such quotas, including that any Party wishing to retain their leopard quota provide scientific justification for continuing the quota at each meeting of the Conference of the Parties to CITES; and all matters related to establishment, continuance or increase of leopard quotas be approved by a two-thirds majority vote of the Parties.

6. *Registration of operations that breed Appendix-I avian species in captivity for commercial purposes:* Recommendation that the United States reevaluate the process for the registration of operations that breed Appendix-I avian species in captivity for commercial purposes. Recommendation that Decision 17.258 be applied to all animal species for the evaluation of applications to register facilities that breed Appendix-I animal species for commercial purposes; all Appendix-I species that were legally imported under Appendix II, prior to their inclusion on Appendix I, should be afforded the opportunity to become registered, taking into consideration the CITES trade data as a means of establishing whether imports from a species/country combination will qualify. Recommendation that the United States propose that Decision 17.258 be amended and adopted into Resolution Conf. 12.10 (Rev CoP15), on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes.*

7. *Specimens of Appendix-I listed species bred in non-range States with large prolific captive populations,* i.e. Psittacus erithacus, Cyanoramphusnovaezealandiae, Psephotus dissimilis *and* chrysopterygius *(and several others), be treated as an Appendix-II species for the purposes of trade:*

Recommendation that special consideration be given to range States with economically important captive populations.

8. *Laundering:* Recommendation that, in a case where a Management Authority suspects that a facility may be laundering illegal specimens and there is insufficient recordkeeping to prove paternity, an available, established, and proven scientific method should be used to determine parentage of suspect specimens.

9. *Criteria:* Recommendation that the United States propose that additional criteria be established for future amendments to the CITES Appendices for commercially important animal species with prolific captive populations that limit the disruptive and detrimental impact of such an action on the livelihoods of indigenous communities and bona fide breeding operations.

10. *Bear bile and bear gall bladder:* Recommendation that the United States propose amendments to Resolution Conf. 10.8 (Rev. CoP14), on *Conservation of and trade in bears,* or decisions that strategically address the threat of trade in bear bile products and demand for illegally sourced bear bile products.

11. *Disposal of confiscated specimens:* Recommendation that the United States prepare draft decisions that would direct the Secretariat to request information from Parties on the scope of this problem and potential solutions and report to the Animals, Plants, and Standing Committees, and direct the Committees to prepare recommendations, including providing financial assistance so that Parties can either destroy such specimens or dispose of them in a manner consistent with Resolution Conf. 17.8, *Disposal of illegally trade and confiscated specimens of CITES-listed species,* and submit these recommendations to the next meeting of the Conference of the Parties.

12. *Species not yet listed in the CITES appendices:* Recommendation that the United States submit a working document regarding unlisted species, providing guidance to Parties in ensuring that ''the Appendices correctly reflect the conservation needs of species.''

13. *Tortoises and freshwater turtles:* Recommendation that U.S. conservation efforts related to these species continue. Recommendation that the United States ensure that this issue is on the agenda at CITES CoP18 in order to further examine what steps might be necessary to protect these taxa from the threats of illegal and/or unsustainable trade.

14. *Asian big cats:* Recommendation that the United States propose a Resolution at CoP18 to more effectively address tiger farming and the trade in captive-bred Asian big cats and their parts. Recommendation that the United States recommend: Parties impose sanctions against any Party who does not comply with Decision 17.226; Parties gain public participation to reduce illegal sales, including educating and empowering citizens in range countries to conserve tigers; Parties impose appropriate sentences and penalties to meaningfully deter trade of tigers or tiger parts, including by imposing sanctions on Parties that create loopholes for the purpose of circumventing their treaty obligations.

15. *Captive-bred and ranched specimens (and laundering of wild-caught animals):* Recommendation that the United States submit captive-bred and ranched specimens (and laundering of wild-caught animals) as a separate agenda item, or to ensure that the Secretariat will include it as a standalone agenda item; recommendation that the United States consider submission of a document highlighting the problem.

16. *Legal acquisition findings:* Recommendation that the United States ensure that the issue is discussed under a separate agenda item at CoP18.

17. *Ginseng:* Recommendation that the United States recommend at CoP18 that all Parties to CITES are to recognize ''personal exemption'' for dried cultivated American ginseng (*Panax quinquefolius*). Maximum amount allowed 4.5 kg.

18. *Management Authorities:* Recommendation that the United States ensure that the development of a resolution pertaining to CITES Management Authorities properly tracks the responsibilities placed on Management Authorities in the text of the Convention.

19. *Electronic permitting:* Recommendation that the United States support continued development of a robust electronic permitting system such as eCITES that would eventually allow for universal utilization of electronic permits.

20. *Rural communities:* Recommendation that the United States submit a draft Resolution to prepare draft decisions that would suspend the operation of the Working Group, direct the Standing Committee to prepare appropriate criteria for membership, review existing and proposed members in the light of these criteria and of the need for both regional balance and a balance of views, and only reconstitute the Working Group once these criteria have been adopted by the Conference of the Parties.

21. *Destruction of ivory stockpiles:* Recommendation that the United States submit a document calling on all Parties planning to destroy their ivory stocks to conduct independently audited inventories before any destruction events and to make samples of the seized ivory available for DNA- and/or isotope-based analysis. Recommendation that the United States support making available materials and guidance on best practices for the management of ivory stockpiles, including their disposal when applicable. Recommendation that the United States support a decision at the CoP to endorse the dissemination (through the CITES website and other means) of the stockpile management system of the organization ''Stop Ivory,'' which has been used successfully by several countries.

22. *Other species-specific matters:* Recommendation that the United States ensure that the following issues are on the CoP18 agenda: Other aspects of wildlife trafficking, great apes, Asian big cats in captivity, illegal trade in cheetahs, Monitoring the Illegal Killing

of Elephants (MIKE) and the Elephant Trade Information System (ETIS), saiga antelope, and CITES and livelihoods.

Request for Information and Comments

We invite information and comments concerning any of the possible CoP18 species proposals, resolutions, decisions, and agenda items discussed above. You must submit your information and comments to us no later than the date specified in **DATES**, above, to ensure that we consider them. Comments and materials received will be posted for public inspection on *http://www.regulations.gov,* and will be available by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Division of Management Authority (see **ADDRESSES**). Our practice is to post all comments, including names and addresses of respondents, and to make comments, including names and home addresses of respondents, available for public review during regular business hours.

There may be circumstances in which we would withhold from public review a respondent's name and/or address, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comment, but we cannot guarantee that we will be able to do so. We will make all comments and materials submitted by organizations or businesses, and by individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Observers

Article XI, paragraph 7, of CITES states that ''Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(a) International agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and

(b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located. Once admitted, these observers shall have the right to participate but not to vote.''

Persons wishing to be observers representing international nongovernmental organizations (which must have offices in more than one country) at CoP18 may request approval directly from the CITES Secretariat. Persons wishing to be observers representing U.S. national nongovernmental organizations at CoP18 must receive prior approval from our Division of Management Authority (**ADDRESSES**). Once we grant our approval, a U.S. national nongovernmental organization is eligible to register with the Secretariat and must do so at least 6 weeks prior to the opening of CoP18 to participate in CoP18 as an observer. Individuals who are not affiliated with an organization may not register as observers. An international nongovernmental organization with at least one office in the United States may register as a U.S. non-governmental organization if it prefers.

Any organization that submits a request to us for approval as an observer should include evidence of their technical qualifications in protection, conservation, or management of wild fauna or flora, for both the organization and the individual representative(s). The request should include copies of the organization's charter and any bylaws, and a list of representatives it intends to send to CoP18. Organizations seeking approval for the first time should detail their experience in the protection, conservation, or management of wild fauna or flora, as well as their purposes for wishing to participate in CoP18 as an observer. An organization that we have previously approved as an observer at a meeting of the Conference of the Parties within the past 5 years must submit a request, but does not need to provide as much detailed information concerning its qualifications as an organization seeking approval for the first time. These requests should be sent to the Division of Management Authority at the address provided in **ADDRESSES**, above; via email to *managementauthority@fws.gov;* or via fax to 703–358–2298.

Once we approve an organization as an observer, we will inform them of the appropriate page on the CITES website where they may obtain instructions for registration with the CITES Secretariat, including a meeting registration form and travel and hotel information. A list of organizations approved for observer status at CoP18 will be available upon request from the Division of Management Authority just prior to the start of CoP18.

Future Actions

We expect the CITES Secretariat to provide us with a provisional agenda for CoP18 within the next several months. Once we receive the provisional agenda, we will publish it in a **Federal Register** notice and provide the Secretariat's website address. We will also provide the provisional agenda on our website, at *http://www.fws.gov/international/CITES/CoP18/index.html.*

The United States must submit any proposals to amend Appendix I or II, or any draft resolutions, decisions, or agenda items for discussion at CoP18, to the CITES Secretariat 150 days (*i.e.,* by December 24, 2018) prior to the start of the meeting. In order to meet this deadline and to prepare for CoP18, we have developed a tentative U.S. schedule. We will consider all available information and comments we receive during the comment period for this **Federal Register** notice as we decide which species proposals and which proposed resolutions, decisions, and agenda items warrant submission by the United States for consideration by the Parties. Approximately 4 months prior to CoP18, we will post on our website an announcement of the species proposals, draft resolutions, draft decisions, and agenda items submitted by the United States to the CITES Secretariat for consideration at CoP18.

Through a series of additional notices and website postings in advance of CoP18, we will inform you about preliminary negotiating positions on resolutions, decisions, and amendments to the Appendices proposed by other Parties for consideration at CoP18. We will also publish an announcement of a public meeting to be held approximately 2 to 3 months prior to CoP18, to receive public input on our positions regarding CoP18 issues.

The procedures for developing U.S. documents and negotiating positions for a meeting of the Conference of the Parties to CITES are outlined in 50 CFR 23.87. As noted in paragraph (c) of that section, we may modify or suspend the procedures outlined there if they would interfere with the timely or appropriate development of documents for submission to the CoP and of U.S. negotiating positions.

Authors

The primary authors of this notice are Thomas E.J. Leuteritz, Ph.D., Branch Chief, Division of Scientific Authority, and Laura S. Noguchi, Branch Chief, Division of Management Authority, U.S. Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

James W. Kurth,

Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2018–21255 Filed 9–28–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS0100.L58530000.EQ0000.241A; N–93733; 12–08807; MO#4500122399; TAS:15X5232]

Notice of realty action: Classification for Lease and/or Conveyance for Recreation and Public Purposes of Public Lands (N–93733) for a Park in the Southwest Portion of the Las Vegas Valley, Clark County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM), Las Vegas Field Office, has examined and found suitable for classification for lease and subsequent conveyance under the provisions of the Recreation and Public Purposes Act (R&PP), as amended, approximately 10 acres of public land in the Las Vegas Valley, Clark County, Nevada. Clark County proposes to use the land for a 10-acre community park that will help the County meet future expanding recreation needs in the southwestern area of the Las Vegas Valley.

DATES: Submit written comments regarding this proposed classification on or before November 15, 2018.

ADDRESSES: Mail or hand deliver written comments to the BLM Las Vegas Field Office, 4701 N Torrey Pines Drive, Las Vegas, Nevada 89130, Attn: Acting Assistant Field Manager. The BLM will not consider comments received via telephone calls or email.

FOR FURTHER INFORMATION CONTACT: Marcus Amer at the above address, by telephone at 702–515–5021, or by email to *mamer@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to leave a message or question for the above individual. The FRS is available 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The parcel is located on West Pyle Avenue and Polaris Avenue in southwest Las Vegas and is legally described as:

Mount Diablo Meridian, Nevada

T. 22 S., R. 61 E.,
Sec. 29, SE¼SW¼NW¼.

The area described contains 10 acres in Clark County, Nevada.

Clark County has filed an R&PP application to develop the above-described land as a community park. The project will consist of picnic shelters, a children's play area, restrooms, pedestrian walkways, parking, and open-space play areas. Additional detailed information pertaining to this publication, plan of development, and site plan is located in case file N–93733, which is available for review at the BLM Las Vegas Field Office at the above address.

The land identified is not needed for any Federal purposes. The lease or conveyance of the lands for recreational or public purposes use is consistent with the BLM Las Vegas Resource Management Plan dated October 5, 1998, and would be in the public interest. Clark County has not applied for more than the 6,400-acre limitation for recreation uses in a year, nor more than 640 acres for each of the programs involving public resources other than recreation.

All interested parties will receive a copy of this Notice once it is published in the **Federal Register**. A copy of the Notice with information about this proposed realty action will be published in a newspaper of local circulation once a week for three consecutive weeks. The regulations at 43 CFR Subpart 2741 addressing requirements and procedures for conveyances under the R&PP Act do not require a public meeting.

The lease or conveyance of the land, when issued, will be subject to the following terms, conditions, and reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (43 U.S.C. 945);

2. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior;

3. All mineral deposits in the land so patented, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations as established by the Secretary of the Interior may prescribe;

4. Lease or conveyance of the parcel is subject to valid existing rights.

Any lease and conveyance will also contain any terms or conditions required by law (including, but not limited to, any terms or conditions required by 43 CFR 2741.4), and will contain an appropriate indemnification clause protecting the United States from claims arising out of the lessee's/patentee's use, occupancy, or operations on the leased/patented lands. It will also contain any other terms and conditions deemed necessary and appropriate by the Authorized Officer.

Upon publication of this Notice in the **Federal Register**, the land described above will be segregated from all other forms of appropriation under the public land laws, including the general U.S. Mining Laws, except for lease and conveyance under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material disposal laws.

Interested parties may submit written comments on the suitability of the land for development of a public park in the City of Las Vegas. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with state and Federal programs.

Interested parties may also submit comments regarding the specific use proposed in the application and plan of development and management and whether the BLM followed proper administrative procedures in reaching the decision to lease and convey under the R&PP Act.

Before including your address, phone number, email address, or other personally identifiable information in any comment, be aware that your entire comment including your personally identifiable information may be made publicly available at any time. While you can ask the BLM in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Only written comments submitted to the Field Manager, BLM Las Vegas Field Office, will be considered properly filed. Any adverse comments will be reviewed as protests by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action.

In the absence of any adverse comments, the decision will become effective on November 30, 2018. The lands will not be available for lease and conveyance until after the decision becomes effective.

Authority: 43 CFR 2741.5.

Gayle Marrs-Smith,

Field Manager, Las Vegas Field Office.

[FR Doc. 2018–21304 Filed 9–28–18; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[18X LLWO600000.L18200000.XP0000]

2018 Second Call for Nominations for Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of call for nominations.

SUMMARY: The purpose of this Notice is to reopen the request for public nominations for certain Bureau of Land Management (BLM) Resource Advisory Councils (RAC) and other chartered Advisory Councils that have members whose terms are scheduled to expire. These Advisory Councils provide advice and recommendations to the BLM on land use planning and management of the National System of Public Lands within their geographic areas. The Advisory Councils covered by this request for nominations are identified below. The BLM will accept public nominations for 30 days after the publication of this Notice.

DATES: All nominations must be received no later than October 31, 2018.

ADDRESSES: Nominations and completed applications should be sent to the appropriate BLM offices listed in the **SUPPLEMENTARY INFORMATION** section of this Notice.

FOR FURTHER INFORMATION CONTACT: Carrie Richardson, BLM Communications, 1849 C Street NW, Room 5614, Washington, DC 20240, telephone: 202–501–2634, email: *crichardson@blm.gov.*

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784 and include the following three membership categories:

Category One—Holders of Federal grazing permits and representatives of organizations associated with energy and mineral development, the timber industry, transportation or rights-of-way, developed outdoor recreation, off-highway vehicle use, and commercial recreation;

Category Two—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic organizations, dispersed recreation activities, and wild horse and burro organizations; and

Category Three—Representatives of State, county, or local elected office, employees of a State agency responsible for management of natural resources, representatives of Indian tribes within or adjacent to the area for which the council is organized, representatives of academia who are employed in natural sciences, and the public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographic area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making.

The following must accompany all nominations:

—A completed RAC application;
—Letters of reference from represented interests or organizations; and
—Any other information that addresses the nominee's qualifications.

Simultaneous with this Notice, BLM State Offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the state.

Before including any address, phone number, email address, or other personal identifying information in the application, nominees should be aware this information may be made publicly available at any time. While the nominee can ask to withhold the personal identifying information from public review, the BLM cannot guarantee that it will be able to do so.

Nominations and completed applications for RACs should be sent to the appropriate BLM offices listed below:

Alaska

Alaska RAC

Lesli J. Ellis-Wouters, BLM Alaska State Office, 222 West 7th Street #13, Anchorage, AK 99513; Phone 907–271–4418.

California

Northern California RAC

Jeff Fontana, BLM Eagle Lake Field Office, 2550 Riverside Drive, Susanville, CA 96130, 530–252–5332.

Central California RAC and Carrizo Plain National Monument Advisory Council

Serena Baker, BLM Mother Lode Field Office, 5152 Hillsdale Circle, El Dorado Hills, CA 95762; Phone 916–941–3146.

Colorado

Rocky Mountain RAC

Amber Iannella, BLM Rocky Mountain District Office, 3028 East Main Street, Cañon City, CO 81212; Phone 719–269–8553.

Northwest RAC

David Boyd, BLM Northwest District Office, 2300 River Frontage Road, Silt, CO 81652; 970–876–9008.

Southwest RAC

Shannon Borders, BLM Southwest District Office, 2465 South Townsend Avenue, Montrose, CO 81401; Phone 970–240–5399.

Idaho

Boise District RAC

Michael Williamson, BLM Boise District Office, 3948 Development Avenue, Boise, ID 83705; 208–384–3393.

Coeur d'Alene District RAC

Suzanne Endsley, BLM Coeur d'Alene District Office, 3815 Schreiber Way, Coeur d'Alene, ID 83815; 208–769–5004.

Idaho Falls District RAC

Sarah Wheeler, BLM Idaho Falls District Office, 1405 Hollipark Drive, Idaho Falls, ID 83401; Phone 208–524–7550.

Twin Falls District RAC

Heather Tiel-Nelson, BLM Twin Falls District Office, 2878 Addison Avenue East, Twin Falls, ID 83301; Phone 208–736–2352.

New Mexico

Albuquerque District RAC

Mark Matthews, BLM Socorro Field Office, 901 South Highway 85, Socorro, NM 87801; Phone 575–838–1250.

Farmington District RAC

Zachary Stone, BLM Farmington District Office, 6251 College Boulevard, Farmington, NM 87402; Phone 505–564–7677.

Las Cruces District RAC

Deborah Stevens, BLM Las Cruces District Office, 1800 Marquess Street, Las Cruces, NM 88005; Phone 575–525–4421.

Pecos District RAC

Glen Garnand, BLM Pecos District Office, 2909 West Second Street, Roswell, NM 88201; 575–627–0209.

Nevada

Mojave-Southern Great Basin RAC

Kirsten Cannon, Southern Nevada District Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130; Phone 702–515–5057.

Northeastern Great Basin RAC

Kyle Hendrix, Battle Mountain District Office, 50 Bastian Road, Battle Mountain, NV 89820; Phone 775–635–4054.

Sierra Front Northwestern Great Basin RAC

Lisa Ross, Carson City District Office, 5665 Morgan Mill Road, Carson City, NV 89701; Phone 775–885–6107.

Oregon/Washington

Eastern Washington RAC

Jeff Clark, BLM Spokane District Office, 1103 North Fancher Road, Spokane, WA 99212; 509–536–1297.

John Day-Snake RAC

Lisa Clark, BLM Prineville District Office, 3050 NE 3rd Street, Prineville, OR 97754; 541–416–6864.

Northwest Oregon RAC

Jennifer Velez, BLM Northwest Oregon District Office, 1717 Fabry Road SE, Salem, OR 97306; Phone 541–222–9241.

Southeast Oregon RAC

Larisa Bogardus, BLM Lakeview District Office, 1301 S. G Street, Lakeview, OR 97630; Phone 541–947–6237.

Steens Mountain Advisory Council

Tara Thissell, BLM Burns District Office, 28910 Highway 20 West, Hines, OR 97738; Phone 541–573–4519.

Utah

Utah RAC

Lola Bird, BLM Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, UT 84101; Phone 801–539–4033.

(Authority: 43 CFR 1784.4–1)

Jeff Krauss,

Acting Assistant Director for Communications.

[FR Doc. 2018–21306 Filed 9–28–18; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–26466; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before September 8, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by October 16, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before September 8, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

ARIZONA

Pima County

Dunbar, Paul Laurence, School (Spring, John, MRA), 300 W 2nd St., Tucson, MP100003013

Johnson, Donald S. and Elizabeth E., House (Single Family Residential Architecture of Josias Joesler and John and Helen Murphey MPS), 5165 N Camino St., Tucson, MP100003014

ARKANSAS

Pulaski County

Garland Elementary School, 3615 W 25th St., Little Rock, SG100003015

Washington County

Meadow Spring Historic District, Roughly bounded by NW, School, Locust & Church Aves. between W Dickson St. & W Mountain, Fayetteville, SG100003016

CALIFORNIA

Sacramento County

McKinley Park, Corner of H St. & Alhambra Blvd., Sacramento, SG100003036

FLORIDA

Dade County

Bacardi Complex, 2100 Biscayne Blvd., Miami, SG100003017

Coconut Grove Playhouse, 3500 Main Hwy., Miami, SG100003018

Escambia County

Yonge, P.K., House, 1924 E Jackson St., Pensacola, SG100003019

Flagler County

Holden House, 204 E Moody Blvd., Bunnell, SG100003020

Highlands County

Highlands Hammock State Park and Florida Botanical Gardens and Arboretum (Florida's New Deal Resources MPS), 5931 Hammock Rd., Sebring, MP100003021

Hillsborough County

Costa, Dr. Frank J., House, 16116 Lake Magdalene Dr., Tampa vicinity, SG100003022

First Federal Savings and Loan Association of Tampa, 220 East Madison St., Tampa, SG100003023

GEORGIA

Fulton County

Building at 760–768 Confederate Avenue, 760 Confederate Avenue SE, Atlanta, SG100003037

LOUISIANA

Jefferson Parish

Coca-Cola Bottling Facility—Gretna Plant, 1000 Burmaster St., Gretna, SG100003024

Lafayette Parish

Lafayette Coca-Cola Bottling Plant, 1506 Cameron St., Lafayette, SG100003025

Lafourche Parish

Bayou Boeuf Settlement, 4056 LA 307, Kraemer, SG100003026

Orleans Parish

One Shell Square, 701 Poydras St., New Orleans, SG100003027

St. Tammany Parish

Williams Cemetery, 28183 Main St., Lacombe, SG100003028

NEW MEXICO

Bernalillo County

St. John's Cathedral (Buildings designed by John Gaw Meem MPS), 318 Silver Ave., Albuquerque, MP100003029

Rio Arriba County

Whitaker Dinosaur Quarry, 1708 US 84, Abiquiu vicinity, SG100003030

Santa Fe County

Pond—Kelly House, 535 E Palace Ave., Santa Fe, SG100003031

TEXAS

Brazoria County

Smith, Henry, Statue (Monuments and Buildings of the Texas Centennial MPS), Intersection of N Brooks & W Smith Sts., Brazoria, MP100003040

UTAH

Salt Lake County

Muir, James A. and Janet, House (Sandy City MPS), 2940 E Mount Jordan Rd., Sandy, MP100003042

Nielsen—Sanderson House (Draper, Utah MPS), 12758 S Fort St., Draper, MP100003043

Parrish, Lowell and Emily, House, 701 N I St., Salt Lake City, SG100003044

Young—Cottrell House (Draper, Utah MPS), 12390 S 800 East, Draper, MP100003045

WISCONSIN

Dane County

Klueter and Company Wholesale Grocery Warehouse, 901 E Washington Ave., Madison, SG100003034

Jefferson County

Schweiger Industries Plant III, 138 W Candise St., Jefferson, SG100003046

Milwaukee County

Coakley Brothers Warehouse, 3742 W Wisconsin Ave., Milwaukee, SG100003035

Nominations submitted by Federal Preservation Officers: The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

MONTANA

Phillips County

Lookout Cave, Address Restricted, Zortman vicinity, SG100003039

OREGON

Lake County

Snell, Governor Earl W., Aircraft Crash Site, T40S, R16E, sec25, Fremont-Winema NF, Lakeview vicinity, SG100003032

Linn County

Santiam Pass Ski Lodge, 64405 US 20, Willamette NF, Sisters vicinity, SG100003033

Authority: Section 60.13 of 36 CFR part 60.

Dated: September 11, 2018.

Julie H. Ernstein,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program and Deputy Keeper of the National Register of Historic Places.

[FR Doc. 2018–21272 Filed 9–28–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1108]

Certain Jump Rope Systems; Notice of Issuance of Limited Exclusion Order Against Respondent Found in Default; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order against certain jump rope systems thereof of Respondent Suzhou Everise Fitness Co, Ltd. of Jiangsu, China (''Respondent''). The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2382. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: On April 18, 2018, the Commission instituted this investigation pursuant to a complaint filed by Jump Rope Systems, LLC of Louisville, Colorado (''Complainant''). 83 FR 17190 (Apr. 18, 2018). The complaint, as supplemented, alleges violations of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, sale for importation, or the sale within the United States after importation of certain jump rope systems that allegedly infringe one or more of the asserted claims of U.S. Patent Nos. 7,789,809 (''the '809 patent'') and 8,136,208 (''the '208 patent''). The notice of investigation named one respondent, Suzhou Everise Fitness Co., Ltd. of Jiangsu, China. The Office of Unfair Import Investigations (''OUII'') was also named a party to the investigation.

On August 6, 2018, the Commission determined not to review an initial determination (Order No. 6) that found Respondent to be in default under Commission Rule 210.16 (19 CFR 210.16). 83 FR 39460 (Aug. 9, 2018). The Commission further requested briefing from the parties and the public on the issues of remedy, the public interest, and bonding. *Id.*

On August 20, 2018, Complainant filed a submission requesting a limited exclusion order (''LEO'') against Respondent and arguing that none of the public interest factors weighs against granting the LEO. Complainant requested that the bond be set at one hundred (100) percent of entered value in accordance with the Commission's established practice for addressing defaulting respondents.

On August 20, 2018, OUII filed a submission that also recommended issuing an LEO against Respondent and setting the bond at one hundred (100) percent of entered value, per established Commission practice. OUII, like Complainant, argued that none of the public interest factors weighed against entering the LEO. On April 27, 2018, OUII filed a reply brief noting its agreement with Complainant's position.

The Commission has determined that the appropriate form of relief in this investigation is an LEO prohibiting the unlicensed entry of jump rope systems that infringe claim 1 of the '809 patent or claim 1 of the '208 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of, Respondent. The Commission has further determined that the public interest factors enumerated in Section 337(g)(1) (19 U.S.C. 1337(g)(1)) do not preclude issuance of the LEO. The Commission has determined that the bond for importation during the period of Presidential review shall be in the amount of one hundred (100) percent of the entered value of the imported subject articles of Respondent. The Commission's order was delivered to the President and the United States Trade Representative on the day of its issuance.

The authority for the Commission's determination is contained in Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 25, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–21221 Filed 9–28–18; 8:45 am]

BILLING CODE 7020–02–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2018–064]

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 31, 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, Forest Service (DAA–0095–2018–0073, 1 item, 1 temporary item). Case files documenting Office of the Inspector General audits.

2. Department of Agriculture, Forest Service (DAA–0095–2018–0074, 1 item, 1 temporary item). Records related to the review of urban and community forestry programs and activities.

3. Department of Agriculture, Forest Service (DAA–0095–2018–0075, 1 item, 1 temporary item). General correspondence and records such as checklists and reports created during an environmental compliance review or audit.

4. Department of Health and Human Services, Administration for Children and Families (DAA–0292–2018–0004, 4 items, 4 temporary items). Administrative database and website records of the Office of Child Care, including education materials and records documenting child care subsidies.

5. Department of Homeland Security, Transportation Security Administration (DAA–0560–2018–0001, 2 items, 2 temporary items). Records related to planning and reporting on operations that augment the security of any transportation mode.

6. National Archives and Records Administration, Research Services (N2–59–18–1, 1 item, 1 temporary item). Records of the Department of State including routine requests by Boston and Chicago passport agents for approval to issue so-called special passports and the Department's routine approval (c. 1925–c. 1933). These records were accessioned to the National Archives but lack sufficient historical value to warrant continued preservation.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2018–21228 Filed 9–28–18; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meetings

TIME AND DATE: Each Wednesday of every month through Fiscal Year 2019 at 2:00 p.m. Meeting updates, such as changes in date and time or cancellations, will be posted at *www.nlrb.gov.*

PLACE: Board Agenda Room, No. 5065, 1015 Half St. SE, Washington DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pursuant to § 102.139(a) of the Board's Rules and Regulations, the Board or a panel thereof will consider ''the issuance of a

subpoena, the Board's participation in a civil action or proceeding or an arbitration, or the initiation, conduct, or disposition . . . of particular representation or unfair labor practice proceedings under section 8, 9, or 10 of the [National Labor Relations] Act, or any court proceedings collateral or ancillary thereto.'' See also 5 U.S.C. 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: Roxanne Rothschild, Deputy Executive Secretary, 1015 Half Street SE, Washington, DC 20570. Telephone: (202) 273–2917.

Dated: September 27, 2018.

Roxanne Rothschild,

Deputy Executive Secretary, National Labor Relations Board.

[FR Doc. 2018–21443 Filed 9–27–18; 4:15 pm]

BILLING CODE 7545–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub., L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Engineering #1170.

Date and Time: October 23, 2018: 11:45 a.m. to 5:30 p.m., October 24, 2018: 8:30 a.m. to 12:45 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Room E2030, Alexandria, Virginia 22314.

Type of Meeting: Open.

Contact Person: Evette Rollins, National Science Foundation, 2415 Eisenhower Avenue, Suite C14000, Alexandria, Virginia 22314; 703–292–8300.

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to engineering programs and activities.

Agenda

Tuesday, October 23, 2018

- Perspectives from the Director's Office
- Directorate for Engineering Report
- NSF Budget Update
- Office of Emerging Frontiers and Multidisciplinary Activities (EFMA) Overview
- EFMA Committee of Visitors (COV) Report and Discussion
- Engineering Artificial Intelligence

Wednesday, October 24, 2018

- Reports from Advisory Committee Liaisons
- Division of Electrical, Communications, and Cyber Systems (ECCS) Overview
- ECCS Committee of Visitors (COV) Report
- Quantum Engineering Challenges
- NSF Big Idea: Quantum Leap
- Roundtable on Strategic Recommendations for ENG

Dated: September 25, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–21220 Filed 9–28–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment. NSF is forwarding the proposed new information collection submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton at (703) 292–7556 or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION: This is the second notice for public comment; the first was published in the **Federal Register** at 83 FR 36629, and one comments was received. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Comments: On July 30, 2018, NSF published a request for public comment (83 FR 36629), and one comment was received regarding making this information collection a common form. NSF agrees, and will proceed with the request.

Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 17th Street NW, Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, or send email to *splimpto@nsf.gov.* Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

Title of Collection: Research Performance Progress Report.

OMB Approval Number: 3145–0221.

Type of Request: Intent to seek approval to extend an information collection for three years.

Use of the Information: NSF developed the RPPR as a new service within *Research.gov*. This service replaced NSF's annual and interim project reporting capabilities which resided in the NSF FastLane System.

Information regarding NSF's implementation of the Research Performance Progress Report (RPPR) may be found at the following website: *http://www.nsf.gov/bfa/dias/policy/rppr/index.jsp.*

Burden on the Public: The Foundation estimates that an average of 5 hours is expended for each report submitted. An estimated 24,000 reports are expected during the course of one year for a total of 120,000 public burden hours annually.

Dated: September 25, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–21230 Filed 9–28–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0177]

Use of Listserv for Decommissioning and Uranium Recovery Site Correspondence

AGENCY: Nuclear Regulatory Commission.

ACTION: Implementation of electronic distribution of decommissioning and uranium recovery site correspondence.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing this document to inform the public that, as of October 1, 2018, publicly available decommissioning and uranium recovery site correspondence originating from the Division of Decommissioning, Uranium Recovery, and Waste Programs (DUWP) in the Office of Nuclear Material Safety and Safeguards (NMSS) will be transmitted by a computer-based email distribution system Listserv to addressees and subscribers. This change does not affect the availability of official agency records in the NRC's Agencywide Documents Access and Management System (ADAMS).

ADDRESSES: Please refer to Docket ID NRC–2018–0177 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 *https://www.regulations.gov* and search for Docket ID NRC–2018–0177. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.*
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://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.*

FOR FURTHER INFORMATION CONTACT: Kim Conway, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1335; email: *Kimberly.Conway@nrc.gov.*

SUPPLEMENTARY INFORMATION: The electronic distribution process was first utilized by the Office of Nuclear Reactor Regulation in 2008 for operating reactor correspondence. Currently, DUWP uses Listserv to distribute correspondence for reactors in decommissioning that have transitioned to NMSS since 2013. Public feedback regarding this process has been positive. This process distributes correspondence documents to the addressees and members of the Listserv at the same time. Distribution of documents containing safeguards, proprietary or security-related information, or other information that is withheld from public disclosure will not be affected by this initiative.

This initiative will be implemented on October 1, 2018. Individuals may subscribe to receive licensing correspondence for decommissioning and uranium recovery through the following steps: (1) Go to the NRC's public website and select ''Public Meetings & Involvement,'' (2) select ''Subscribe to email Updates,'' (3) select ''Lyris Subscription Services'' and click on ''Decommissioning and Uranium Recovery Correspondence'', (4) enter the email address through which you want to receive the NRC Listserv emails, (5) check the box to select at least one site, and (6) click on ''Subscribe.'' The NRC will continue to send duplicate hard copies of correspondence through November 1, 2018 to allow individuals adequate time to subscribe.

After you are subscribed to an NRC Listserv, you will receive an email from the NRC with instructions for managing your NRC Listserv subscription, including how to change your email address and how to unsubscribe.

Dated at Rockville, Maryland, this 25th day of September 2018.

For the Nuclear Regulatory Commission.

John R. Tappert,

Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–21299 Filed 9–28–18; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Sunshine Act Meetings

Notice is hereby given that the Railroad Retirement Board will hold a meeting on October 24, 2018, 10:00 a.m. at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois 60611. The agenda for this meeting follows:

Portion open to the public:

(1) Executive Committee Reports

The person to contact for more information is Martha Rico-Parra, Secretary to the Board, Phone No. 312–751–4920.

For the Board.

Dated: September 27, 2018.

Martha Rico-Parra,

Secretary to the Board.

[FR Doc. 2018–21410 Filed 9–27–18; 4:15 pm]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84284; File No. SR–NYSEArca–2018–68]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Modify Rule 6.15–O Regarding the Give Up of a Clearing Member by OTP Holders and OTP Firms and Conforming Changes to Rule 6.46–O

September 25, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 11, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify Rule 6.15–O regarding the Give Up of a Clearing Member by OTP Holders and OTP Firms and proposes conforming changes to Rule 6.46–O. The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify Rule 6.15–O regarding the Give Up of a Clearing Member [4] by OTP Holders and OTP Firms (each an ''OTP,'' collectively, ''OTPs'') and to make conforming changes to Rule 6.46–O.

Rule 6.15–O: Current Process to Give Up a Clearing Member

In 2015 the Exchange adopted its current ''give up'' procedure for OTPs executing transactions on the Exchange.[5] Per Rule 6.15–O, an OTP may give up a ''Designated Give Up'' or its ''Guarantor,'' as defined in the Rule and described below.

The Rule defines ''Designated Give Up'' as any Clearing Member that an OTP Holder (other than a Market Maker [6]) identifies to the Exchange, in writing, as a Clearing Member the OTP requests the ability to give up. To designate a ''Designated Give Up,'' an OTP must submit written notification to the Exchange. Specifically, the Exchange uses a standardized form (''Notification Form''). An OTP may currently designate any Clearing Member as a Designated Give Up. Additionally, there is no minimum or maximum number of Designated Give Ups that an OTP must identify. Similarly, should an OTP no longer want the ability to give up a particular Designated Give Up, the OTP informs the Exchange in writing.

Rule 6.15–O also requires that the Exchange notify a Clearing Member, in writing and as soon as practicable, of each OTP that has identified it as a Designated Give Up. However, the Exchange will not accept any instructions from a Clearing Member to prohibit an OTP from designating the Clearing Member as a Designated Give Up. Additionally, there is no subjective evaluation of an OTP's list of Designated Give Ups by the Exchange. The Rule does, however, provide that a Designated Give Up may determine to not accept a trade on which its name was given up so long as it believes in good faith that it has a valid reason not to accept the trade.[7]

The Rule defines ''Guarantor'' as a Clearing Member that has issued a Letter of Guarantee or Letter of Authorization for the executing OTP, pursuant to Rules of the Exchange [8] that is in effect at the time of the execution of the applicable trade. An executing OTP may give up its Guarantor without such Guarantor being a ''Designated Give Up.'' Additionally, Rule 6.36 provides that a Letter of Guarantee is required to be issued and filed by each Clearing Member through which a Market Maker clears transactions. Accordingly, a Market Maker is enabled to give up only a Guarantor that had executed a Letter of Guarantee on its behalf pursuant to Rule 6.36–O; a Market Maker does not need to identify any Designated Give Ups. Like Designated Give Ups, Guarantors likewise have the ability to reject a trade.[9]

Beginning in early 2018, certain Clearing Firms (in conjunction with the Securities Industry and Financial Markets Association (''SIFMA'')) expressed concerns related to the process by which executing brokers on U.S. options exchanges (the ''Exchanges'') are allowed to designate or 'give up' a clearing firm for purposes of clearing particular transactions. The SIFMA-affiliated Clearing Members indicated that the Federal Reserve has recently identified the current give-up process as a significant source of risk for clearing firms. SIFMA-affiliated Clearing Members subsequently requested that the Exchanges alleviate this risk by amending Exchange rules governing the give up process.[10]

Proposed Amendment to Rules 6.15–O and 6.46–O

The Exchange proposes to amend Rule 6.15–O to provide a means for a Designated Give Up to opt out of acting as the give up for certain OTPs. As proposed, Rule 6.15–O b)(4) would be revised to provide that the Exchange would ''accept instruction from a Clearing Member not to permit an OTP to designate the Clearing Member as the Designated Give Up.'' The Exchange further proposes to add language to Rule 6.15–O(b)(7) to provide that ''[i]f a Clearing Member no longer wants to be a Designated Give Up of a particular [OTP], the Clearing Member must notify the Exchange, in a form and manner prescribed by the Exchange.'' In practice, a Clearing Member that has been designated as the Designated Give Up need only tell the Exchange that it refuses this designation.

Consistent with this proposed change, the Exchange also proposes to amend Rule 6.46–O(g) regarding the responsibilities of Floor Brokers to maintain error accounts ''for the purposes of correcting bona fide errors, as provided in Rule 6.14–O.'' As proposed, the Exchange would specify that ''it will not be a violation of this provision if a trade is transferred away from an error account through the CMTA process at OCC.'' [11] This additional language would enable an executing OTP that has executed an order to CMTA that order through its own clearing relationship. For example, assume a Floor Broker executes a trade giving up Firm A (a Clearing Member that is one of its Designated Give Ups) and, after the execution, the Floor Broker is informed that a portion of the trade needs to be changed to give-up Firm B (a Clearing Member that is not

[4] Rule 6.1–O(2) defines ''Clearing Member'' as an Exchange OTP which has been admitted to membership in the Options Clearing Corporation pursuant to the provisions of the Rules of the Options Clearing Corporation.

[5] *See* Securities and Exchange Act Release No. 75641 (August 7, 2015), 80 FR 48577 (August 13, 2015) (SR–NYSEArca–2015–65).

[6] For purposes of this rule, references to ''Market Maker'' refer to OTPs acting in the capacity of a Market Maker and include all Exchange Market Maker capacities *e.g.,* Lead Market Makers. As explained below, Market Makers give up Guarantors that have executed a Letter of Guarantee on behalf of the Marker Maker, pursuant to Rule 6.36–O; Market Makers need not give up Designated Give Ups.

[7] See Rule 6.15–O(f)(1) (setting forth procedures for rejecting a trade). An example of a valid reason to reject a trade may be that the Designated Give Up does not have a customer for that particular trade.

[8] *See* Rule 6.36–O (Letters of Guarantee); Rule 6.45–O (Letters of Authorization).

[9] *See* Rule 6.15–O(f)(2) (providing that a Guarantor may ''change the give up to another Clearing Member that has agreed to be the give up on the subject trade, provided such Clearing Member has notified the Exchange and the executing OTP Holder or OTP Firm in writing of its intent to accept the trade'').

[10] Cboe Exchange, Inc. (''CBOE'') recently filed to amend its give up procedure to require CBOE Trading Permit Holders (each a ''TPH'') to receive written authorization from a Clearing TPH (''CTPH'') before it may give up that CTPH. *See* Securities and Exchange Act Release No. 83872 (August 17, 2018), 83 FR 42751 (August 23, 2018) (SR–CBOE–2018–55). The Exchange's proposal leads to the same result of providing Clearing Members the ability to control risk, but it differs in process.

[11] *See* proposed Rule 6.46–O(g). The Exchange also proposes to delete as obsolete reference to Rule 4.21–O, which is currently ''Reserved,'' and therefore an outdated cross-reference. *See id.*

one of the Floor Broker's Designated Give Ups). The proposed language would enable the Floor Broker to CMTA the trade to Firm B through its own clearing arrangement (*i.e.,* error account/Letter of Authorization) rather than nullifying or busting the trade.

Implementation

The Exchange proposes to announce the implementation date of the proposed rule change via Trader Notice, to be published no later than thirty (30) days following Commission approval. The implementation date will be no later than sixty (60) days following Commission approval. This additional time would afford the Exchange and OTP the time to make any changes current give up designations.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) [12] of the Act, in general, and furthers the objectives of Section 6(b)(5),[13] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

Particularly, as discussed above, several Clearing Firms affiliated with SIFMA have recently expressed concerns relating to the current give up process that permits OTPs to identify any Clearing Members as a Designated Give Up for purposes of clearing particular transactions. Also as noted above, the Clearing Members have relayed that the Federal Reserve has recently identified the current give-up process (*i.e.,* a process that lacks authorization) as a significant source of risk for clearing firms. The Exchange believes the proposed changes to Rule 6.15–O would help alleviate this risk by enabling Clearing Members to refuse to act as a Designated Give Up for certain OTPs, which would afford Clearing Members a measure of control. The Exchange believes its proposal addresses concerns raised by Clearing Members, while maintaining the basic give up process. The Exchange does not anticipate Clearing Members to routinely refuse the role of Designated Give Up, but rather to utilize this option only when there is a valid reason and good faith basis to do so. The Exchange notes that Clearing Member would still have the ability to reject trades on an ad hoc basis for OTPs for which it has not refused to be a Designated Give Up. Accordingly, the Exchange believes the proposed rule change is reasonable and continues to provide certainty that a Clearing Member would be responsible for a trade, which protects investors and the public interest.

The Exchange also believes that the proposed change to Rule 6.46–O would protect investors because it would permit an executing OTP to utilize its error account to CMTA an order through its own clearing relationship. This would preserve executions while accommodating the proposed rule change that could result in an executing OTP not being permissioned to for a particular give-up.

Thus, this proposal would foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change would impose an unnecessary burden on intramarket competition because it would apply equally to all similarly situated OTPs. The Exchange also notes that, should the proposed changes make the Exchange more attractive for trading, market participants trading on other exchanges can always elect to become OTPs on the Exchange to take advantage of the trading opportunities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2018–68 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–NYSEArca–2018–68. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2018–68, and

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

should be submitted on or before October 22,2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–21231 Filed 9–28–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84279; File No. SR–NYSEARCA–2018–67]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Amend NYSE Arca Rule 5.2–E(j)(6) Relating to Equity Index-Linked Securities Listing Standards Set Forth in NYSE Arca Rule 5.2–E(j)(6)(B)(I)

September 25, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 10, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Rule 5.2–E(j)(6) relating to Equity Index-Linked Securities listing standards set forth in NYSE Arca Rule 5.2–E(j)(6)(B)(I). The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Arca Rule 5.2–E(j)(6) relates to listing and trading of Equity Index-Linked Securities, Commodity-Linked Securities, Currency-Linked Securities, Fixed Income Index-Linked Securities, Futures-Linked Securities and Multifactor Index-Linked Securities (collectively, ''Index-Linked Securities''). These securities are frequently referred to as ''Exchange-Traded Notes'' or ''ETNs.'' NYSE Arca Rule 5.2–E(j)(6)(B)(I) sets forth listing standards applicable to Equity Index-Linked Securities.[4]

The Exchange proposes to amend NYSE Arca Rule 5.2–E (j)(6)(B)(I) relating to criteria applicable to components of an index underlying an issue of Equity Index-Linked Securities, as described below.[5]

The Exchange proposes to amend NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(v) to provide that all component securities of an index underlying an issue of Equity Index-Linked Securities shall be either (1) U.S. Component Stocks (as described in Rule 5.2–E(j)(3))[6] that are listed on a national securities exchange and are NMS Stocks as defined in Rule 600 of Regulation NMS under the Exchange Act;[7] or (2) Non-U.S. Component Stocks (as described in Rule 5.2–E(j)(3))[8] that are listed and traded on an exchange that has last-sale reporting.[9] The proposed amendment, therefore, would delete from Rule 5.2–E (j)(6)(B)(I)(1)(b)(v) the requirement that foreign country securities or foreign country securities underlying ADRs in an index satisfy requirements that a specified percentage of the dollar weight of the index have primary trading markets that are members of ISG or primary trading markets that are parties to comprehensive surveillance sharing agreements with the Exchange.

The proposed amendment would eliminate a requirement for Equity Index-Linked Securities that is not applicable to Investment Company Units and Managed Fund Shares with respect to Non-U.S. Component Stock index components or holdings of Non-U.S. Component Stocks. The amendment, therefore, would afford greater flexibility to ETN issuers to list securities that include foreign stocks and to better compete with issuers of Investment Company Units and Managed Fund Shares, which are not subject to this requirement.

The Exchange also proposes to amend NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(a) by increasing the required minimum number of components in an index underlying Equity Index-Linked Securities that includes Non-U.S. Component Stocks.[10] The Exchange

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Equity Index-Linked Securities are securities that provide for the payment at maturity based on the performance of an underlying index or indexes of equity securities, securities of closed-end management investment companies registered under the Investment Company Act of 1940 (''1940 Act'') and/or Investment Company Units (as described in NYSE Arca Rule 5.2–E(j)(3)).

[5] Rule 5.2–E(j)(6)(B)(I)(1)(b)(v) provides that all component securities shall be either:

(A) Securities (other than foreign country securities and American Depository Receipts (''ADRs'')) that are (x) issued by a 1934 Act reporting company or by an investment company registered under the 1940 Act, which in each case is listed on a national securities exchange, and (y) an ''NMS stock'' (as defined in Rule 600 of SEC Regulation NMS); or

(B) Foreign country securities or ADRs, provided that foreign country securities or foreign country securities underlying ADRs having their primary trading market outside the United States on foreign trading markets that are not members of the Intermarket Surveillance Group (''ISG'') or parties to comprehensive surveillance sharing agreements with the Exchange will not in the aggregate represent more than 50% of the dollar weight of the index, and provided further that:

(i) the securities of any one such market do not represent more than 20% of the dollar weight of the index, and

(ii) the securities of any two such markets do not represent more than 33% of the dollar weight of the index.

[6] Rule 5.2–E(j)(3) provides that the term ''US Component Stock'' shall mean an equity security that is registered under Sections 12(b) or 12(g) of the Securities Exchange Act of 1934 or an American Depositary Receipt, the underlying equity security of which is registered under Sections 12(b) or 12(g) of the Securities Exchange Act of 1934.

[7] The term ''Exchange Act'' is defined in Rule 1.1(q) to mean the Securities Exchange Act of 1934, as amended.

[8] Rule 5.2–E(j)(3) provides that the term ''Non-US Component Stock'' shall mean an equity security that is not registered under Sections 12(b) or 12(g) of the Securities Exchange Act of 1934 and that is issued by an entity that (a) is not organized, domiciled or incorporated in the United States, and (b) is an operating company (including Real Estate Investment Trusts (REITS) and income trusts, but excluding investment trusts, unit trusts, mutual funds, and derivatives).

[9] The text of proposed NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(v)(1) is comparable to the requirement for US Component Stocks in Commentary .01(a)(A)(5) to NYSE Arca Rule 5.2–E(j)(3). The text of proposed NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(v)(2) is comparable to the requirement for Non-US Component Stocks in Commentary .01(a)(B)(5) to NYSE Arca Rule 5.2–E(j)(3).

[10] NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(a) provides that each underlying index is required to have at

Continued

proposes that an underlying index consisting only of U.S. Component Stocks (as described in Rule 5.2–E(j)(3)) that are listed on a national securities exchange and are NMS Stocks as defined in Rule 600 of Regulation NMS under the Exchange Act is required to have at least ten (10) component securities; and an underlying index consisting of (a) only Non-U.S. Component Stocks (as described in Rule 5.2–E(j)(3)), or (b) both U.S. Component Stocks and Non-U.S. Component Stocks, is required to have at least twenty (20) component securities.

The Exchange believes the amendments are appropriate and in the public interest in that Equity Index-Linked Securities would continue to be subject to numerical criteria for index components underlying Equity Index-Linked Securities that are comparable in significant respects to the criteria for U.S. Component Stocks and Non-U.S. Component Stocks in Commentary .01 to NYSE Arca Rule 5.2–E(j)(3) for Investment Company Units and Commentary .01(a) to NYSE Arca Rule 8.600–E for Managed Fund Shares.[11]

For example, Rule 5.2–E(j)(6)(B)(I)(1)(b)(ii) provides that component stocks that in the aggregate account for at least 90% of the weight of the index each shall have a minimum global monthly trading volume of 1,000,000 shares, or minimum global notional volume traded per month of $25,000,000, averaged over the last six months.[12] In comparison, Commentary .01(a)(B)(2) to Rule 5.2–E(j)(3) applicable to an international or global index or portfolio provides that component stocks (excluding Derivative Securities Products) that in the aggregate account for at least 70% of the US and Non-US Component Stocks portions of the weight of the index or portfolio (excluding such Derivative Securities Products) each shall have a minimum global monthly trading volume of 250,000 shares, or minimum global notional volume traded per month of $25,000,000, averaged over the last six months.[13]

In addition, Rule 5.2–E(j)(6)(B)(I)(1)(b)(iii) provides that no underlying component security will represent more than 25% of the dollar weight of the index, and, to the extent applicable, the five highest dollar weighted component securities in the index do not in the aggregate account for more than 50% of the dollar weight of the index (60% for an index consisting of fewer than 25 component securities).[14] In comparison, Commentary .01(a)(B)(3) to Rule 5.2–E(j)(3) provides that the most heavily weighted component stock (excluding Derivative Securities Products) shall not exceed 25% of the combined US and Non-US Component Stocks portions of the weight of the index or portfolio, and, to the extent applicable, the five most heavily weighted component stocks (excluding Derivative Securities Products) shall not exceed 60% of the combined US and Non-US Component Stocks portions of the weight of the index or portfolio.[15]

With respect to the proposed amendment to NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(a), an increase in the required minimum number of components in an index that includes Non-U.S. Component Stocks is comparable to the requirement applicable to equity indexes underlying series of Investment Company Units listed under Commentary .01 to NYSE Arca Rule 5.2–E(j)(3), and would provide for greater diversification among index components.[16]

The Exchange notes that, in originally approving the generic listing criteria in Commentary .01(a)(B) to NYSE Arca Rule 5.2–E(j)(3) applicable to indexes that include only non-U.S. Component Stocks or both U.S. and Non-U.S. Component Stocks in an index or portfolio underlying a series of Investment Company Units, the Commission stated that ''[t]hese requirements are designed, among other things, to require that components of an index or portfolio underlying the ETF are adequately capitalized and sufficiently liquid, and that no one security dominates the index.''[17] In addition, in approving the Exchange's generic rules relating to listing of Index-Linked Securities, the Commission found that the rules' requirements should help ensure that index components of the applicable reference asset are adequately capitalized, sufficiently liquid, and diversified, and that these requirements should significantly minimize the potential for manipulation.[18]

In addition to the above-referenced weighting and trading volume criteria, Rule 5.2–E(j)(6)(B)(I)(1)(b)(iv) provides that 90% of the index's numerical value and at least 80% of the total number of

least ten (10) component securities; provided, however, that there shall be no minimum number of component securities if one or more issues of Derivative Securities Products (*i.e.,* Investment Company Units (as described in Rule 5.2–E(j)(3)) and securities described in Section 2 of Rule 8) or Index-Linked Securities (as described in Rule 5.2–E(j)(6)), constitute, at least in part, component securities underlying an issue of Equity Index-Linked Securities.

[11] Commentary .01 to NYSE Arca Rule 5.2–E(j)(3) and Commentary .01(a) to NYSE Arca Rule 8.600–E provide generic initial and continued listing criteria applicable to an equity index or portfolio underlying Investment Company Units and Managed Fund Shares, respectively.

[12] Rule 5.2–E(j)(6)(B)(I)(1)(b)(ii) excludes Derivative Securities Products and Index-Linked Securities from these provisions.

[13] Commentary .01(a)(2) (B) to Rule 8.600–E provides that Non-U.S. Component Stocks each shall have a minimum global monthly trading volume of 250,000 shares, or minimum global notional volume traded per month of $25,000,000, averaged over the last six months.

[14] Rule 5.2–E(j)(6)(B)(I)(1)(b)(iii) excludes Derivative Securities Products and Index-Linked Securities from these provisions.

[15] *See also* Commentary .01(a)(2)(C) to NYSE Arca Rule 8.600–E, which provides that the most heavily weighted Non-U.S. Component stock shall not exceed 25% of the equity weight of the portfolio, and, to the extent applicable, the five most heavily weighted Non-U.S. Component Stocks shall not exceed 60% of the equity weight of the portfolio.

[16] *See* Commentary .01(a)(B)(4) to NYSE Arca Rule 5.2–E(j)(3). *See also* Commentary .01(a)(2)(D) to NYSE Arca Rule 8.600–E, which provides that, where the equity portion of the portfolio includes Non-U.S. Component Stocks, the equity portion of the portfolio shall include a minimum of 20 component stocks; provided, however, that there shall be no minimum number of component stocks if (i) one or more series of Derivative Securities Products or Index-Linked Securities constitute, at least in part, components underlying a series of Managed Fund Shares, or (ii) one or more series of Derivative Securities Products or Index-Linked Securities account for 100% of the equity weight of the portfolio of a series of Managed Fund Shares.

[17] *See* Securities Exchange Act Release No. 55621 (April 12, 2007), 72 FR 19571 (April 18, 2007) (SR–NYSEArca–2006–86) (Notice of Filing of Proposed Rule Change and Amendments No. 1, 2, 3, and 4 Thereto and Order Granting Accelerated Approval of the Proposed Rule Change as Modified by Amendments No. 2 and 4 Thereto Adopting Generic Listing Standards for Exchange-Traded Funds Based on International or Global Indexes or Indexes Described in Exchange Rules Previously Approved by the Commission as Underlying Benchmarks for Derivative Securities). *See also* Securities Exchange Act Release Nos. 54739 (November 9, 2006), 71 FR 61811 (October 19, 2006) (SR–Amex–2006–78) (Order Granting Accelerated Approval to Proposed Rule Change and Amendment No. 1 Thereto and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 Thereto Relating to Generic Listing Standards for Series of Portfolio Depositary Receipts and Index Fund Shares Based on International or Global Indexes); 55113 (January 17, 2007), 72 FR 3179 (January 24, 2007) (SR–NYSE–2006–101) (Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change as Modified by Amendments No. 1 and 2 Thereto Adopting Generic Listing Standards for Exchange-Traded Funds Based on International or Global Indexes or Indexes Previously Approved by the Commission as Underlying Benchmarks for Derivative Securities).

[18] *See, e.g.,* Securities Exchange Act Release No. 52204 (August 3, 2005) 70 FR 46559 (August 10, 2005) (SR–PCX–2005–63) (Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to the Adoption of Generic Listing Standards for Index-Linked Securities), in which the Commission stated that ''PCX's proposed listing criteria include minimum market capitalization, monthly trading volume, and relative weighting requirements for the Index Securities. These requirements are designed to ensure that the trading markets for index components underlying Index Securities are adequately capitalized and sufficiently liquid, and that no one stock dominates the index. The Commission believes that these requirements should significantly minimize the potential for manipulation.''

component securities will meet the then current criteria for standardized option trading set forth in NYSE Arca Rule 5.3–O.[19] An index is not subject to this requirement if (a) no underlying component security represents more than 10% of the dollar weight of the index and (b) the index has a minimum of 20 components.[20]

Like the requirements applicable to an index or portfolio underlying Investment Company Units noted above, the proposed amendments to NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(v) would subject an index or indexes underlying an issue of ETNs to specified minimum liquidity and market value requirements. Index components would continue to be subject to the weighting and diversification requirements of NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(iii), which prevent any stock or small group of stocks from dominating a fund's portfolio. The proposed amendments to NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(v) would provide additional flexibility to series of Equity Index-Linked Securities based on an index that includes Non-U.S. Component Stocks while continuing to apply substantial minimum criteria relating to liquidity, market capitalization and diversification.

The Exchange also proposes to amend the phrase ''Section 19(b)(2) of the Act'' to ''Section 19(b)(2) of the Exchange Act'' in NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(1) in order to conform to usage in NYSE Arca Rule 1.1(q).[21] The Exchange proposes further to make a grammatical change to NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(2) by deleting as repetitive the words ''the index or indexes.''

Other than the changes proposed above, no other changes are being proposed to NYSE Arca Rule 5.2–E(j)(6) and all other requirements applicable to Index-Linked Securities will continue to apply.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[22] in general, and furthers the objectives of Section 6(b)(5) of the Act,[23] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes the amendment is appropriate and in the public interest in that Equity Index-Linked Securities would continue to be subject to numerical criteria for index components underlying Equity Index-Linked Securities that are comparable in significant respects to the criteria for U.S. Component Stocks and Non-U.S. Component Stocks in Commentary .01 to NYSE Arca Rule 5.2–E(j)(3) for Investment Company Units and Commentary .01(a) to NYSE Arca Rule 8.600–E for Managed Fund Shares. Rule 5.2–E(j)(6)(B)(I)(1)(b)(ii) provides that component stocks that in the aggregate account for at least 90% of the weight of the index each shall have a minimum global monthly trading volume of 1,000,000 shares, or minimum global notional volume traded per month of $25,000,000, averaged over the last six months. In addition, Rule 5.2–E(j)(6)(B)(I)(1)(b)(iii) provides that no underlying component security will represent more than 25% of the dollar weight of the index, and, to the extent applicable, the five highest dollar weighted component securities in the index do not in the aggregate account for more than 50% of the dollar weight of the index (60% for an index consisting of fewer than 25 component securities). As noted above, the Commission, in approving the Exchange's generic rules relating to listing of Index-Linked Securities, found that the rules' requirements should help ensure that index components of the applicable reference asset are adequately capitalized, sufficiently liquid, and diversified, and that these requirements should significantly minimize the potential for manipulation.[24]

The proposed amendment would eliminate a requirement for Equity Index-Linked Securities that is not applicable to Investment Company Units and Managed Fund Shares with respect to Non-U.S. Component Stock index components or holdings of Non-U.S. Component Stocks. The amendment, therefore, would afford greater flexibility to ETN issuers to list securities that include foreign stocks and to better compete with issuers of Investment Company Units and Managed Fund Shares.

With respect to the proposed amendment to NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(a), an increase in the required minimum number of components in an index that includes Non-U.S. Component Stocks is comparable to the requirement applicable to equity indexes underlying series of Investment Company Units listed under Commentary .01 to NYSE Arca Rule 5.2–E(j)(3), and would provide for greater diversification among index components.[25]

The proposed amendment to change the phrase ''Section 19(b)(2) of the Act'' to ''Section 19(b)(2) of the Exchange Act'' in NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(1) conforms to usage in NYSE Arca Rule 1.1(q). The proposed deletion of the words ''the index or indexes'' in NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(2) eliminates an unnecessary repetition.

The Exchange represents that trading in ETNs is subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, or by regulatory staff of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of ETNs in all Exchange trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.[26]

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in Exchange-listed ETNs with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in ETNs from such markets and other entities. In addition, the Exchange may obtain information regarding trading in such securities and financial instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

[19] NYSE Arca Rule 5.3–O sets forth the criteria to be met by underlying securities with respect to which put or call option contracts are approved for listing and trading on the Exchange.

[20] Rule 5.2–E(j)(6)(B)(I)(1)(b)(iv) excludes Derivative Securities Products and Index-Linked Securities from these provisions.

[21] *See* note 7, *supra.*

[22] 15 U.S.C. 78f(b).

[23] 15 U.S.C. 78f(b)(5).

[24] *See* note 17, *supra.*

[25] *See* Commentary .01(a)(B)(4) to NYSE Arca Rule 5.2–E(j)(3).

[26] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[27] the Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed change will encourage competition by accommodating listing and trading of additional issues of Equity Index-Linked Securities and will permit ETN issuers to better compete with issuers of Investment Company Units and Managed Fund Shares.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number NYSEArca–2018–67 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 NYSEArca–2018–67. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number NYSEArca–2018–67, and should be submitted on or before October 22, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–21234 Filed 9–28–18; 8:45 am]

BILLING CODE 8011–01–P

[27] 15 U.S.C. 78f(b)(8).

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84283; File No. SR–GEMX–2018–29]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate the Exchange's Schedule of Fees

September 25, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 12, 2018, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to (a) relocate the GEMX Schedule of Fees and current Rule 209 to the Exchange's rulebook's (''Rulebook'') shell structure,[3] and (b) make conforming cross-reference changes throughout the Rulebook.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqgemx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to relocate the entire GEMX Schedule of Fees and Rule 209 to the Exchange's shell structure; specifically, the Exchange will relocate the aforementioned rules to the Options 7 (''Pricing Schedule'') section of the shell. In addition, the Exchange will make conforming cross-reference changes throughout the Rulebook.

(a) Relocation of Rules

As indicated, the Exchange, as part of its continued effort to promote

[3] In 2017, the Exchange added a shell structure to its Rulebook with the purpose of improving efficiency and readability and to align its rules closer to those of its five sister exchanges, The Nasdaq Stock Market LLC; Nasdaq BX, Inc.; Nasdaq PHLX LLC; Nasdaq ISE, LLC; and Nasdaq MRX, LLC (''Affiliated Exchanges''). *See* Securities Exchange Act Release No. 82171 (November 29, 2017), 82 FR 57516 (December 5, 2017) (SR–GEMX–2017–54).

efficiency and the conformity of its processes with those of the Affiliated Exchanges, and the goal of harmonizing and uniformizing its rules, proposes to relocate the Schedule of Fees and GEMX Rule 209 to Options 7, Pricing Schedule, of the shell structure.

To improve the readability of the relocated Pricing Schedule rules, the Exchange will update their current ''Preface'' section and rename it ''Section 1. General Provisions.'' Next, the Exchange will move current GEMX Rule 209, described in the paragraph below, and rename it ''Section 2'' but keeping its current title, ''Collection of Exchange Fees and Other Claims.''

GEMX Rule 209 was added to the Rulebook to permit the Exchange the collection of undisputed or final fees, fines, charges and/or other monetary sanctions or other monies due and owing to the Exchange or other charges related to Rules 205 and 206.[4] The Exchange believes that, unlike other rules in Chapter 2 (''Administration'') of the Rulebook, which generally refer to the powers of the Board of Directors and the authority it delegates to Senior Management of the Exchange, the direct debit process established in Rule 209 will be better situated among the relocated rules of the Pricing Schedule.

The Exchange is also proposing to move all the remaining sections, I through V, in the current Schedule of Fees, renumber them as provided in the table below, and add the word ''Section'' to each of their titles. Relatedly, the Exchange will update all references to the ''Schedule of Fees'' or ''Fee Schedule'' in the proposed rule text and replace them with the term ''Pricing Schedule'' where appropriate.

Finally, the Exchange will update all references to ''NASDAQ'' in proposed Section 6, H., of the Pricing Schedule with the word ''Nasdaq,'' to keep the proposed rule text consistent with changes to the names of the Affiliated Exchanges.[5]

Options 7 – Pricing Schedule (Proposed)	Schedule of Fees (Current)
Section 1. General Provisions	PREFACE
Section 2. Collection of Exchange Fees and Other Claims	Rule 209. Collection of Exchange Fees and Other Claims
Section 3. Regular Order Fees and Rebates	I. Regular Order Fees and Rebates
Section 4. Other Options Fees and Rebates	II. Other Options Fees and Rebates
Section 5. Legal & Regulatory	III. Legal & Regulatory
Section 6. Connectivity Fees	IV. Connectivity Fees
Section 7. Market Data	V. Market Data

The relocation of the Pricing Schedule rules will facilitate the use of the Rulebook by Members[6] of the Exchange, including those who are members of other Affiliated Exchanges, and other market participants. Moreover, the proposed changes are of a non-substantive nature and will not amend the relocated rules, other than make the updates previously explained.

(b) Cross-Reference Updates

In connection with the changes described above, the Exchange proposes to update all cross-references in the Rulebook that direct the reader to the current location of the Pricing Schedule rules and/or any of their subsections.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by promoting efficiency and structural conformity of the Exchange's processes with those of the Affiliated Exchanges and to make the Exchange's Rulebook easier to read and more accessible to its Members and market participants. The Exchange believes that the relocation of the Pricing Schedule rules, updating the name ''NASDAQ'' to ''Nasdaq,'' and related cross-reference updates are of a non-substantive nature.

[4] *See* Securities Exchange Act Release No. 79013 (September 30, 2016), 81 FR 69556 (October 6, 2016) (SR–ISEGemini–2016–12); *see also,* Securities Exchange Act Release No. 79562 (December 15, 2016), 81 FR 93722 (December 21, 2016) (SR–ISEGemini–2016–20).

[5] *See* Securities Exchange Act Releases No. 81917 (October 23, 2017), 82 FR 49879 (October 27, 2017) (SR–NASDAQ–2017–111) and No. 81948 (October 25, 2017), 82 FR 50468 (October 31, 2017) (SR–BX–2017–046).

[6] Exchange Rule 100(a)(31).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

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 proposed changes do not impose a burden on competition because, as previously stated, they (i) are of a non-substantive nature, (ii) are intended to harmonize the structure of the Exchange's rules with those of its Affiliated Exchanges, and (iii) are intended to organize the Rulebook in a way that it will ease the Members' and market participants' navigation and reading of the rules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [11] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [12] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. Waiver of the operative delay would allow the Exchange to promptly relocate the Pricing Schedule rules and continue to reorganize its Rulebook to promote efficiency and structural consistency between the Exchange's rules and those of the Affiliated Exchanges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–GEMX–2018–29 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–GEMX–2018–29. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–GEMX–2018–29 and should be submitted on or before October 22, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–21236 Filed 9–28–18; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84282; File No. SR–NYSEArca–2018–69]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend a Representation Relating to the Redemption Procedures Applicable to the Sprott Physical Gold and Silver Trust

September 25, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 14, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend a representation relating to the redemption procedures applicable to the Sprott Physical Gold and Silver Trust (''Trust''), as contained in the rule change filed with and approved by the Securities and Exchange Commission (''Commission'') relating to listing and trading of ''Units'' of the Trust on the Exchange. Units of the Trust are currently listed and traded on the Exchange under NYSE Arca Rule 8.201–E. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved a proposed rule change relating to listing and trading on the Exchange of Units of the Trust under NYSE Arca Rule 8.201–E (''Commodity-Based Trust Shares'').[4] The Exchange proposes to amend a representation relating to the procedure for the redemption of Units of the Trust for gold and silver as contained in the Prior Releases. The Trust's Units commenced trading on the Exchange on January 16, 2018.

The manager of the Trust is Sprott Asset Management LP (''Manager'').[5] The Trust custodian for the Trust's physical gold and silver bullion is the Royal Canadian Mint (''Gold and Silver Custodian''-). [sic]

Change to Procedure for Redemption of Units for Gold and Silver

The Prior Releases stated that if a ''Bullion Redemption Notice'' [6] was received by the Transfer Agent from a Unitholder no later than 4:00 p.m., Eastern Time, on the 15th day of the month (or, if such day is not a business day, then on the immediately following day that is a business day), the amount of physical gold and silver bullion specified in the Bullion Redemption Notice would be received by armored transportation service carrier for delivery to the Unitholder approximately 10 business days after the end of that month.

The Prior Notice stated that ''[t]he armored transportation service carrier will receive physical gold and silver bullion in connection with a redemption of Units approximately 10 business days after the end of the month in which the Bullion Redemption Notice is processed.'' The Exchange proposes to delete the preceding statement in accordance with a pending amendment to the Trust Agreement (the ''Amendment'').[7] The Manager represents that the actual timing of receipt of bullion by the armored transportation service carrier varies based on the number of redemption requests received in a given month, the Redemption Amount per request and the proportion of gold and silver bullion redeemed. The Manager represents that, in the event of large numbers or volumes of redemption requests, the Gold and Silver Custodian and the armored transportation service carrier experience severe constraints in performing their required actions within the existing time period (*i.e.,* approximately 10 business days). A high frequency of shipments in a short period of time places a significant strain on the operational and security resources necessary to prepare such shipments, resulting in additional expenses and risk to the Trust and the Gold and Silver Custodian. The Manager and the Gold and Silver Custodian expect that the Amendment will decrease operational expenses and risk caused by the 10 business day term currently provided by the Trust Agreement. The Manager represents that by mitigating such expenses and risk, it is anticipated that the Amendment will allow the Gold and Silver Custodian to continue to provide the Trust with low custody pricing. The Amendment thereby may result in narrowing of the spread between the trading price of Units, which price reflects the performance of the trading prices of gold and silver less the expenses of the Trust's operations, and the trading prices of gold and silver in accordance with the Trust's objectives. Pursuant to the terms of the Trust Agreement and the applicable laws of the Province of Ontario, the Amendment is being effected on the ground that it provides added protection or benefit to Unitholders.[8]

The Manager represents that the proposed change described above is consistent with the Trust's investment objective, and will further assist the Manager to achieve such investment objective. Except for the change noted above, all other representations made in

[4] *See,* Securities Exchange Act Release Nos. 82116 (November 17, 2107), 82 FR 55898 (November 24, 2107) (SR–NYSEArca–2017–131) (Notice of Filing of Proposed Rule Change to List and Trade Shares of the Sprott Physical Gold and Silver Trust under NYSE Arca Rule 8.201–E) (''Prior Notice''); 82448 (January 5, 2018), 83 FR 1428 (January 11, 2018) (SR–NYSEArca–2017–131) (Notice of Filing of Amendment No. 2 and Order Approving on an Accelerated Basis a Proposed Rule Change, as Modified by Amendment No. 2, to List and Trade Shares of the Sprott Physical Gold and Silver Trust under NYSE Arca Rule 8.201–E) (''Prior Order'' and, together with the Prior Notice, the ''Prior Releases'').

[5] On January 16, 2018, the Trust filed with the Commission a registration statement on Form 8–A under the Exchange Act relating to the Trust (File No. 001–38346) (''Registration Statement''). The description of the operation of the Trust herein is based, in part, on the Registration Statement.

[6] As stated in the Prior Releases, a Unitholder that owns a sufficient number of Units who desires to exercise redemption privileges for physical gold and silver bullion must do so by instructing his, her or its broker, who must be a direct or indirect participant of CDS Clearing and Depository Services Inc. or The Depository Trust Company, to deliver to the Transfer Agent on behalf of the Unitholder a written notice (''Bullion Redemption Notice'') of the Unitholder's intention to redeem Units for physical gold and silver bullion.

[7] The Commission has previously approved the listing and trading of other gold-based commodity trusts that include a physical redemption feature but do not specify any minimum deadline for physical delivery of the commodity to the redeeming investor following a redemption request. *See, e.g.,* Securities Exchange Act Release Nos. 71378 (January 23, 2014), 79 FR 4786 (January 29, 2014) (SR–NYSEArca–2013–137) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, to List and Trade Shares of the Merk Gold Trust Pursuant to NYSE Arca Equities Rule 8.201); 82593 (January 26, 2018), 83 FR 4718 (February 1, 2018) (SR–NYSEArca–2017–140) (Order Approving a Proposed Rule Change to List and Trade Shares of the Perth Mint Physical Gold ETF Trust Pursuant to NYSE Arca Rule 8.201–E).

[8] The Trust will file an amendment to the Trust Agreement or amended and restated Trust Agreement, as appropriate, in Canada on SEDAR (System for Electronic Document Analysis and Retrieval), the electronic filing system for the disclosure documents of issuers across Canada. In addition, a brief description of the amendment will be included in the Trust's quarterly disclosures. Such filings or disclosures would be furnished to the Commission under cover of Form 6–K in accordance with Rules 13a–1 and/or 13a–3 under the Exchange Act. Pursuant to the terms of the Trust Agreement, a unitholder vote is not required to effect the amendment.

the Prior Releases remained unchanged.[9]

2. Statutory Basis

The basis under the Exchange Act for this proposed rule change is the requirement under Section 6(b)(5)[10] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. The Exchange believes that the Amendment may provide potential benefits to investors by decreasing operational expenses and risk caused by the 10 business day time frame currently provided by the Trust Agreement. The Manager represents that by mitigating such expenses and risk, it is anticipated that the Amendment will allow the Gold and Silver Custodian to continue to provide the Trust with low custody pricing and may result in the narrowing of the spread between the trading price of Units, which price reflects the performance of the trading prices of gold and silver less the expenses of the Trust's operations, and the trading prices of gold and silver in accordance with the Trust's objectives.

The Manager represents that the proposed changes described above are consistent with the Trust's investment objective, and will further assist the Manager to achieve such investment objective. The Manager also represents that all unitholders will be subject to the Amendment; that the Manager has determined that the Amendment will provide added protection or benefit to unitholders; and that the Amendment is being proposed to mitigate the practical constraints associated with the high volume of redemption requests.

Except for the change noted above, all other representations made in the Prior Releases remained unchanged.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Exchange believes the proposed rule change, by decreasing the Trust's operational expenses and risk relating to redemptions, will enhance competition among issues of Commodity-Based Trust Shares relating to physical gold and silver.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6)[14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the Commission has previously approved the listing and trading of other gold-based commodity trusts that include a physical redemption feature but do not specify any minimum deadline for physical delivery of the commodity to the redeeming investor following a redemption request,[16] and the proposed rule change may provide potential benefits to investors by decreasing operational expenses and risk caused by the 10 business day timeframe (as described above) currently provided by the Trust Agreement. In addition, the Exchange represents that, in the absence of large numbers or volumes of redemption requests or other factors causing delay, the armored transportation service carrier will typically receive physical gold and silver bullion in accordance with the 10 business day time frame contained in the Prior Notice, and the Commission notes that Units of the Trust have commenced trading on the Exchange. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest for these reasons. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[17]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[18] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2018–69 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–NYSEArca–2018–69. This

[9] *See* note 4, *supra.* All terms referenced but not defined herein are defined in the Prior Releases.

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] *See* note 7, *supra.*

[17] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 15 U.S.C. 78s(b)(2)(B).

file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2018–69, and should be submitted on or before October 22,2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–21232 Filed 9–28–18; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84278; File No. SR–FICC–2018–007]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving Proposed Rule Change To Correct Certain References and Provide Transparency to Existing Processes in the Mortgage-Backed Securities Division Electronic Pool Notification Rules

September 25, 2018.

On August 3, 2018, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–FICC–2018–007 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 August 15, 2018.[3] The Commission did not receive any comment letters on the proposed rule change. For the reasons discussed below, the Commission approves the proposed rule change.

I. Description of the Proposed Rule Change

The proposed rule change would amend FICC's Mortgage-Backed Securities Division's (''MSBD'') electronic pool notification (''EPN'') service (''EPN Service'') rules (''EPN Rules'').[4]

A. Background

EPN Service provides an automated manner for market participants with an obligation to deliver pools of mortgages to transmit mortgage pool information to their counterparties in real time.[5] Market participants that wish to use the EPN Service (*i.e.,* become ''EPN Users'') are required to submit an application to MBSD.[6] The application process and the use of the EPN Service are governed by the EPN Rules.[7] MBSD's clearing members (''Clearing Members'') are required to be EPN Users; however, one can be an EPN User and not a Clearing Member.[8]

B. Proposed Changes To Correct the EPN Rules' Article I (''Definitions and General Provisions'')

FICC proposes to delete three defined terms from Article I of the EPN Rules: (i) EPN Procedures, (ii) Comparison Only System, and (iii) Par Amount.[9] FICC proposes to delete the term ''EPN Procedures'' because FICC does not maintain EPN Procedures.[10] Relatedly, FICC proposes to amend the definitions of ''EPN Service'' and ''EPN User Profile'' in order to delete references to ''EPN Procedures'' in those definitions.[11] FICC also proposes to make a grammatical correction to the ''EPN User Profile'' definition. Specifically, FICC would replace the word ''in'' with ''by'' so the definition reads, ''the EPN User Profile would be on a form specified 'by' FICC.'' [12]

FICC also proposes to delete the term ''Comparison Only System'' from the definition of ''Interested Person'' because MBSD does not maintain a ''Comparison Only System.'' [13] Similarly, FICC proposes to delete the term ''Par Amount'' from Article I because the term is not otherwise referred to in the EPN Rules.[14] FICC states that the inclusion of these two terms in the EPN Rules was an error.[15]

C. Proposed Changes To Correct the EPN Rules' Article III (''EPN Users'')

FICC proposes revisions to Article III of the EPN Rules to remove references to ''EPN Procedures,'' as well as to revise the deadlines to process EPN message (''Messages'').

1. Proposed Changes to EPN Rules, Article III, Rule 1, Section 3 (''Requirements Applicable to EPN Users'')

EPN Rules, Article III, Rule 1, Section 3 lists terms required for application to the EPN Service.[16] This list states, in part, that an applicant shall agree (i) to abide by and be bound by the EPN Rules and EPN Procedures, (ii) that the EPN Rules and EPN Procedures are incorporated into every contract or Message, (iii) that the EPN User shall pay fines that are imposed in accordance with the EPN Rules and EPN Procedures, and (iv) that the applicant is bound by any amendment to the EPN Rules and EPN Procedures.[17] FICC proposes to delete all references to the EPN Procedures in this list, as FICC does not maintain such procedures.[18]

The same Section 3 also states that, in the event of an EPN Service disruption and an extension of the cut-off times for communicating pool allocation information pursuant to the Securities

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 83808 (August 9, 2018), 83 FR 40611 (August 15, 2018) (SR–FICC–2018–007) (''Notice'').

[4] MBSD maintains two sets of rulebooks: The EPN Rules and the MSBD rules (''MBSD Rules''). Notice, 83 FR at 40611. The EPN Rules govern MBSD's EPN Service, and the MBSD Clearing Rules (the ''MBSD Rules'') govern MBSD's clearance and settlement service. *Id.* The EPN Rules are available at *http://www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_mbsd_epnrules.pdf.* The MBSD Rules are available at *http://www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_mbsd_rules.pdf.*

[5] Notice, 83 FR at 40612.

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] *Id.*

[10] EPN Rules' Article V, Rule 11 empowers FICC to adopt EPN Procedures as FICC ''deems necessary or desirable.'' *Supra* note 4. FICC states that when FICC instituted the EPN Service and the related EPN Rules, EPN Procedures were not adopted at that time. Notice, 83 FR at 40612.

[11] Notice, 83 FR at 40612.

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *Id.*

Industry and Financial Markets Association (''SIFMA'') guidelines (''SIFMA Guidelines''), EPN Users ''will'' be relieved of their obligation to process Messages through the EPN Service until the beginning of the next Business Day after the EPN Service has been recovered.[19] FICC proposes to amend this provision to state that EPN Users ''may'' be relieved of their obligation to process Messages through the EPN Service until ''later in the Business Day or'' the beginning of the next Business Day after the EPN Service has been recovered.[20] FICC states that this change would accommodate the nature of specific EPN Service disruptions and MBSD's ability to fix such disruptions promptly.[21] FICC states that the specific disruption determines whether the cut-off time would be extended to later in the Business Day or the next Business Day.[22]

2. Proposed Changes to EPN Rules, Article III, Rule 1, Section 5 (''EPN Users Bound by EPN Rules, EPN Procedures and Applicable Laws'')

EPN Rules, Article III, Rule 1, Section 5 states, in part, that the use of FICC's facilities by an EPN User shall constitute such EPN User's agreement with FICC and with all other EPN Users to be bound by the provisions of, and by any action taken or order issued by FICC pursuant to the EPN Rules and any amendment thereto, and to such EPN Procedures that FICC from time to time may adopt.[23] FICC proposes to amend the title of this section and the paragraph in this section to delete all references to EPN Procedures, as FICC does not maintain such procedures.[24]

3. Proposed Changes to EPN Rules, Article III, Rule 1, Section 6 (''EPN Rules and EPN Procedures Incorporated in EPN User Messages'')

EPN Rules, Article III, Rule 1, Section 6 states that the EPN Rules and the EPN Procedures adopted from time to time by FICC shall be deemed to be incorporated in each Message that occurs through the EPN Service. This section also states that if the terms contained in any other agreement between EPN Users are inconsistent with the provisions of the EPN Rules or the EPN Procedures, the EPN Rules and the EPN Procedures shall be controlling.[25] FICC proposes to amend the title of this section and the paragraph in this section to delete all references to EPN Procedures, as FICC does not maintain such procedures.[26]

4. Proposed Changes to EPN Rules' Article III, Rule 3, Section 1 (''When the Corporation Declines To Act for an EPN User'')

EPN Rules, Article III, Rule 3, Section 1 states that FICC may, at any time, cease to act for an EPN User if the EPN User has (i) failed to perform its obligations to FICC or other EPN Users under the EPN Rules or the EPN Procedures or (ii) materially violated any of the EPN Rules, EPN Procedures, or any agreement with FICC.[27] FICC proposes to amend this section to delete all references to the EPN Procedures, as FICC does not maintain such procedures.[28]

5. Proposed Changes to EPN Rules' Article III, Rule 4 (''Admission to Premises of Corporation; Powers of Attorney'')

EPN Rules, Article III, Rule 4 states that no person shall be permitted to enter FICC's premises as the representative of any EPN User unless ''he'' has first been approved by FICC.[29] FICC proposes to delete the reference to ''he'' and replace it with ''such person'' because FICC believes that it would be more appropriate to use gender neutral terminology.[30]

D. Proposed Changes to Correct the EPN Rules' Article V (''Miscellaneous'')

FICC proposes revisions to Article V of the EPN Rules to replace outdated references to ''Vice President,'' and to remove references to EPN Procedures.

1. Proposed Changes to EPN Rules' Article V, Rule 1 (''Action by the Corporation'')

EPN Rules, Article V, Rule 1 states that, except where action by FICC's Board of Directors (''Board''), or any committee of the Board, is specifically required by FICC's By-Laws or the EPN Rules, FICC may act by its President, any Managing Director, or any Vice President or by such person as may be designated from time to time by the Board.[31] FICC proposes to amend this sentence to delete the reference to Vice President and replace it with Executive Director because FICC no longer uses the title ''Vice President.'' [32]

2. Proposed Changes to EPN Rules' Article V, Rule 3 (''Fines and Other Sanctions'')

EPN Rules, Article V, Rule 3 states that FICC may impose a fine on an EPN User for violating EPN Rules or EPN Procedures.[33] FICC proposes to amend this section to delete the reference to EPN Procedures, as FICC does not maintain such procedures.[34]

3. Proposed Changes to EPN Rules' Article V, Rule 4 (''Communications'')

EPN Rules, Article V, Rule 4 states that each EPN User maintaining an account must maintain such data processing and communications equipment as FICC may specify in the EPN Procedures.[35] FICC proposes to delete the reference to EPN Procedures, as FICC does not maintain such procedures, and amend this sentence to state that each EPN User maintaining an account shall be required to maintain such data processing and communications equipment as FICC may specify from time-to-time.[36] FICC states that this proposed change is consistent with FICC's existing practice of providing data processing and communications equipment requirements to all approved applicants during the membership onboarding process.[37]

4. Proposed Changes to EPN Rules' Article V, Rule 7 (''Hearings'')

EPN Rules, Article V, Rule 4, Section 1 states that if an individual's written statement contests FICC's determination that such individual has violated an EPN Rule or EPN Procedure, the statement must specifically admit or deny each violation alleged and detail the reasons why the EPN Rules or EPN Procedures alleged to have been violated are being contested.[38] FICC proposes to amend this sentence to delete all references to the EPN Procedures, as FICC does not maintain such procedures.[39]

5. Proposed Changes to EPN Rules' Article V, Rule 11 (''EPN Procedures'')

FICC proposes to delete this entire rule because FICC does not maintain EPN Procedures.[40] FICC would reserve this rule for future use and this rule would be entitled ''Reserved for Future Use.'' [41]

[19] Notice, 83 FR at 40612–13.
[20] Notice, 83 FR at 40613.
[21] *Id.*
[22] *Id.*
[23] *Id.*
[24] *Id.*
[25] *Id.*
[26] *Id.*
[27] *Id.*
[28] *Id.*
[29] *Id.*
[30] *Id.*
[31] *Id.*
[32] *Id.*
[33] *Id.*
[34] *Id.*
[35] *Id.*
[36] *Id.*
[37] *Id.*
[38] *Id.*
[39] *Id.*
[40] *Id. See also supra* note 10.
[41] Notice, 83 FR at 40614.

6. Proposed Changes to EPN Rules' Article V, Rule 12 (''Waivers, Etc.'')

EPN Rules, Article V, Rule 12 states that the Board or any FICC officer (having a rank of Vice President or higher) may extend, waive, or suspend timeframes under the EPN Rules, the EPN Procedures, or any regulations issued by FICC whenever such extension, waiver or suspension is necessary or expedient.[42] FICC proposes to amend this sentence to delete all references to EPN Procedures, as FICC does not maintain such procedures, and ''regulations issued by FICC.'' [43] FICC also proposes to replace the reference to ''Vice President'' with ''Executive Director'' because FICC no longer uses the title ''Vice President.'' [44]

7. Proposed Changes to EPN Rules' Article V, Rule 17 (''Forms'')

EPN Rules, Article V, Rule 17 states that any information required to be delivered to FICC by use of any such forms may be delivered by the use of any media, as shall be prescribed in the EPN Procedures or by FICC from time to time.[45] FICC proposes to delete the reference to EPN Procedures, as FICC does not maintain such procedures.[46]

E. Proposed Changes to Provide Enhances Transparency to the EPN Rules

FICC proposes to provide transparency to various provisions in the EPN Rules, as described below.[47]

1. Proposed Changes to EPN Rules' Article I, Rule 1 (''Definitions'')

FICC proposes to amend the term ''Message'' in Rule 1 to define this term as all electronic messages sent and received by an EPN User through the EPN Service, and to delete the reference to EPN Procedures, as FICC does not maintain such procedures.[48]

2. Proposed Changes to EPN Rules' Article II, Rule 1 (''Accounts'')

EPN Rules' Article II, Rule 1, Section 2 states that FICC may specify in the EPN Procedures that certain Messages between EPN Users are not eligible for the EPN Service.[49] FICC proposes to amend this section to delete the reference to EPN procedures and state that certain Messages may be ineligible if FICC determines that such Messages are not submitted in a manner that is consistent with the communication links, formats, timeframes, and deadlines established by FICC.[50]

3. Proposed Changes to EPN Rules' Article II, Rule 2 (''Reports'')

EPN Rules' Article II, Rule 2, Section 1 states that the Message detail report (''Message Detail Report'') and the Message summary report (''Message Summary Report'') are available at a time specified in the EPN Procedures.[51] FICC proposes to amend this section to delete the reference to EPN procedures and state that these reports would be available at a time specified in the time schedule posted on FICC's website.[52]

EPN Rules' Article II, Rule 2, Section 2 states that the Message Detail Report shall list the contents of each Message as described in the EPN Procedures.[53] FICC proposes to delete the reference to EPN Procedures, as FICC does not maintain such procedures, and amend this section to state that for each EPN eligible security (''Eligible Security''), the Message Detail Report would include, but would not be limited to, the pool number, original face value, current face value, maturity date, pool factor, Committee on Uniform Securities Identification Procedures number (''CUSIP Number''), issue date, principal and interest, and total net money.[54] In connection with this change, FICC proposes to amend Article I, EPN Rule 1 (Definitions) to include a defined term for ''CUSIP Number.'' [55] FICC would define this term as the Committee on Uniform Securities Identification Procedures identifying number for an EPN Eligible Security.[56] The proposed change to this section would be consistent with the information that is currently included in the Message Detail Report.[57]

EPN Rules' Article II, Rule 2, Section 3 states that the Message Summary Report shall list the contents of each Message as described in the EPN Procedures.[58] FICC proposes to delete the reference to EPN Procedures, as FICC does not maintain such procedures, and amend this section to state that for each Eligible Security, the Message Summary Report would include, but would not be limited to, the total original face value, total net money, CUSIP Number, and summary of the number and type of Messages.[59] The proposed change to this section would be consistent with the information that is currently included in the Message Summary Report.[60]

EPN Rules' Article II, Rule 2, Section 5 states that each EPN Message shall include one or more time stamps, one of which will include a good delivery time stamp as described in the EPN Procedures.[61] FICC proposes to delete the reference to ''EPN'' in the term ''EPN Message'' because while ''EPN Message'' is not a defined term, ''Message'' is a defined term.[62] FICC also proposes to delete the reference to EPN Procedures, as FICC does not maintain such procedures.[63]

FICC also proposes to amend this section to state that the good delivery time stamp would be referred to as ''T2'' and that the application of this time stamp would determine good delivery among EPN Users pursuant to the SIFMA Guidelines.[64] The proposed change also would state that the remainder of the time stamps would be for the EPN Service's operational, processing, and reporting purposes.[65]

4. Proposed Changes to EPN Rules' Article III, Rule 5 (''Use of EPN Service'')

EPN Rules' Article III, Rule 5 states that all EPN Users will use the EPN Service for EPN Eligible Securities in a manner set forth in the EPN Procedures and that this shall be accomplished by providing (for each Message that an EPN User sends or receives) the pricing and other descriptive information, in the manner, and by the cut-off times, specified in the EPN Procedures.[66]

FICC proposes to delete the references to EPN Procedures, as FICC does not maintain such procedures, and amend this rule to state that the EPN User will use the EPN Service as set forth in the EPN Rules and that this shall be accomplished by providing (for each Message that an EPN User sends or receives) the pricing and other descriptive information, in the manner, and by the times, specified on FICC's website.[67] FICC states that this information is communicated to all

[42] *Id.*
[43] *Id.*
[44] *Id.*
[45] *Id.*
[46] *Id.*
[47] *Id.*
[48] *Id.*
[49] *Id.*
[50] *Id.*
[51] *Id.*
[52] *Id.*
[53] *Id.*
[54] *Id.*
[55] *Id.*
[56] *Id.*
[57] *Id.*
[58] *Id.*
[59] *Id.*
[60] *Id.*
[61] *Id.*
[62] *Id.*
[63] *Id.*
[64] *Id.* FICC notes that the reference to ''T2'' does not relate to the two business days settlement cycle for broker-deal securities transactions, known as ''T+2.'' *See* Notice 83 FR at 40611.
[65] Notice, 83 FR at 40614.
[66] Notice, 83 FR at 40615.
[67] *Id.*

approved applicants during the membership onboarding process.[68]

F. Proposed Changes to the EPN Service's Processing of the Good Delivery T2 Time Stamp for Pool Substitutions

FICC states that, if a pool seller decides to substitute a mortgage pool for which pool information has already been provided, the pool seller must submit a cancel and correct Message by 12:15 p.m. on any Business Day prior to the delivery of the mortgage pool.[69] Upon receipt of the pool seller's Message, the EPN Service applies a T2 time stamp to the Message to reflect the time that the EPN Service and the time the pool buyer received the pool seller's Message.[70] The T2 time stamp on the pool buyer's Message establishes whether good delivery has occurred for purposes of the pool seller's pool substitution.[71] In the event that the T2 time stamp on the pool buyer's Message reflects a time after 12:15 p.m., FICC is responsible for financing the mortgage pools that are associated with the Message until the next Business Day.[72]

FICC proposes to establish a single good delivery T2 time stamp that reflects the same processing time on the pool seller's Message and the pool buyer's Message, respectively.[73] This time stamp would determine whether the 12:15 p.m. cut-off time has been met for purposes of establishing good delivery of the pool buyer's pool substitution.[74] As a result of this change, in the event that the T2 time stamp reflects a time that does not meet the 12:15 p.m. cut-off time, the financing of the mortgage pools, if any, would be the responsibility of the counterparties to the Message, as determined by such parties in accordance with the SIFMA Guidelines.[75]

FICC states that it is proposing this change because it would be consistent with the SIFMA Guidelines, which FICC states reflects industry best practices.[76] Further, FICC states that the parties to the Message are best positioned to ensure that the Message meets the good delivery requirements.[77] FICC states that the proposed change would be consistent with FICC's proposal to refer to the good delivery time stamp as ''T2,'' as discussed above. [78] Additionally, FICC states that the application of this time stamp would determine good delivery among EPN Users, pursuant to the SIFMA Guidelines.[79] FICC states that the proposed change would not affect FICC's guarantee and novation of transactions submitted by Clearing Members through MBSD's Clearing System.[80]

II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [81] 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 rules and regulations thereunder applicable to such organization. The Commission believes the proposal is consistent with the Act, specifically Section 17A(b)(3)(F) of the Act and Rule 17Ad–22(e)(23)(i) under the Act, as discussed below.[82]

A. Consistency With Section 17A(b)(3)(F)

Section 17A(b)(3)(F) of the Act [83] requires, *inter alia,* that the rules of the clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions.

First, as described above, FICC proposes to make several clarifying changes to the EPN Rules. Specifically, the proposed changes would correct the EPN Rules by removing inaccurate or inapplicable terms from the Rules. The proposed changes also are designed to provide transparency to the EPN Rules by more accurately describing the EPN Service's current practices. By improving the EPN Rules in this way, the Commission believes the proposed changes would help clarify the EPN Users' rights and obligations under those practices. By better understand their rights and obligations regarding the EPN Service, EPN Users are more likely to act in accordance with the EPN Rules, which the Commission believes would promote the prompt and accurate clearance and settlement of securities transactions.

Second, as described above, FICC proposes to establish a single good delivery T2 time stamp. This proposed change is designed to be consistent with the SIFMA Guidelines, which reflect industry best practices. Additionally, by making the counterparties responsible for the financing the mortgage pools if the 12:15 p.m. deadline is not met, the proposal would encourage EPN Users to adhere to the deadline for substitutions. By ensuring that the EPN Services comport with industry best practices and encouraging EPN Users to abide by processing deadlines, the Commission believes that the proposed changes would help the processing of transactions through the EPN Service, thus promoting the prompt and accurate clearance and settlement of such securities transactions.

As each of the aforementioned changes is designed to promote the prompt and accurate clearance and settlement of securities transactions, the Commission finds that the proposal and is consistent with the requirements of Section 17A(b)(3)(F).

B. Consistency With Rule 17Ad–22(e)(23)(i)

Rule 17Ad–22(e)(23)(i) under the Act requires, *inter alia,* a covered clearing agency [84] to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for publicly disclosing all relevant rules and material procedures.[85]

As described above, the proposed rule changes would (i) correct the EPN Rules by removing inappropriate terminology, (ii) provide transparency to the EPN Rules by ensuring the EPN Rules match the EPN Service's current practices, and (iii) amend the EPN Service's processing of T2 time stamps for pool substitutions. Each of these proposed changes would assist FICC in publicly disclosing all relevant and material procedures regarding the EPN Service to EPN Users. Therefore, the Commission finds that the proposal is consistent Rule 17Ad–22(e)(23)(i) under the Act.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act, in particular the requirements of

[68] *Id.*

[69] *Id.*

[70] *Id.*

[71] *Id.*

[72] *Id.*

[73] *Id.*

[74] *Id.*

[75] *Id.*

[76] Notice, 83 FR at 40616.

[77] Notice, 83 FR at 40615.

[78] *Id.*

[79] *Id.*

[80] *Id.*

[81] 15 U.S.C. 78s(b)(2)(C).

[82] 15 U.S.C. 78q–1(b)(3)(F); 17 CFR 240.17Ad–22(20).

[83] 15 U.S.C. 78q–1(b)(3)(F).

[84] A ''covered clearing agency'' means, among other things, a clearing agency registered with the Commission under Section 17A of the Exchange Act (15 U.S.C. 78q–1 *et seq.*) that is designated systemically important by the Financial Stability Oversight Counsel (''FSOC'') pursuant to the Payment, Clearing, and Settlement Supervision Act of 2010 (12 U.S.C. 5461 *et seq.*). *See* 17 CFR 240.17Ad–22(a)(5)–(6). On July 18, 2012, FSOC designated FICC as systemically important. U.S. Department of the Treasury, ''FSOC Makes First Designations in Effort to Protect Against Future Financial Crises,'' *available at https://www.treasury.gov/press-center/press-releases/Pages/tg1645.asp.* Therefore, FICC is a covered clearing agency.

[85] 17 CFR 240.17Ad–22(e)(23)(i).

Section 17A of the Act [86] and the rules and regulations thereunder.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act, that proposed rule change SR–FICC–2018–007 be, and hereby is, APPROVED.[87]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[88]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–21235 Filed 9–28–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84285; File No. SR–NYSEAMER–2018–44]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Proposed Rule Change To Modify Rule 961 Regarding the Give Up of a Clearing Member by ATP Holders and Conforming Changes to Rule 933NY

September 25, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 11, 2018, NYSE American LLC (the ''Exchange'' or ''NYSE American'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify Rule 961 regarding the Give Up of a Clearing Member by ATP Holders and proposes conforming changes to Rule 933NY. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify Rule 961 regarding the Give Up of a Clearing Member [4] by ATP Holders and to make conforming changes to Rule 933NY.

Rule 961: Current Process To Give Up a Clearing Member

In 2015, the Exchange adopted its current ''give up'' procedure for ATP Holders executing transactions on the Exchange.[5] Per Rule 961, an ATP Holder may give up a ''Designated Give Up'' or its ''Guarantor,'' as defined in the Rule and described below.

The Rule defines ''Designated Give Up'' as any Clearing Member that an ATP Holder (other than a Market Maker [6]) identifies to the Exchange, in writing, as a Clearing Member the ATP Holder requests the ability to give up. To designate a ''Designated Give Up,'' an ATP Holder must submit written notification to the Exchange. Specifically, the Exchange uses a standardized form (''Notification Form''). An ATP Holder may currently designate any Clearing Member as a Designated Give Up. Additionally, there is no minimum or maximum number of Designated Give Ups that an ATP Holder must identify. Similarly, should an ATP Holder no longer want the ability to give up a particular Designated Give Up, the ATP Holder informs the Exchange in writing.

Rule 961 also requires that the Exchange notify a Clearing Member, in writing and as soon as practicable, of each ATP Holder that has identified it as a Designated Give Up. However, the Exchange will not accept any instructions from a Clearing Member to prohibit an ATP Holder from designating the Clearing Member as a Designated Give Up. Additionally, there is no subjective evaluation of an ATP Holder's list of Designated Give Ups by the Exchange. The Rule does, however, provide that a Designated Give Up may determine to not accept a trade on which its name was given up so long as it believes in good faith that it has a valid reason not to accept the trade.[7]

The Rule defines ''Guarantor'' as a Clearing Member that has issued a Letter of Guarantee or Letter of Authorization for the executing ATP Holder, pursuant to Rules of the Exchange [8] that is in effect at the time of the execution of the applicable trade. An executing ATP Holder may give up its Guarantor without such Guarantor being a ''Designated Give Up.'' Additionally, Rule 924NY provides that a Letter of Guarantee is required to be issued and filed by each Clearing Member through which a Market Maker clears transactions. Accordingly, a Market Maker is enabled to give up only a Guarantor that had executed a Letter of Guarantee on its behalf pursuant to Rule 924NY; a Market Maker does not need to identify any Designated Give Ups. Like Designated Give Ups, Guarantors likewise have the ability to reject a trade.[9]

Beginning in early 2018, certain Clearing Firms (in conjunction with the Securities Industry and Financial Markets Association (''SIFMA'')) expressed concerns related to the process by which executing brokers on U.S. options exchanges (the ''Exchanges'') are allowed to designate or 'give up' a clearing firm for purposes of clearing particular transactions. The SIFMA-affiliated Clearing Members indicated that the Federal Reserve has

[86] 15 U.S.C. 78q–1.

[87] 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).

[88] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Rule 900.2NY(11) defines ''Clearing Member'' as an Exchange ATP Holder which has been admitted to membership in the Options Clearing Corporation pursuant to the provisions of the Rules of the Options Clearing Corporation.

[5] *See* Securities and Exchange Act Release No. 75642 (August 7, 2015), 80 FR 48594 (August 13, 2015) (SR–NYSEMKT–2015–55).

[6] For purposes of this rule, references to ''Market Maker'' refer to ATP Holders acting in the capacity of a Market Maker and include all Exchange Market Maker capacities *e.g.,* Lead Market Makers. As explained below, Market Makers give up Guarantors that have executed a Letter of Guarantee on behalf of the Marker Maker, pursuant to Rule 932NY; Market Makers need not give up Designated Give Ups.

[7] See Rule 961(f)(1) (setting forth procedures for rejecting a trade). An example of a valid reason to reject a trade may be that the Designated Give Up does not have a customer for that particular trade.

[8] *See* Rule 924NY (Letters of Guarantees); Rule 932NY (Letters of Authorization).

[9] *See* Rule 961(f)(2) (providing that a Guarantor may ''change the give up to another Clearing Member that has agreed to be the give up on the subject trade, provided such Clearing Member has notified the Exchange and the executing ATP Holder in writing of its intent to accept the trade'').

recently identified the current give-up process as a significant source of risk for clearing firms. SIFMA-affiliated Clearing Members subsequently requested that the Exchanges alleviate this risk by amending Exchange rules governing the give up process.[10]

Proposed Amendment to Rules 961 and 933NY

The Exchange proposes to amend Rule 961 to provide a means for a Designated Give Up to opt out of acting as the give up for certain ATP Holders. As proposed, Rule 961(b)(4) would be revised to provide that the Exchange would ''accept instruction from a Clearing Member not to permit an ATP Holder to designate the Clearing Member as the Designated Give Up.'' The Exchange further proposes to add language to Rule 961(b)(7) to provide that ''[i]f a Clearing Member no longer wants to be a Designated Give Up of a particular ATP Holder, the Clearing Member must notify the Exchange, in a form and manner prescribed by the Exchange.'' In practice, a Clearing Member that has been designated as the Designated Give Up need only tell the Exchange that it refuses this designation.

Consistent with this proposed change, the Exchange also proposes to amend Rule 933NY(f) regarding the responsibilities of Floor Brokers to maintain error accounts ''for the purposes of correcting bona fide errors, as provided in Rule 960.'' As proposed, the Exchange would specify that ''it will not be a violation of this provision if a trade is transferred away from an error account through the CMTA process at OCC.'' [11] This additional language would enable an executing ATP Holder that has executed an order to CMTA that order through its own clearing relationship. For example, assume a Floor Broker executes a trade giving up Firm A (a Clearing Member that is one of its Designated Give Ups) and, after the execution, the Floor Broker is informed that a portion of the trade needs to be changed to give-up Firm B (a Clearing Member that is not one of the Floor Broker's Designated Give Ups). The proposed language would enable the Floor Broker to CMTA the trade to Firm B through its own clearing arrangement (*i.e.,* error account/Letter of Authorization) rather than nullifying or busting the trade.

Implementation

The Exchange proposes to announce the implementation date of the proposed rule change via Trader Notice, to be published no later than thirty (30) days following Commission approval. The implementation date will be no later than sixty (60) days following Commission approval. This additional time would afford the Exchange and ATP Holders the time to make any changes current give up designations.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) [12] of the Act, in general, and furthers the objectives of Section 6(b)(5),[13] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

Particularly, as discussed above, several Clearing Firms affiliated with SIFMA have recently expressed concerns relating to the current give up process that permits ATP Holders to identify any Clearing Members as a Designated Give Up for purposes of clearing particular transactions. Also, as noted above, the Clearing Members have relayed that the Federal Reserve has recently identified the current give-up process (*i.e.,* a process that lacks authorization) as a significant source of risk for clearing firms. The Exchange believes the proposed changes to Rule 961 would help alleviate this risk by enabling Clearing Members to refuse to act as a Designated Give Up for certain ATP Holders, which would afford Clearing Members a measure of control. The Exchange believes its proposal addresses concerns raised by Clearing Members, while maintaining the basic give up process. The Exchange does not anticipate Clearing Members to routinely refuse the role of Designated Give Up, but rather to utilize this option only when there is a valid reason and good faith basis to do so. The Exchange notes that Clearing Member would still have the ability to reject trades on an ad hoc basis for ATP Holders for which it has not refused to be a Designated Give Up. Accordingly, the Exchange believes the proposed rule change is reasonable and continues to provide certainty that a Clearing Member would be responsible for a trade, which protects investors and the public interest.

The Exchange also believes that the proposed change to Rule 933NY would protect investors because it would permit an executing ATP Holder to utilize its error account to CMTA an order through its own clearing relationship. This would preserve executions while accommodating the proposed rule change that could result in an executing ATP Holder not being permissioned to for a particular give-up.

Thus, this proposal would foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change would impose an unnecessary burden on intramarket competition because it would apply equally to all similarly situated ATP Holders. The Exchange also notes that, should the proposed changes make the Exchange more attractive for trading, market participants trading on other exchanges can always elect to become ATP Holders on the Exchange to take advantage of the trading opportunities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

[10] Cboe Exchange, Inc. (''CBOE'') recently filed to amend its give up procedure to require CBOE Trading Permit Holders (each a ''TPH'') to receive written authorization from a Clearing TPH (''CTPH'') before it may give up that CTPH. *See* Securities and Exchange Act Release No. 83872 (August 17, 2018), 83 FR 42751 (August 23, 2018) (SR–CBOE–2018–55). The Exchange's proposal leads to the same result of providing Clearing Members the ability to control risk, but it differs in process.

[11] *See* proposed Rule 933NY(f).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2018–44 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–NYSEAMER–2018–44. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2018–44, and should be submittedon or before October 22, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–21233 Filed 9–28–18; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15696 and #15697; NORTH CAROLINA Disaster Number NC–00099]

Presidential Declaration Amendment of a Major Disaster for the State of North Carolina

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of North Carolina (FEMA—4393—DR), dated 09/14/2018.

Incident: Hurricane Florence.

Incident Period: 09/07/2018 and continuing.

DATES: Issued on 09/24/2018.

Physical Loan Application Deadline Date: 11/13/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 06/14/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of NORTH CAROLINA, dated 09/14/2018, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Hoke, Hyde, Johnston, Lee, Moore, Pitt, Richmond, Scotland, Wilson.

Contiguous Counties (Economic Injury Loans Only):

North Carolina: Anson, Dare, Edgecombe, Franklin, Montgomery, Nash, Randolph, Stanly, Tyrrell.

South Carolina: Chesterfield.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–21251 Filed 9–28–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15698 and #15699; South Carolina Disaster Number SC–00054]

Presidential Declaration of a Major Disaster for the State of South Carolina

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of South Carolina (FEMA–4394–DR), dated 09/21/2018.

Incident: Hurricane Florence.

Incident Period: 09/08/2018 and continuing.

DATES: Issued on 09/21/2018.

Physical Loan Application Deadline Date: 11/20/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 06/21/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 09/21/2018, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Dillon, Horry, Marion, Marlboro.

Contiguous Counties (Economic Injury Loans Only):

South Carolina: Chesterfield, Darlington, Florence, Georgetown, Williamsburg.

North Carolina: Anson, Brunswick, Columbus, Richmond, Robeson, Scotland.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	4.000
Homeowners without Credit Available Elsewhere	2.000
Businesses with Credit Available Elsewhere	7.350
Businesses without Credit Available Elsewhere	3.675
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.675
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 156988 and for economic injury is 156990.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–21248 Filed 9–28–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before November 30, 2018.

ADDRESSES: Send all comments to Amber Chaudhry, Management and Program Analyst, Office of the Administrator, Small Business Administration, 409 3rd Street, 7th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Amber Chaudhry, Management and Program Analyst, Office of the Administrator, *amber.chaudhry@sba.gov,* 202–657–9722, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: The Small Business Administration is planning to launch an online entrepreneurship learning platform for women entrepreneurs looking to scale their businesses in the spring of 2019. In order to collect meaningful metrics, the Agency is proposing a new collection to track entrepreneur's progress over time.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Data Collection for the Entrepreneurship Learning Initiative.

Description of Respondents: Small business entrepreneurs.

Form Number: N/A.

Total Estimated Annual Responses: 100,000.

Total Estimated Annual Hour Burden: 100,000 entrepreneurs × 8 minutes each = 13,333 hours.

Curtis Rich,

Management Analyst.

[FR Doc. 2018–21222 Filed 9–28–18; 8:45 am]

BILLING CODE 8025–01–P

SURFACE TRANSPORTATION BOARD

Senior Executive Service Performance Review Board (PRB) and Executive Resources Board (ERB) Membership

AGENCY: Surface Transportation Board.

ACTION: Notice of Senior Executive Service Performance Review Board (PRB) and Executive Resources Board (ERB) Membership.

SUMMARY: This **Federal Register** notice serves to inform the public of the current membership of the PRB and ERB, which is as follows:

Performance Review Board

Lucille Marvin, Chairman
Rachel D. Campbell, Member
Craig M. Keats, Member

Executive Resources Board

Rachel D. Campbell, Chairman
Lucille Marvin, Member
Craig M. Keats, Member
William Brennan, Alternate Member

FOR FURTHER INFORMATION CONTACT: If you have any questions, please contact Teresa Schlee at *teresa.schlee@stb.gov* or 202–245–0340.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2018–21250 Filed 9–28–18; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0001]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this provides the public notice that on August 1, 2018, Santa Cruz Big Trees & Pacific Railway Company (SCBG) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 215 and 224. FRA assigned the petition Docket Number FRA–2010–0001.

Specifically, SCBG requests an extension of relief from 49 CFR 215.303, *Stenciling of restricted cars,* and 49 CFR part 224, *Reflectorization of Rail Freight Rolling Stock,* for 10 SCBG freight cars numbered: SCBG 401–402, 501–504 and 701–704, which are railroad flat cars converted to passenger carriage cars for tourist and excursion railroad service by the addition of seating, side structures, and steps. Each of these freight cars is more than 50 years old, measured from the date of original construction, and are the subject of a parallel petition for special approval for continued operation under § 215.203(c). SCBG states that the required stenciling and reflectorization would detract from both the aesthetic and historical nature of the vintage rail car equipment. As SCBG passenger cars are not interchanged, SCBG suggests that the stenciling recordkeeping requirements may be preserved by maintaining a permanent file of the restrictive conditions at the local SCBG office.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by November 15, 2018 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John K. Alexy,

Deputy Associate Administrator for Railroad Safety.

[FR Doc. 2018–21263 Filed 9–28–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning interest rates and appropriate foreign loss payment patterns for determining the qualified insurance income of certain controlled corporations.

DATES: Written comments should be received on or before November 30, 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.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Interest Rates and Appropriate Foreign Loss Payment Patterns for Determining the Qualified Insurance Income of Certain Controlled Corporations under Section 954(i).

OMB Number: 1545–1799.

Notice Number: Notice 2002–69.

Abstract: Notice 2002–69 allows U.S. shareholders of a foreign insurance company to use the foreign insurance company's historical loss payment patterns in computing the company's insurance reserves provided the company has a certain number of years of data and makes an election to use that data. A domestic insurance company can elect to use its own historical data in computing its reserves provided certain requirements are satisfied and an election is made. This notice allows a foreign insurance company to elect to calculate its insurance reserves in a manner similar to a domestic insurance company. Also, this notice provides guidance on how to determine a foreign insurance company's foreign loss payment patterns.

Current Actions: There are no changes being made to the burden associated with the collection at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 300.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 300.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 24, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–21290 Filed 9–28–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request on Information Collection for Treasury Decision 8396

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 Treasury Decision 8396, Conclusive Presumption of Worthlessness of Debts Held by Banks (FI–34–91).

DATES: Written comments should be received on or before November 30, 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 your comment.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the collection tools should be directed to Alissa Berry, at (901) 707–4988, at Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Alissa.A.Berry@irs.gov*.

SUPPLEMENTARY INFORMATION: Currently, the IRS is seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Conclusive Presumption of Worthlessness of Debts Held by Banks (FI–34–91).

OMB Number: 1545–1254.

Treasury Decision Number: 8396.

Abstract: Section 1.166–2(d)(3) of this regulation allows a bank to elect to determine the worthlessness of debts by using a method of accounting that conforms worthlessness for tax purposes to worthlessness for regulatory purposes, and establish a conclusive presumption of worthlessness. An election under this regulation is treated as a change in accounting method.

Current Actions: There are no changes to the collection at this time.

Type of Review: Extension without change of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 50.

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 24, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–21281 Filed 9–28–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning combined information reporting.

DATES: Written comments should be received on or before November 30, 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.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Combined Information Reporting.

OMB Number: 1545–1667.

Form Number: Revenue Procedure 99–50.

Abstract: Revenue Procedure 99–50 permits combined information reporting by a successor business entity (*i.e.,* a corporation, partnership, or sole proprietorship) in certain situations following a merger or an acquisition. Combined information reporting may be elected by a successor with respect to certain Forms 1042–S, all forms in the series 1098, 1099, and 5498, and Forms W–2G. The successor must file a statement with the IRS indicating what forms are being filed on a combined basis.

Current Actions: There are no changes being made to the burden associated with the collection at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, and farms.

Estimated Number of Respondents: 6,000.

Estimated Time per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 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. 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 20, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–21283 Filed 9–28–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning distilled spirits credit.

DATES: Written comments should be received on or before November 30, 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.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Distilled Spirits Credit.

OMB Number: 1545–1982.

Form Number: Form 8906.

Abstract: Form 8906, Distilled Spirits Credit, was developed to carry out the provisions of IRC section 5011(a). This section allows eligible wholesalers and persons subject to IRC section 5055 an income tax credit for the average cost of carrying excise tax on bottled distilled spirits. The form provides a means for the eligible taxpayer to compute the amount of credit.

Current Actions: There are no changes being made to the burden associated with the collection tool at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit, organizations, and farms.

Estimated Number of Respondents: 300.

Estimated Time per Respondent: 1 hour, 52 minutes.

Estimated Total Annual Burden Hours: 558.

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 20, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–21284 Filed 9–28–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning return of U.S. persons with respect to certain foreign partnerships and consent to extend the time to assess tax pursuant to the gain deferral method.

DATES: Written comments should be received on or before November 30, 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.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Return of U.S. Persons With Respect to Certain Foreign Partnerships (and associated schedules) and Consent To Extend the Time To Assess Tax Pursuant to the Gain Deferral Method.

OMB Number: 1545–1668.

Form Number: Form 8865, Schedules A, A–1, A–2, B, G, H, N, K, K–1, K–1 (15a), L, M, M–1, M–2, O, P, and Form 8838 P.

Abstract: The Taxpayer Relief Act of 1997 significantly modified the information reporting requirements with respect to foreign partnerships. The Act made the following three changes: (1) Expanded Code section 6038B to require U.S. persons transferring property to foreign partnerships in certain transactions to report those transfers; (2)

expanded Code section 6038 to require certain U.S. partners of controlled foreign partnerships to report information about the partnerships, and (3) modified the reporting required under Code section 6046A with respect to acquisitions and dispositions of foreign partnership interests. Form 8865 is used by U.S. persons to fulfill their reporting obligations under Code sections 6038B, 6038, and 6046A. Form 8838 P is used to apply the gain deferral method.

Current Actions: There are changes being made to the burden associated with the collection tool. Two new (Schedule G (Form 8865) and Schedule H (Form 8865) have been added. Under Treasury Regulation 1.721(c)–6T, Schedule G (Form 8865) will be filed by all impacted U.S. transferors for the year of the contribution and subsequent years. Schedule H (Form 8865) supplements Schedule G (Form 8865). It will be for filers who answer yes to questions on Schedule G (Form 8865), Part IV.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, and not-for-profit institutions.

Estimated Number of Respondents: 34,450.

Estimated Time per Respondent: 8.40 hours.

Estimated Total Annual Burden Hours: 289,354.

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 24, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–21288 Filed 9–28–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 461

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 461, Limitation on Business Losses.

DATES: Written comments should be received on or before November 30, 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 G. 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: Limitation on Business Losses.

OMB Number: 1545–XXXX.

Form Number: 461.

Abstract: Form 461 and its separate instructions calculates the limitation on business losses, and the excess business losses that will be treated as net operating loss (NOL) carried forward to subsequent taxable years. In the case of a partnership or S corporation, the provision applies at the partner or shareholder level. This form will used by noncorporate taxpayers and will be attached to a tax return (F1040, 1040NR, 1041, 1041–QFT, 1041–N, or 990–T).

Current Actions: This is a new form.

Type of Review: Approval of a new collection.

Affected Public: Individuals or households, Business or other for-profit organization, & Not-for-Profit institutions.

Estimated Number of Responses: 2,909,026.

Estimated Time per Response: 22 minutes.

Estimated Total Annual Burden Hours: 1,105,430 hours.

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 24, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–21292 Filed 9–28–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning employer's quarterly federal tax return, adjusted employer's quarterly federal tax return or claim for refund, and allocation schedule for aggregated filers.

DATES: Written comments should be received on or before November 30, 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.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: (Employer's Quarterly Federal Tax Return), 941–PR (Planilla Para La Declaracion Trimestral Del Patrono-LaContribucion Federal Al Seguro Social Y Al Seguro Medicare), 941–SS (Employer's Quarterly Federal Tax Return—American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands), 941–X, Adjusted Employer's Quarterly Federal Tax Return or Claim for Refund, 941–X(PR), Ajuste a la Declaracion Federal Trimestral del Patrono o Reclamacion de Reembolso, Schedule R, Allocation Schedule for Aggregated Form 941 Filers, Schedule B (Form 941) (Employer's Record of Federal Tax Liability), and Schedule B (Form 941–PR) (Registro Suplementario De La Obligacion Contributiva Federal Del Patrono).

OMB Number: 1545–0029.

Form Number: 941, 941–PR, 941–SS, 941–X, 941–X(PR), Schedule B (Form 941), Schedule B (Form 941–PR), Schedule R (Form 941), 941–SS–V, 941–V, 941–X, 941–X(PR).

Abstract: Forms 941 (Employer's Quarterly Federal Tax Return), 941–PR (Planilla Para La Declaracion Trimestral Del Patrono-LaContribucion Federal Al Seguro Social Y Al Seguro Medicare), 941–SS (Employer's Quarterly Federal Tax Return—American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands), 941–X, Adjusted Employer's Quarterly Federal Tax Return or Claim for Refund, 941–X(PR), Ajuste a la Declaracion Federal Trimestral del Patrono o Reclamacion de Reembolso, Schedule R, Allocation Schedule for Aggregated Form 941 Filers, Schedule B (Form 941) (Employer's Record of Federal Tax Liability), Schedule B (Form 941–PR) (Registro Suplementario De La Obligacion Contributiva Federal Del Patrono), and Form 8974 Qualified Small Business Payroll Tax Credit for Increasing Research Activities.

Current Actions: There are no changes being made to the burden associated with the collection at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals, individuals or households, not-for-profit institutions, Federal government, and state, local or tribal governments.

Estimated Number of Respondents: 38,861,546.

Estimated Time per Respondent: 10.345 hours.

Estimated Total Annual Burden Hours: 402,024,858.

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 24, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–21291 Filed 9–28–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Annual Certification and Data Collection Report

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before October 31, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Community Development Financial Institutions (CDFI)

Title: Annual Certification and Data Collection Report Form.

OMB Control Number: 1559–0046.

Type of Review: Extension without change of a currently approved collection.

Abstract: The primary intent of the Annual Certification and Data Collection Report Form is to ensure that Community Development Financial Institutions (CDFI) continue to meet the requirements to be certified CDFIs. It is also an annual method to ensure that organizational information is up-to-date. The financial and portfolio data will be used by the CDFI Fund to gain insight on the CDFI industry. Information provided in these sections will not impact a CDFI's certification status or applications for CDFI Fund programs.

Forms: Annual Certification and Data Collection Report Form.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 8,663.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: September 26, 2018.

Jennifer P. Quintana,

Treasury PRA Clearance Officer.

[FR Doc. 2018–21320 Filed 9–28–18; 8:45 am]

BILLING CODE 4810–70–P

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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TABLE OF EFFECTIVE DATES AND TIME PERIODS—OCTOBER 2018

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

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